

demonstrates that the prevalence of regular drinking⁸⁵ increased significantly with age; for seventeen year-olds, the figures were forty-nine percent for males and thirty-three percent for females. Of particular concern are the facts, firstly, that the percentage of male students who reported heavy drinking⁸⁶ increased from twenty-three percent in 1986 to twenty-six percent in 1989. Again, with this group the prevalence of heavy drinking increased with age, reaching nearly fifty percent in the case of 16 and 17 year-olds. Secondly, a quarter of all males and fifteen percent of females reported that when drinking, they "*usually ended up drunk or very drunk*".

4.4 The survey also demonstrated a number of other disturbing facts, such as:

- that alcohol is readily available to minors;
- that about half of 15 and 16-year olds had drunk alcohol with their parents or friends during the previous month; and
- that young peoples' perceptions of which drugs cause most deaths did not correspond with the true situation.

4.5 Although reliable statistics are not available on the drinking habits of minors who have left school, there is no reason to believe that the statistical prevalence among this group would be any less than among school students.

4.6 In spite of the overall decline in alcohol consumption among youth in the last three years, the point is that under-age drinking continues to be a significant problem. This indicates the limited effects of the range of preventive and other measures which have been directed at this phenomenon. These include preventive education in schools, media campaigns and legal sanctions against the consumption of alcohol by, and its supply to minors.

Why Do Young People Drink Alcohol?

4.7 There are many causal factors for under-age drinking. These include:

- the widespread perception among young people of hypocrisy and a double standard by adult society in its acceptance and approval of the consumption of alcohol, even to excess, but its denial to minors;

⁸⁵ defined as at least weekly use.

⁸⁶ defined as those who reported consuming five or more drinks in a row at least once during the previous fortnight.

- the failure of society to meaningfully acknowledge alcohol as being a potentially addictive drug, with the second highest incidence among all drugs of mortality and morbidity (no doubt aggravated by the tendency of even some drug professionals to appear differentiate alcohol from drugs by using the term "drugs and alcohol");
- the common adolescent phenomena of defiance of adult behavioural norms, experimentation, and finding mystique and heightened desirability in things which are forbidden;
- peer pressures;
- alcohol advertising, especially on television;
- turning to alcohol as an emotional and psychological analgesic;
- negative role modelling by many parents, prominent sporting and rock music figures and adults in general;
- the ready availability and accessible price of many types of alcoholic beverages;
- the "immortality syndrome": an unwillingness to take seriously the possible longer term ill effects of any particular form of behaviour;
- the widespread use of alcohol as a disinhibitor and social and sexual facilitator; and
- boredom in the absence of adequate recreational facilities.

CURRENT PREVENTION STRATEGIES

4.8 The Committee considers that although there seems to have been some improvement in the overall incidence of underage drinking, the problem is still a very serious one both for young people themselves and for society at large, of which youth are such an important part. This issue requires a review of current strategies to see whether and where changes need to be effected.

Media Campaigns

4.9 Media campaigns were introduced as a component of the National Campaign Against Drug Abuse in mid-1986. Alcohol is one of the two target drugs of the media campaigns (the other being heroin) and young people are one of the priority target groups. They are divided into two sub-groups: 12 to 13 year-olds and 14 to 18 year-olds. The aims of the campaign include:

- **delaying the onset of alcohol use by 12 to 13 year-olds;**
- **reducing the incidence of immediate or short-term consequences either of isolated periods of heavy intoxication or of periodic heavy use by youth; and**
- **increasing parents' awareness of the consequences of their own drinking habits and the role modelling which this provides for youth.**

The alcohol campaign targeting young people and parents was launched throughout Australia in March 1988. In NSW it comprised a number of television commercials and a series of advertisements on buses. The campaign message aimed at parents was: "Someone's always watching you", and that for 15 to 17 year-olds was: "Alcohol: it can turn you into a jerk" and "Alcohol: it can turn you into a joke."

Legal Controls

4.10 The legal controls against under-age drinking are embodied in the Liquor Act, Registered Clubs Act and Summary Offences Act. Under these Acts there is no general prohibition on the consumption of liquor by minors. What they do is impose very restrictive controls on such consumption. Minors are prohibited from, for example:

- **consuming or possessing liquor in a public place;**
- **consuming liquor on licensed premises;**
- **obtaining or attempting to obtain liquor on licensed premises;**
- **carrying or attempting to carry away liquor from licensed premises; and**
- **being in "restricted areas", bars or poker machine areas of licensed premises.**

Licencees and employees of licensed premises are prohibited from, for example:

- obtaining liquor for a minor from licenced premises;
- supplying or permitting the supply of liquor to a minor; and
- permitting a minor to be in a "restricted", bar or poker machine area.

All persons are prohibited from obtaining liquor on behalf of a minor from licenced premises, and supplying liquor to a minor, except the parents or guardians of the minor (or someone authorised by them) and even in this latter case the sale or supply cannot take place on licenced premises.

4.11 The Liquor and Registered Clubs Acts impose a heavy onus on licencees, club secretaries and others responsible for the sale of alcoholic beverages, to observe their legal obligations. Maximum penalties for infringements range from \$500 to \$2000, depending on the nature of the offence. Minors are also liable to substantial fines for offences under these Acts. The penalty for a minor entering a restricted area of a licenced premise or any area if not accompanied by a responsible adult, is up to \$1000; and for consuming liquor on, or carrying liquor away from the premises of a registered club, or for being in a bar, the penalties for minors are respectively \$500 and \$1000. And under the Liquor Act, refusal or failure by a minor (or a person suspected of being a minor) to provide his/her correct age, name or address to a licencee, licencee's employee or a police officer, carries a maximum penalty of up to \$1000 and in some cases the minor can be charged and brought before a court. In addition, the most recent amendments to the Liquor Act have made it a specific offence for a minor to present false evidence of age, with a maximum penalty of \$1000.

4.12 Furthermore, under the Registered Clubs Act, if employees of a club are convicted of selling, supplying or disposing of liquor to minors on two occasions during a period of three years, the Licensing Court has discretion to impose various penalties including cancelling the club's certificate of registration or disqualifying the club from holding a certificate of registration for a certain period.⁸⁷ Under the Liquor Act, a licencee can be taken before the court for a range of less specific offences, including being guilty of a breach of a condition of his licence, and if the complaint is proven the court likewise has discretion to impose various penalties, including cancellation of the licence, its suspension for up to 12 months or disqualifying the licencee from holding a licence for up to three years.

⁸⁷ Section 17 (1A) and (2).

4.13 Unfortunately, however, the statistics relating to under-age drinking clearly demonstrate that the law is being massively flouted. According to the 1989 Survey, most 15 and 16-year olds did not consider alcohol difficult to obtain outside the home. Thirty-seven percent reported having recently purchased alcohol, particularly from hotels, night clubs/discos, bottle shops and restaurants. Some forty percent reported recently drinking at friends' homes, thirty-five percent in cars or parks, twenty-eight percent at dances or discos and twenty-one percent at hotels or clubs. A 1988 report by the Police Department on under-age drinking stated:

"There is strong evidence to suggest that current enforcement of the penal provisions of the Liquor Act and the Registered Clubs Act by the Licensing Court is defective. Average penalties ... for the offence of licence holder or employee sell or supply liquor to a person under the age of 18 years under the Liquor Act is \$170, and for the Registered Clubs Act, for a similar offence, the penalty is \$195. These average penalties could not be said to be significant in motivating licence holders to conform with the law. Furthermore, no licence has been cancelled for the presence of, or supply of liquor to juveniles on licenced premises in the past two years."⁸⁸

4.14 It is clear from the evidence to the Committee that, as the above report states, staff at licenced establishments are frequently ignoring their legal responsibilities to prevent access to alcohol by minors. It is commonplace for youth under 18 to misrepresent their age when challenged at licenced premises, including through the use of false identity documents. The purchase of alcohol by adults for minors is also a frequent occurrence. In addition, parents are frequently at fault for allowing their children to drink at home unsupervised, often in the company of friends.

FURTHER PREVENTION STRATEGIES

4.15 It is the Committee's view that in addressing this very serious situation there is a need to give attention to the following strategies:

- education;
- more effective enforcement of the law by the Police;
- amending the Liquor and Registered Clubs Acts;
- proof-of-age cards;
- lowering permissible blood alcohol levels for new drivers;

⁸⁸ "A Police Strategy to Address Unlawful Consumption and Possession of Alcohol by Juveniles", p xix.

- compulsory health warnings;
- alternate recreation facilities;
- health promotion foundation;
- advertising;
- availability;
- pricing policy.

(a) Education

4.16 As noted previously, the issue of education will be dealt with in the second part of this Report to be brought down in 1991. The point needs to be made here, however, that while the Committee acknowledges that it is the prerogative of parents to determine whether or not their children should have access to alcohol at home, parents need to be fully aware of their responsibilities not only as positive role models but also for providing guidance to their children about the consumption of alcohol in all its dimensions. While drug education at all levels of school is of great importance, it should be a supplement to education in the home. The Committee will be recommending in Part 2 of this Report that more attention be given by the Departments of Education and Family and Community Services to developing educational resources specifically in relation to parenting as well as drug education for parents; and that parents be encouraged from the earliest stage of their children's upbringing to avail themselves of these resources. Furthermore, all of those involved in the issue of underage drinking - youth, parents, school teachers, police, licencees and other providers of alcohol, lawyers, magistrates - need to have access to specific educational courses and materials. Unless greater attention is given to this need, attempts to address the problem will continue to be lop-sided and only partially effective. The Committee appreciates the value of public education of the type already being undertaken by NCADA.

(b) Enforcement

4.17 For the law to be effective, it must be effectively enforced. This has not so far been the case. The Police and the courts have the central role in this process. The Committee has noted the recent abolition of the Licensing Branch of the Police Force and the consequent devolution to all police patrol commanders (who are the officers in charge of the provision of all police services in particular police areas) of responsibility for the enforcement of the various liquor control Acts. The Committee considers that the effectiveness of this change needs to be comprehensively reviewed twelve months after its inception, with the possibility of further structural adjustments being carried

out if necessary. The Committee also notes the recent amendments to the law in regard to infringement notices being served on minors relating to under-age drinking offences and to making it an offence for minors to present false proof of age (see below). The Committee is grateful to the Chief Secretary for giving an undertaking "*that the provisions relating to the introduction of infringement notices will not be commenced until the Committee has brought forward its Report and the issues have been further discussed with the Committee and police.*"⁸⁹ The Committee's concern is that the use of infringement notices is not seen to be addressing what it regards as the serious nature of the offences.

RECOMMENDATION 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 RESULTS OF THAT REVIEW BE MADE PUBLIC.

(c) Amendments to the Law

(i) Offences by Licensees

4.18 The Committee considers that the current maximum financial penalties provided under the Liquor and Registered Clubs Acts for offences in relation to under-age drinking are adequate and does not see a need for them to be increased. However, there is a need to ensure that the penalties do indeed act as a deterrent which does not at present seem to be the case. A factor in this seems to be that most of the penalties in the two Acts for the offences of licencees, their employees or other adults selling or supplying alcohol to minors are not an absolute figure but are expressed in terms of a maximum limit, and are thereby very discretionary. The Committee considers that both Acts should be amended so that the penalties for these offences, as described above, which are currently expressed in terms of a maximum limit as opposed to a specific figure should also have a specified minimum limit, and that this should be no less than half the maximum limit.

4.19 The following further amendments should be effected:

- Under the Registered Clubs and Liquor Acts, the following penalties should be made mandatory for clubs or licencees convicted of offences relating to minors, subject to there being a right of appeal against any conviction;

⁸⁹ The Hon R. Rowland Smith, Minister for Sport and Recreation, Minister for Racing, representing the Chief Secretary in the Legislative Council; quoted in Hansard, 30 November 1990.

- two offences in a three years period - called upon to show cause etc, (this is the case at present with the Registered Clubs Act);
- three offences in three year period - suspension of certificate 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.

RECOMMENDATION 21

THAT FINANCIAL PENALTIES FOR OFFENCES UNDER THE LIQUOR AND REGISTERED CLUBS ACTS BY LICENCEES, THEIR EMPLOYEES OR OTHER ADULTS IN RELATION TO UNDER-AGE DRINKING, HAVE A MINIMUM LIMIT OF NOT LESS THAN HALF THE MAXIMUM LIMIT.

RECOMMENDATION 22

THAT THE REGISTERED CLUBS AND LIQUOR ACTS BE AMENDED SO AS TO PROVIDE MANDATORY PENALTIES FOR CLUBS OR LICENCES CONVICTED OF OFFENCES RELATING TO MINORS, AS FOLLOWS:

- **TWO OFFENCES IN A THREE YEARS 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 CERTIFICATE 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.**

(ii) Dramshop Liability

4.20 The Committee has considered the recommendation of the Police Department Report referred to above, on the introduction of "dram shop" liability legislation. Such legislation would render licence holders, club secretaries and their employees liable for any damage or injuries to third parties, caused by intoxicated persons including juveniles, to whom they had supplied alcohol. The Committee is aware that when such legislation has been imposed elsewhere, such as in some States in the US, it has resulted in a decline in the numbers of road accidents and fatalities. Nevertheless, given the harshness of such a law, plus the complexities in its enforcement, the Committee does not consider that there is yet justification for its introduction in NSW. It may, however, be a matter for the future.

(III) Offences by Juveniles

4.21 The Committee is conscious that the current procedures for the initiation of prosecutions under the liquor control Acts, which are based on the issuing of summonses, are time-consuming, cumbersome and not cost-effective. They tie up the local court system and the time of police officers and others involved in the process. The Committee notes the view of the Police Department that:

"Enforcement levels for juvenile offences under these Acts has not been high. This, it is suggested, has been due to two factors, first, the complicated procedure necessary to initiate proceedings, and second, the low probability of a person reported receiving a reasonable penalty."⁹⁰

4.22 Recent amendments to the Liquor and Registered Clubs Act have incorporated a mechanism for the issuing of on-the-spot fines for a series of offences such as a minor using false evidence of age, a minor on licenced premises, or the use of an approved amusement device by a minor. The Liquor Act states:

"117F (1) A police officer to whom it appears that a minor has committed an offence under this Part may serve on the apparent offender a notice to the effect that, if it is not desired to have the matter determined by a court, the person served may, with a time specified in the notice, pay \$50 to a police officer so specified.

(2) A notice under this section may be served personally or by post."

4.23 The Committee believes that there is a place for infringement notices of this kind, subject to certain conditions which will ensure that the infringement notice process is not seen to be a lessening of the seriousness of the offences involved. As earlier indicated, the Committee is concerned that such notices not become an easy way out for the Police, to the exclusion of all other means of dealing with the offences in question. The Committee is concerned that when these offences by young persons come before the courts by way of summonses, they are dealt with as serious matters and that all the mechanisms available for the rehabilitation of the young offenders are employed. The proof of age card will certainly make the identification of young offenders easier and the Committee believes there is also a case for streamlining the summons/court appearance procedure. The Committee is particularly keen to ensure that minors do not receive an endless number of such on-the-spot fines and believes that a mechanism for recording of such fines needs to be created and that second offences result in a court appearance. It is also vital, in the Committee's view, for parents or guardians

⁹⁰ op. cit. p48

to be informed upon the issue of such fines. The Committee also sees the need to incorporate some alcohol educational process in court appearances to alert minors to the dangers associated with excessive alcohol consumption.

RECOMMENDATION 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.**

RECOMMENDATION 24

THAT MINORS MAY RECEIVE ONLY ONE INFRINGEMENT NOTICE AND THAT SECOND AND FURTHER OFFENCES AUTOMATICALLY ENTAIL A COURT APPEARANCE.

(d) Proof-of-Age Card

4.24 As mentioned in the previous chapter on tobacco the Committee endorses the recent government initiative to sponsor a proof-of-age card. The card will be voluntary, available free from motor registries and contain a persons name, photograph, date of birth and signature only. The proof of age card, along with photographic drivers licences, will provide an easy, accessible way to establish age and will allow vendors to quickly determine the bona fide of an individual seeking to purchase alcohol, enter licenced premises or purchase cigarettes.

(e) Blood Alcohol Levels

4.25 In the course of the present Inquiry the Committee had decided to recommend a lowering of the maximum allowable blood alcohol levels for all drivers from the ages of 17 to 21. This recommendation was in response to the following alarming statistics:

- People under the age of 25 hold only fifteen percent of the State's drivers licences yet are involved in forty-four percent of alcohol-related driving accidents; and
- Drivers under the age of 25 with alcohol readings in excess of the legal limit were four and a half times more likely to be

involved in an accident, than those with an excessive blood alcohol limit but were aged over 25.

4.26 As part of a national strategy, the New South Wales Government has recently announced changes to the permissible blood alcohol level for young drivers and drivers of public and large vehicles. The Committee enthusiastically endorses this initiative. It will become operable from 1 January 1991 and involves:

- A .02 blood alcohol limit for drivers during their first three years of driving, or until they reach the age of 25, whichever is the earlier; and
- A .02 limit for all drivers, irrespective of age, of heavy motor vehicles, vehicles carrying dangerous goods or public passenger vehicles, e.g, buses, taxis, or hire cars.

The Committee notes that provisional and learner drivers of any age are also subject to the .02 limit.

(f) Compulsory Health Warnings

4.27 The Committee is of the view that both in relation to under-age drinking and to the abuse of alcohol in general, there would be considerable benefit in the introduction of a system of compulsory health warnings, along the lines of those associated with tobacco products, to be displayed on the labels of all alcoholic beverages (including low-alcohol drinks), and included in all advertisements for alcoholic beverages in the print and electronic media, including those which relate purely to price. The warnings should refer specifically to the potential dangers of excessive consumption and include an explanation of what is meant by this. There should be several different warnings, displayed on a rotational basis, of which one should refer to the potential hazards to the foetus of women drinking alcohol during pregnancy; the others could refer to e.g. alcoholism, the dangers of and penalties for driving under the influence, and the potential damage to the brain, liver, heart, and other vital organs.

RECOMMENDATION 25

THAT WARNINGS 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.

(g) Alternate Recreation Facilities

4.28 The Committee notes that young people are attracted to licenced premises such as hotels and clubs because they provide entertainment, an opportunity for social interaction and live music. In this regard, the Committee applauds the recent amendments to the Liquor Act which permit licencees to set aside parts of their premises for use by minors under adult supervision. The Committee considers that this practise should be further encouraged. If the community wishes to prevent minors drinking it must provide alternative entertainment venues or a mechanism for the alternative use of existing venues. The Committee sees considerable value in such initiatives as Manly Youth Centre's "Kangaroo Rock", a supervised, alcohol-free venue provided every two to three weeks during the school term at Manly Council's Youth Centre, with entertainment by prominent rock groups.

(h) Alcohol and the Health Promotion Foundation

4.29 Chapter 5 of this Report deals with the Committee's recommendations on the establishment of a Health Promotion Foundation. The purpose of the Foundation would be to replace the revenue formerly provided from tobacco company sponsorships of sport and the arts; in addition, the Foundation would fund promotion of school and public health education promotion campaigns, and tobacco and alcohol research centres. In addition, as a follow-up to the recommended abolition of alcohol advertising on billboards, taxis and RTA buses (see paragraph 29 below), the Foundation would fund the replacement of the alcohol advertisements at least in part by appropriate health messages. This step would have the additional benefit of ensuring that the advertising companies concerned would not be entirely disadvantaged in the short term.

4.30 The Committee also considers that, given the adverse effects on individuals' health as well as very high material cost to the community of alcohol misuse, it is entirely appropriate that a portion of the revenue from the sale of alcohol, like tobacco (see Chapter 5), go to the Health Promotion Foundation. To this end the Committee is recommending that the Government impose an increase of one percent in liquor licensing fees, that is, from the current ten per cent to eleven percent, with the extra one per cent to be expressly allocated to the proposed Foundation. It is estimated that this would net approximately \$17 million which, added to the \$60 million expected to accrue from the proposed tobacco tax, would provide the Foundation with approximately \$76 million of funds in its first year.

RECOMMENDATION 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.

(i) Advertising

4.31 As print and television advertising are Federally regulated, those recommendations below which pertain to the Federal sphere are directed in the first instance to the NSW Government to be taken up with the governments of the other States and Territories, with the aim of their jointly submitting the recommendations to the Federal Government.

4.32 Alcohol advertising is an area of particular concern in relation to under-age drinking. This is reflected in the increasing scrutiny to which the advertising of alcoholic beverages has recently been subjected.

4.33 It has been estimated that Australia-wide, the liquor industry spends approximately \$365 million annually, or about \$1 million per day on promotion, of which \$57 million is for advertising and \$308 for product support such as in-store promotions, competitions, celebrity endorsements and sponsorships.⁹¹ Much of the debate about alcohol advertising has centred around the issue of whether there is any nexus between alcohol advertising and consumption levels. While the research evidence to date has failed to prove any such connection in the population generally, a number of studies have concluded that alcohol advertising does reinforce under-age drinking. These include a 1988 study by the Advertising Research Unit of the University of Strathclyde noted that recent research in Scotland, *"indicates that marked changes in children's perceptions of television advertisements for alcoholic drinks occur over the years 10 to 14 ... Children of 14 and above often ... allude to much more complex and attractive imagery, much in the same way that adults do. For example, 14 and 16-year-olds tend to see lager and beer commercials as promoting masculinity [and] sociability ... This does not mean that alcohol commercials are aimed specifically at children ... Nevertheless it does seem to be the case that commercials for alcoholic drinks aimed at older teenagers and other young adults present qualities that*

⁹¹ The source of this figure is Ad News, June 30 1989, 12, quoted in "Alcoholic Beverage Advertising: A Summary of Public Health Concerns and Research" - a paper by Assoc. Professor Bill Saunders, Curtin University of Technology.

*younger teenagers also find attractive.*⁹² Similar conclusions are drawn in a number of other studies.⁹³

4.34 The excessive amount of alcohol advertising to which the average person is exposed daily in all the media, especially television and newspapers, as well as outdoors on billboards, buses and taxis is also, in the Committee's view, likely to be a further factor in positively influencing young people to drinking.

4.35 The Committee is persuaded that the cause for greatest concern is the message conveyed to young people by alcohol advertising. The claim by the industry that the aim of advertising is either to maintain or bring about changes in brand or type preferences only, is in the Committee's view, unconvincing. As noted in the study previously quoted: "*The research into the content of alcoholic beverage advertising consistently shows that drinking is glamorised, sanitised and normalised.*"⁹⁴ It quotes from a submission to the US Federal regulatory body on alcohol which stated that: "*alcoholic beverage advertising is misleading in two ways:*

- (i) *alcoholic beverages are promoted by appeals to desire and needs that are irrelevant to the product; and*
- (ii) *the absence of accurate health information in the marketing of a product with serious public health consequences hampers the consumer making an informed choice."*

4.36 The Committee considers that in the interests of public health and of seeking to reduce the attraction of drinking for young people, alcohol advertising needs to be significantly restricted. Specifically, it is recommending the banning of the following forms of advertising:

⁹² "Young People's Perceptions of Television Commercials for Alcoholic Drinks", paper by Philip Aitken, Research Fellow, Advertising research Unit, University of Strathclyde.

⁹³ For example: P.P. Aitken et al. "Ten to Sixteen Year Olds' Perceptions of Advertisements for Alcoholic Drinks". *Alcohol and Alcoholism* 1988; 23: 491-500.

K. Nuendorf "Alcohol Advertising: Evidence from Social Science". *Media Information Australia*, Feb. 1987; 43

P. Bell "Alcohol Advertising in the Australian Media" *Media Information Australia*, Feb. 1987; 43

These were quoted in Submission number 72.

⁹⁴ Saunders, op. cit. p3

- on billboards;
- on taxis and buses;
- the imprinting of alcohol company logos or brand names on the surfaces of sports fields or stadiums;
- on radio or television before 10.00 pm throughout the week, and during any programs at a later time which have a substantial youth audience; the Committee considers that this should be a first step towards the complete elimination of alcohol advertising on the electronic media; and
- in magazines or special sections of newspapers and magazines which have a substantial youth readership.

In addition, specific limitations should be imposed on total alcohol advertising in all media and, given the need to minimise the nexus between sport and alcohol which has been created by advertising, around the perimeters of sports fields or stadiums.

RECOMMENDATION 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.**

4.37 The other major issue which the Committee considers needs to be addressed is that of the manifest shortcomings in the self-regulatory system of alcohol advertising currently in force throughout Australia.

4.38 This system was introduced in 1974. It is administered nationally through the Media Council of Australia (MCA) by two bodies: the Alcoholic Beverage Advertising Code Council (ABACC) which comes under the MCA, and the Advertising Standards Council (ASC), an autonomous organisation funded by the MCA, the Advertising Federation of Australia and the Australian Association of National Advertisers. The guidelines for acceptable alcohol advertising are set out in a voluntary code developed by a number of advertising industry bodies, titled the Alcoholic Beverages Advertising Code.

4.39 All alcohol advertisements published or broadcast by MCA members are expected to comply with the Code, as well as with the Advertising Code of Ethics of the MCA, the requirements of Federal and State legislation and of the Australian Broadcasting Tribunal. The ABACC advises on the development of the Code, while the ASC is responsible for interpreting it and for adjudicating public complaints against offending advertising material.

4.40 The Committee considered a range of views in Hearings (including by two members of the ABACC), submissions to the Inquiry and recent studies, about the implementation and effectiveness of the Code.

4.41 In a 1986/7 Curtin University of Technology study⁹⁵ of the impact of sixteen print and television alcohol advertisements on a random group, *"all sixteen advertisements ... were deemed by the respondents to contain multiple breaches. For the print advertisements the average number of perceived breaches was 6.25, for the television advertisements the average was 5.6 breaches per advertisement."*

4.42 The Committee's attention was drawn to the fact that numerous medical and consumer organisations and drug professionals have expressed concern about the interpretation of the Code by the Advertising Standards

⁹⁵ Contained in A Submission to the Trade Practices Commission on the System of Self-Regulation of Alcohol Advertising, prepared by the University's Addiction Studies Unit.

Council and the procedures for the submission and consideration of complaints:

"Although the Alcohol Code may be considered far from perfect, the greatest criticism from the public has been directed at the interpretation of the ... Code by the Advertising Standards Council and at the lengthy and cumbersome process of submitting a complaint ... The heightened concern within the community has been in response to the perceived failure of the present self-regulatory system to prevent the use of alcoholic beverage advertisements which are considered to breach the spirit of the Alcohol Code ... A large number of complaints concerning alcohol advertising relate to the influence of advertising on youth"⁹⁶

4.43 The author of this submission noted that: ***"Few members of the public are aware of the complaint procedure [under the Code]. Those who are aware are often frustrated by the process involved, particularly the long turn-around time and the limited feedback provided ... Of the considerable number of people who would like to complain about alcohol advertising very few of these go on to put their complaints into writing."***

4.44 Another complaint made to the Committee about the self-regulatory system was about the membership of the ABACC. The Committee notes that of this body's fourteen members, nine represent the media, advertising and liquor industries, while only five are public members, who represent youth, women, ethnic communities, health and consumers. The nine industry members are directly appointed to the Council by their respective organisations, whereas the public members, apart from health, are pre-screened by the credentials committee of the MCA. Also, the term of appointment of public members is three years, while that of industry members is not fixed. It appears clear therefore that there is a significant imbalance in the membership in favour of industry representatives.

4.45 The Committee has concluded that the present self-regulatory system is ineffective and needs to be replaced by a new system mandated by law. Specifically, the Committee recommends the replacement of the voluntary Alcoholic Beverages Advertising Code with a mandatory, legislated code; the mandatory code:

- would be broadly similar in its coverage to the current voluntary code, but would be more specific in its definitions of what constitutes unacceptable advertising practise;

⁹⁶ Submission no. 72

- should apply to all advertisers, not just members of the Media Council of Australia, which is the case with the voluntary code; and
- should have its operations monitored by a statutory body whose membership would be appointed by and responsible to the NSW Ministerial Committee on Drug Strategy; this body would interpret the code and adjudicate public complaints about particular advertisements. This body would totally replace the Alcoholic Beverage Advertising Code Council and Advertising Standards Council in relation to overseeing all aspects of the new code.

It is also recommended that membership of the statutory body consist of representatives of each of the following areas:

- public health
- youth interests
- women's interests
- the ethnic communities
- mass media (an academic or other independent expert)
- advertising research (an academic)
- the Australian Consumers' Association
- drug education
- drug and alcohol clinical work
- the media
- the advertising industry
- the liquor industry
- the chairperson of the Advertising Standards Council (ex officio)
- an independent chairperson

4.46 The new code should include, either in the legislation itself or in its regulations, a system of effective pre-clearance vetting of advertisements and sanctioning of offending advertisers, and a designated maximum turn-around time for the consideration of complaints. The process of submitting complaints should be simplified and, together with the existence of the code and the statutory body, should be widely and effectively publicised.

RECOMMENDATION 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.

RECOMMENDATION 29

THAT THE RECOMMENDED MANDATORY CODE FOR ALCOHOL ADVERTISING BE MONITORED BY A STATUTORY BODY WHOSE MEMBERSHIP WOULD BE APPOINTED BY AND RESPONSIBLE TO THE NATIONAL MINISTERIAL COUNCIL ON DRUG STRATEGY; THIS BODY WOULD INTERPRET THE CODE AND ADJUDICATE PUBLIC COMPLAINTS ABOUT PARTICULAR ADVERTISEMENTS.

(i) Availability

Evidence presented to the Committee highlighted the wealth of scientific evidence which suggests a direct link between availability and consumption.

Reduction in the minimum legal drinking age, extension of opening hours and proliferation of licences have all been shown to be associated with increases in problems associated with the consumption of alcohol.

(k) Pricing policy

Evidence was taken by the Committee in relation to the effect of pricing on consumption. As suggested in paragraph 3.91, children are particularly sensitive to price increases because of their often fixed and certainly lower disposable income.

Liver cirrhosis mortality and traffic crash deaths are two of the indices of alcohol use for which a relatively small change in price has been observed to have an effect. The consumption of even heavy drinkers has been found to be influenced by price.

The Committee believes that the cost of all alcoholic beverages should be closely monitored in order to ensure that they do not fall or remain static in relation to average income. It would also be appropriate to consider, at a national level, taxation of alcohol on absolute alcohol content rather than on volume. Under such a system low alcohol beer for example would then be much more competitively priced than spirits.

Raising the Minimum Legal Drinking Age

The option of increasing the minimum legal drinking age was raised with the Committee in evidence and reports on its implementation elsewhere were considered. The Committee does not consider that such a measure would be practicable at this stage and certainly not before the other recommendations in this Report are implemented and have been able to take effect.

CHAPTER 5 - HEALTH PROMOTION FOUNDATION

Introduction

5.1 ***"The major function of the Foundation is to fund projects which aim to improve and protect health and prevent disease, illness, injury or disability. Grants or sponsorships are available to health, research, sport and recreation and, where appropriate, art and cultural bodies for health promotion purposes."***

Extract from the Victorian Health Promotion Foundation Information Folder.

5.2 **As mentioned in the chapters on Alcohol and Tobacco the Committee has decided to recommend the creation of a Health Promotion Foundation funded by an increase in excise on BOTH alcohol and cigarettes. The funds from this excise increase would go directly to the Foundation and not through consolidated revenue.**

5.3 **The Committee, conscious of the vested and powerful interests which may see this Foundation as some sort of threat, are eager to present this proposal in a bi-partisan fashion. The Liberal Party, National Party, Labor Party and Call To Australia Group have representatives on this Committee and it is envisaged that the fifth group, the Democrats, would be consulted before such a proposal would be presented to the Parliament in legislative form. As the proposal currently stands nominees of the government and opposition would have representation on the board of trustees. It is vital if this proposal is to succeed that it receives broad political support and as a result the Committee urges that it be supported by all party groupings.**

VICTORIA

5.4 **Victoria led the world when it created the first Health Promotion Foundation through the Tobacco Act of 1987. Based on the related concepts that smoking is the single most preventable cause of ill-health and deaths, and that cigarette advertising and promotion expand the total market for cigarettes and create a climate of social acceptability for tobacco which encourages children to try it, the objectives of the Foundation are to;**

"... cut the link between sports organisations and cigarette companies. In particular, the Foundation's goal is to end the presentation of any positive association between sporting prowess and smoking and

*instead to present to young people sporting role models who promote a healthy lifestyle."*⁹⁷

5.5 Section 17 of the Victorian Tobacco Act No. 81 of 1987 states that the Objectives of the [Health Promotion] Foundation are:-

- (a) to fund activity related to the promotion of good health, safety or the prevention and early detection of disease;**
- (b) to increase awareness of programs for promoting good health in the community through the sponsorship of sports, the arts and popular culture;**
- (c) to encourage healthy lifestyles in the community and support activities involving participation in healthy pursuits; and**
- (d) to fund research and development activities in support of these objects.**

5.6 The Act further delineates the functions, powers and membership of the Foundation Board and how it is to be funded.⁹⁸

5.7 In Victoria the levy raises about \$26 million dollars each year. Of this money not less than thirty percent will be paid to sporting bodies in the form of sponsorships and not less than thirty percent to bodies for the purpose of health promotion.⁹⁹

5.8 In 1988/89 over seventy-five percent of all programme funding was for small projects of \$40,000 or less.¹⁰⁰

⁹⁷ Annual Report 1988/89, Victorian Health Promotion Foundation, P.3.

⁹⁸ Tobacco Act, No. 81 of 1987 Sections 19, 20 and 21.

⁹⁹ op. cit., Section 32.

¹⁰⁰ Newsletter, Victorian Health Promotion Foundation, May 1990, Issue No. 6. P.2.

5.9 There are six major areas of policy and funding development.¹⁰¹ They include:

- (a) the replacement of tobacco sponsorship;
- (b) sports sponsorship; aimed at groups and organisations of a competitive or recreational nature which have not previously been sponsored by tobacco companies;
- (c) sponsorship of the arts;
- (d) health promotion;
- (e) research; and
- (f) information and education.

5.10 The Foundation contributes to education and training by organising regular health promotion, arts sponsorship and sports sponsorship meetings. This introduces the broader community to the Foundation and assists organisations in the preparation of applications for funding.

5.11 In its first full year of operation administration of the Foundation totalled 6.8 percent of the total budget, and this figure has been matched in subsequent years.¹⁰² There is a firm commitment by the board however to restrict administrative costs to seven percent. This is less than the interest earned on Foundation funds.

5.12 The Foundation enjoys tripartite support, in a submission to the Federal "Martin" Inquiry into Sports Funding and Administration:

"Mr Graeme Weideman, Liberal Party Member on the Foundation Board said that the legislation and the Foundation were wholly supported by the Victorian Parliament, because it is clear that tobacco in sport has had its day in Victoria."

5.13 All parties (Labor, Liberal and National) are represented on the board and members take an active interest in the administration of the Foundation.

¹⁰¹ More detailed information on Policy and Program Funding by the VHPF can be found in the Foundation's Annual Reports of 1988/89 and 1989/90 and the Foundation Newsletters Nos. 1 to 7.

¹⁰² Annual Report, 1988/89. P.5.

5.14 The Foundation has been conspicuous in its sponsorship of rural Victoria. In excess of one million dollars annually goes direct to rural sport and this figure does not include tobacco replacement sponsorships.¹⁰³

SOUTH AUSTRALIA

5.15 Part III of the Tobacco Products Control Act Amendment Act, 1988 establishes the Sports Promotion, Cultural and Health Advancement Trust, otherwise known as "Foundation S.A."

5.16 Section 14d of the Act states that

"The functions of the Trust are to promote and advance sports, culture, good health and healthy practices and the prevention and early detection of illness and disease related to tobacco consumption, and more particularly for that purpose:-

- (a) to manage the Fund and provide financial support from the Fund by way of grants, loans or other financial accommodation to sporting and cultural bodies or for any sporting, recreational or cultural activities that contribute to health;*
- (b) to conduct or support public awareness programmes; and*
- (c) to provide sponsorships."*

5.17 Foundation S.A. is funded through a three percent levy on wholesale tobacco sales paid directly into a trust fund. In Section 14d (4)(a) the fund is specifically directed to:

"endeavour to ensure that any sporting or cultural body that received financial support through tobacco advertising or sponsorships before the commencement of this Act is not financially disadvantaged by the operation of this Act".

5.18 Specific exemptions in the Act allow tobacco sponsorship of the Formula One Grand Prix, Sheffield Shield and International Cricket Matches.¹⁰⁴

¹⁰³ Submission SD 81. From the VHPF. 15/11/90.

¹⁰⁴ Tobacco Products Control Act Amendment Act, 1988, Section 11c (3) and (4).

5.19 Three committees have been formed within the Foundation to advise and assist in the dispersal of funds. They are a

- Sport and Recreation Advisory Committee;**
- Cultural Advisory Committee; and**
- Health Advisory Committee**

5.20 In broad terms Foundation S.A. divides the approximately seven million dollars it receives from the levy on a 3:1:1 basis, three fifths of funding going to sport sponsorship, and one fifth to both cultural sponsorships and health promotion.

Sports Sponsorship

5.21 Amongst the first of the tobacco replacement sponsorships organised by Foundation S.A. was the South Australian National Football League (SANFL). As is the case in other states the cigarette brand preferred by adolescents is the same as that which sponsors the major football code in that state.

"Australian Rules Football was prominently sponsored in the state by Escort ... In 1986 McGregor and Harrison Marketing reported that in South Australia "one brand dominated the stated regular brand of juveniles - Escort - with nearly two-thirds (of smokers) claiming it as the regular brand". Two years earlier, a national secondary schools survey found similar results ... (Escort was overwhelmingly the favoured brand, preferred by over half the current smokers aged 12-17 years), while in other States, Escort was rarely smoked in this age group."¹⁰⁵

5.22 Foundation SA entered into a \$1 million (with indexation) three-year funding arrangement with the SANFL as principal sponsor of the pre-season and official competition including the finals series.¹⁰⁶

¹⁰⁵ Woodward, A., Roberts, L., Reynolds, C., "The Nanny State Strikes Back: The South Australian Tobacco Products Control Act Amendment Act, 1988" Community Health Studies, Volume X111, Number 4, 1989. P. 405.

¹⁰⁶ Annual Report, Foundation South Australia, 1988/89 P.11. Further information on dispersal of funds through the various programmes can be located by referring to the Annual Reports of Foundation S.A. 1988/89 and 1989/90.

5.23 Sponsorships range in size from \$300 to \$1 million. They included well known national sports and obscure minority-participation activities.¹⁰⁷

5.24 Funding for sports sponsorship has increased 280 percent from \$1.5 million to \$4.2 million since the inception of Foundation S.A..

Arts and Culture

5.25 The aim of this section of Foundation S.A. is to enhance the arts, encourage audience participation and access for the community while ensuring that the artistic and cultural content of particular projects is not compromised. It is important to note that funding for the Arts in South Australia has increased by 600 percent since Foundation SA commenced operations. Previously \$200,000 p.a. was provided by tobacco sponsors to the Arts Community and now Foundation S.A. provides up to \$1.4 million annually.

5.26 Foundation SA replaced the Tobacco Industry's sponsorship of the Adelaide Arts Festival and the Adelaide Festival Fringe.

Health Promotion

5.27 Like the Victorian Foundation a key priority of Foundation SA has been the funding of health promotion activities, based on the simple, but important concept that prevention is better than cure. An obvious example of this is the "Quit for Life" campaign aimed at the fact that in excess of 1500 people die from smoking-related diseases in South Australia every year.

5.28 Other campaigns sponsored by this division of Foundation SA include the "Serve Less Fat" promotion which highlighted foods containing excessive fat as part of the IMPROVED NUTRITION program and the SA INJURY PREVENTION Forum which targeted:-

- Bicycle Safety**
- Seatbelts**
- Falls among elderly people**
- Swimming Pools**

¹⁰⁷ **Ibid., P.13.**

5.29 Foundation S.A. also sponsors the Drinkwise Campaign as part of a broader aim to reduce alcohol and drug abuse and a program to encourage people to take the time to check their blood pressure.

5.30 Each of these five health campaigns are overseen by management committees made up of experts in the particular field. They are multi-year projects with evaluation and feedback occurring at every stage, which then influences decisions and direction for the following stage.

CALIFORNIA

5.31 Proposition 99, [which became known as the Tobacco Tax and Health Promotion Act of 1988] a citizen-led ballot initiative added a tax of US 25c on cigarette packets which was then hypothecated to the Cigarette and Tobacco Products Surtax Fund. This fund was composed of six accounts, each with a different purpose and money was allocated to each account according to a strict formula. Revenues were expected to raise \$1.4 billion in the first 2 years.¹⁰⁸

The six accounts are:

- 1) 20 percent to anti-tobacco education
- 2) 30 percent to hospitals [for uncompensated services]
- 3) 10 percent to physicians [for uncompensated services]
- 4) 5 percent to tobacco related research
- 5) 5 percent to conservation programs
- 6) 25 percent for the legislature to allocate

5.32 The legislation specified that its overall goal was to be a seventy-five percent reduction in tobacco consumption by the year 1999.

WESTERN AUSTRALIA

5.33 Legislation proposing increased restrictions on tobacco advertising and the creation of a Western Australian Health Promotion Foundation is currently (November 1990) before the Western Australian Parliament.

5.34 Ten percent of the WA tobacco licensing fee - estimated to be \$11.4 million - will be allocated for the purpose of i) tobacco sponsorship replacement, ii) sports sponsorship iii) cultural sponsorship and iv) health promotion campaigns.

¹⁰⁸ Bal, D., Reducing Tobacco Consumption in California: Development of a Statewide Anti-Tobacco Use Campaign. Department of Health Services, Sacramento, 1990.

5.35 Not less than thirty percent of the funds must go to sports sponsorship and not less than fifteen percent must go to Arts/Cultural sponsorships. None of the four groups may attract more than fifty percent of the total funding.

5.36 It is to be overseen by a Board of Directors with expertise in the particular areas. There is no political representation on the board.

5.37 Unlike Foundation S.A. there are no specified exemptions to the clause preventing tobacco sponsorship of events. However, exemptions may be applied for and granted by the Minister for Health after consultation with the Minister for Sport or Minister for Arts.

AUSTRALIAN CAPITAL TERRITORY

5.38 The ACT Health Promotion Foundation is funded through a three percent increase in the Tobacco Licensing Fee which is expected to raise about \$1 million a year and has aims similar to that noted in the other states. The Minister for Health, Mr Humphries, in the debate on the Tobacco (Amendment) Bill, 1990 stated:-

***"... sponsorships will enable sporting teams and other groups to associate themselves with health promotion campaigns and healthy lifestyle messages instead of the messages associated with tobacco products. The ACT health promotion fund is large enough to comfortably replace all local existing tobacco sponsorship in the ACT and inject some further funding into these areas to directly support health promotion campaigns and programs."*¹⁰⁹**

5.39 The ACT Health Minister is responsible for approving sponsorships and promotions on the advice of an 8 member non-statutory advisory committee.

5.40 No exemptions are contained in the Act and the Health Minister must table an administrative instrument [regulation], subject to disallowance, in the Parliament before an exemption to the Act can be approved.

¹⁰⁹ **Hansard, Australian Capital Territory, Legislative Assembly, 6 June 1990, P. 2203.**

5.41 ARGUMENTS IN FAVOUR OF A HEALTH PROMOTION FOUNDATION

- **Enables sports and artistic bodies to be "weaned off" cigarette sponsorship. In many cases this forces sporting and cultural bodies to properly organise their administrations and helps develop some expertise among organisations in the application for, and dispersal of, sponsorship funding.**
- **Avoids hypocrisy associated with "healthy sports" being sponsored by "unhealthy products".**
- **Funds previously unfunded sports and artistic organisations. Government goodwill is associated with, e.g. the development of minor sports and the promotion of activities often previously felt by participants to have been inappropriately ignored.**
- **Avoids a drain on consolidated revenue. This is a self-funding operation.**
- **Has a beneficial effect in the medium and long term on the health of the community. If advertising tobacco is as successful as we think it is, then advertising health messages should presumably also have a positive outcome.**
- **Funds ongoing health promotion programmes (such as 'Quit. For Life' and the Victorian 'Rage Without Alcohol' programme).**
- **Enables rural sport and artistic bodies to benefit from tied specific purpose grants rather than depending on a trickle down effect from state-wide bodies. There is a strong tradition in the Victorian Health Promotion Foundation of sponsoring rural music and arts festivals and festivals associated with specific ethnic groups.**
- **Enables sponsorships and promotions to be used to target specific groups for example, non-English speakers and young people. Netball can be used for health messages appropriate for young women and older people can be targeted through sports such as Lawn Bowls.**
- **Can be used to fund initiatives indirectly related to health promotion. For instance, it is assumed that a government-sponsored proof-of-age card would assist in the control of under-age drinking. Such a service, provided by the government could be funded by the Health Promotion Foundation.**

5.42 ARGUMENTS AGAINST HEALTH PROMOTION FOUNDATIONS

- **The Committee was made aware of certain allegations regarding the distribution of funds and the administration of both the Victorian and South Australian Health Promotion Foundations.**

The accusations included suggestions that:

- **country sport had suffered from the creation of VHPF;**
- **not all grants had specifically gone to health related projects;**
- **there had been no money allocated to Victoria's Hospitals;**
- **specific events and organisations in both Victoria and South Australia had been disadvantaged;**
- **"activist" groups were being funded; and**
- **Foundation S.A. had spent more money on promoting itself than on the Festival of Arts.**

5.43 Upon investigation by the Committee the detailed claims did not stand up to scrutiny. It should be noted that all the major parties including the opposition Liberals and Nationals in Victoria are represented on the governing board and support the Health Promotion Foundation concept.

5.44 Foundation SA does not have political representation on its Board of Trustees, and is currently the recipient of some criticism by the opposition in SA. There is no recommendation by the opposition in SA to abolish the Foundation, rather they believe it should, perhaps, be the subject of a Parliamentary Accounts Committee inquiry to look specifically at some administrative matters.

5.45 All parties [indeed all 17 members] of the ACT House of Assembly supported the creation of the ACT Health Promotion Fund.

5.46 There was never any suggestion in any of the Australian models that hospital services would be funded and none of the Foundations currently in operation could afford to provide any meaningful resources. The aim of health promotion foundations is preventive. If the message gets through, then the benefits will eventually flow through to the hospital services.

5.47 The suggestion was also made that Health Promotion Foundations may specifically fund groups supportive of one political party which may become active during election campaigns. No evidence of that has occurred during

either State or Federal elections in SA and Victoria. It would seem that either a scrupulously non-partisan board or bipartisan political representation on the board would help to avoid such accusations.

5.48 It is correct that some funding from the Foundations has gone to festivals but on each occasion the sponsorship has been linked to a particular health message and is often targeted at a specific age or ethnic group.

5.49 One criticism that is difficult to avoid is the impact on the state-based inflation rate that an increase of ten percentage points in tobacco and one point in alcohol would have. The Committee believes this is largely unavoidable. However, it is firmly of the opinion that serious consideration needs to be given to removing or reducing the influence of tobacco products in the basket of commodities which make up the C.P.I., particularly considering that now only thirty percent of people in this state smoke.

5.50 Some criticism was levelled at Foundation SA because of its extensive self advertising on Billboards around Adelaide. This was in the early part of the Foundation's existence and occurred because Tobacco advertising had to cease and there were no prepared health promotion campaigns ready to replace the tobacco ads. This is no longer the case.

5.51 The Committee believes that as long as the legislative instrument creating the Foundation in New South Wales is appropriately tight, there is no logical or philosophical reason that the Committee is aware of which should prevent the establishment of such a Foundation in New South Wales.

RECOMMENDATION 30:

THAT THE PROPOSED NEW SOUTH WALES HEALTH PROMOTION FOUNDATION BE FUNDED BY AN EXTRA TAX ON ALCOHOL LICENCE FEES OF ONE PERCENT AND ON CIGARETTES OF TEN PERCENT.

RECOMMENDATION 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.

RECOMMENDATION 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, REPRESENTATIVES FROM THE AREA OF HEALTH PROMOTION, ADVERTISING AND MARKETING AND REPRESENTATIVES OF THE MAJOR POLITICAL PARTIES, AS IN VICTORIA.

RECOMMENDATION 33:

THAT INDIVIDUAL COMMITTEES BE SET UP TO ESTABLISH GUIDELINES AND GRANTS TO SPECIFIC AREAS I.E. TOBACCO REPLACEMENT COMMITTEE, SPORTS SPONSORSHIP COMMITTEE, ARTS AND CULTURAL ACTIVITIES COMMITTEE AS IN THE VICTORIAN AND SOUTH AUSTRALIAN MODELS.

RECOMMENDATION 34:

THAT THE NEW SOUTH WALES HEALTH PROMOTION FOUNDATION BE CREATED AS A STATUTORY AUTHORITY, UNDER THE ADMINISTRATIVE UMBRELLA OF THE DEPARTMENT OF HEALTH.

RECOMMENDATION 35:

THAT APPROPRIATE PHASE IN/PHASE OUT ARRANGEMENTS RELATING TO EXISTING SPONSORSHIPS BEING REPLACED BY HEALTH PROMOTION FOUNDATION SPONSORSHIP, BE PROVIDED FOR IN LEGISLATION.

LIST OF WITNESSES

| NAME | PROFESSIONAL CAPACITY UNDER WHICH THEY APPEARED |
|--------------------------------------|---|
| 12 DECEMBER 1989: | |
| Dr Michael MacAvoy | Director, Directorate of the Drug Offensive. |
| John Howard | Senior Lecturer in Psychology and Program Co-Ordinator, Clinical Drug Dependence Studies at Macquarie University. |
| Trevor Grice | National Director, New Zealand Life Education Centre. |
| Associate Professor John Saunders | Director, Centre for Drug and Alcohol Studies, Royal Prince Alfred Hospital. |
| 7 FEBRUARY 1990: | |
| Milton Luger | Executive Director, James McGrath Foundation. |
| Dr Jara Krivanek | Head, Department of Physical Health Sciences, School of Health, Newcastle University. |
| Dr Alex Wodak | Director, Alcohol and Drug Services, St Vincent's Hospital. |
| 19 FEBRUARY 1990: | |
| | <u>Department of School Education:</u> |
| Helen Kerr-Roubicek | } Drug Education Consultant. |
| John Manefield | } Inspector, Student Welfare. |
| Inspector Frank Hansen | Officer in Charge, Drug Policy Programs, New South Wales Police Department. |