

**INQUIRY INTO STRATEGIES TO REDUCE ALCOHOL  
ABUSE AMONG YOUNG PEOPLE IN NSW**

**Organisation:** Australian Hotels Association (NSW)

**Date received:** 21/02/2013

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**SUBMISSION TO THE**  
**NSW Legislative Council**  
**Standing Committee on Social Issues**  
**INQUIRY INTO STRATEGIES TO**  
**REDUCE ALCOHOL ABUSE AMONG**  
**YOUNG PEOPLE IN NSW**

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## 1.0 Introduction

The Australian Hotels Association (NSW) (**AHA (NSW)**) is an industrial organisation of employers registered under the *Industrial Relations Act 1996* (NSW). AHA (NSW) is a counterpart branch association of the Australian Hotels Association, a federally registered industrial organisation which is the leading national voice of Australia's hotel and hospitality industry.

AHA (NSW) represents the interests of over 1700 members throughout NSW.

Some of the issues affecting NSW hotels currently being addressed by AHA (NSW) include business regulation, liquor licensing, gambling policy, alcohol and health policy, tourism, and workplace relations & employment issues.

The majority of the AHA (NSW)'s members operate licensed premises as hotels, pubs and taverns. A significant number of members operate licensed premises incorporating hotel accommodation ranging from pub-style accommodation through to luxury 5-star international hotels.

Our members employ over 75,000 people, donate more than \$25 million per year to charitable, community and sporting organisations in NSW and contribute millions of dollars in taxes and other levies.

## 2.0 Terms of Reference (a)

*- the effect of alcohol advertisements and promotions on young people, including consideration of the need to further restrict alcohol advertising and promotion*

### 2.1 Alcohol advertising

When considering this matter, the threshold issue to be taken into account is that alcohol advertising is a matter which has traditionally remained the preserve of the federal government and its agencies. For consistency across state and territory borders, we believe this arrangement should continue.

#### 2.1.1 Alcohol advertising standards – in the Commonwealth setting

Alcohol advertising in Australia operates under a co-regulatory protocol system:

(a) the Alcohol Beverages Advertising and Packaging Code, designed to ensure that alcohol advertising will be conducted in a manner which neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and which does not encourage consumption by underage persons,

Ref: [www.abac.org.au/uploads/File/ABAC%20Code%20\(at%20November%202009\).pdf](http://www.abac.org.au/uploads/File/ABAC%20Code%20(at%20November%202009).pdf) and

(b) in conjunction with the Advertiser Code of Ethics adopted by the Australian Association of National Advertisers.

Complaints relative to alcohol advertising are dealt with under the auspices of the Advertising Standards Board and referred to both the Alcoholic Beverages Advertising Code Chief Adjudicator and the Advertising Standards Panel for determination.

It is our view that the current mechanisms adequately and effectively address issues related to alcohol advertisements and promotions, for young people and for older persons alike and do not require change.

### **2.1.1 Alcohol advertising standards – in the NSW setting**

Undesirable products regulation in NSW is governed by provisions in the *Liquor Act 2007*. Regulations may be made to declare certain liquor products or their promotion, undesirable and to restrict their sale and supply. Refer s100-102A of the *Liquor Act 2007*.

## **2.2 Related industry initiatives**

We draw the Inquiry's attention to a number of other initiatives which exist and which convey appropriate messages of moderate and responsible consumption. Examples are:

### **2.2.1 DrinkWise Australia**

DrinkWise Australia was established in 2005 with \$5M funding from the Federal Government. It is now voluntarily funded by the liquor industry. The Chair is the Hon. Trish Worth, also currently a member of the Board of Management of the National Centre for Education and Training on addiction. Six out of thirteen members of the DrinkWise Board are representatives from within the Australian alcohol industry, including a nominee of the Australian Hotels Association's National Board.

DrinkWise Australia's corporate philosophy is underpinned by an agenda directed at cultural change and creating a safer and more responsible drinking culture in Australia.

Its national education campaigns are supported by a variety of community engagement programs across Australia and include strategic collaboration with public figures and influential Australians. Ambassadors include Professor Ian Hickie of the Brain and Mind Institute, various sporting legends from The Sports Australia Hall of Fame, leaders from Government and the public service, and prominent physician and TV personality Dr Andrew Rochford.

2.2.2 Campaigns such as the 'Kids and Alcohol Don't Mix' strategy and 'Kids Absorb Your Drinking', are DrinkWise initiatives aimed towards engendering generational change in attitudes to alcohol.

The 'Kids and Alcohol Don't Mix' campaign was developed to encourage and support parents to delay their children's introduction to alcohol, based on research which suggests alcohol can affect the developing adolescent brain.

In a federal government marketing and communications study, respondents maintained that the 'Kids Absorb Your Drinking' campaign was the most recalled of thirty popular mass-media advertisements.

2.1.3 All these endeavours are correctly aimed at empowering parents to positively influence their children's future drinking behaviour so that the next generation considers intoxication as unhealthy and undesirable.

All have received acclaim for their success and are appropriate within the overall strategy of public education and preventative frameworks. But, they very much rely on the good sense of people to accept the seriousness of the messages and the personal consequences of non-adherence. Another limitation is that they generally do not refer to (or rely on) relevant sections of state and territory liquor laws – an issue which we explore below.

## **2.3 Public health messages**

2.3.1 There have also been health-based campaigns and other advertising both which suggest that ‘x’ number of drinks for men and ‘y’ number of drinks for women constitutes binge drinking – often also referred to as ‘risky drinking’ – with a detrimental consequence on youth development and personal health.

Again, these rely on people accepting (which many in society don’t) that high consumption equates (a) to binge drinking and (b) that it is injurious to their health.

2.3.2 While we believe there is a place for these messages, that they have proved to be relatively effective and our industry supports them, sadly the people in society who need to accept these messages and adjust their consumption and/or behaviour are those who are most unlikely to do so. As with the DrinkWise campaigns (and for the same reasons), these messages also fall short of referring to the requirement that citizens - and especially the young - must comply with liquor and ‘summary offences’ law.

## **2.4 Need for Public Education**

2.4.1 It is because of those observations, and the experience of our members who are at the coalface, that we are of the firm belief that a public education campaign would result in a far wider understanding and eventual acceptance of the relevant laws related to (a) the provision of alcohol to minors and (b) the consumption of alcohol by all age groups, concentrating also on settings other than licensed premises.

In this regard, we caution that this education should, to be a more effective message, only relate to the relevant laws of the State and not be diluted by being cocooned as part of any health-warning message. It must refer directly to and counter the culture of ‘deliberate drunkenness’.

We believe that to get the required message across, a long-running campaign will be the most effective way to tackle the lack of knowledge but more so the lack of willingness to accept the law. It will then need to be backed-up with on-the-ground effective and visible enforcement.

### **2.4.2 One current campaign – “STOP - Is It Worth \$550?”**

Because it is accepted that it is not solely the advertising or promotion of alcohol which promotes unwanted anti-social behaviour but moreso the irresponsible consumption of it, immediately prior to Christmas 2012, the AHA (NSW) in conjunction with ClubsNSW and in partnership with the NSW Police Force, sponsored and launched a new \$50,000 social media campaign – “STOP - Is It Worth \$550?” – to emphasize that when asked to leave a

licensed premises **by a licensee or staff member** (not only police) for being intoxicated, violent or disorderly, patrons are required to quit the premises by law. The central message is the risk of an on-the-spot \$550 fine for non compliance.

The campaign has been backed-up by 5,000 posters and 10,000 coasters distributed in pubs and clubs throughout NSW and NSW Police have reported that they have been proactive in the enforcement of this law.

The "STOP - Is It Worth \$550?" video clip can be viewed at:

[www.youtube.com/StopIsItWorth550](http://www.youtube.com/StopIsItWorth550)

#### **2.4.3 Local Liquor Accord initiatives**

Recognition must also be given to various city-based and regional Local Liquor Accords which with funding provided by mainly hoteliers, have produced measurable and favourable results with a number of targeted 'Drink Responsibly' campaigns.

Opportunities for similar strategies, based on a 'Local Solutions for Local Issues' theme, continue to be explored, subject to funding availability.

#### **2.5 Other Guidelines for Liquor Promotions**

In NSW, the Office of Liquor Gaming & Racing (OLGR) has produced and promulgated Guidelines which specify the on-premise activities and promotions which the Director General (under s102 of the *Liquor Act 2007*) will restrict or prohibit.

The Promotions Guidelines refer to liquor-related promotions and activities that are likely to cause people to drink excessively or rapidly and many are those which could be seen by young people as being attractive.

**The following provides a summary of the official OLGR guidelines** (with it being noted that OLGR has signalled that these guidelines are currently being reviewed):

- **Happy Hours** – cannot extend for more than 2 hours nor be conducted after 9pm until closing time;
- **Free Drink / Drink Card Promotions** – must be limited to one free drink per person per day and systems need to be in place to ensure a person does not get more than one free drink or more than one drink card;
- **Deals** such as 'Buy one get one free', 'All you can drink for \$x' and discounts of more than 50% are all unacceptable. 'Meal Deals' are limited to one included drink per person or one bottle of wine for two people;
- **Competitions and Games of Chance** – cannot involve participants consuming more than one alcoholic beverage, or any prize of alcohol if it must be consumed on the premises;
- **Promotions** or games cannot involve non-standard containers – including bombs, slammers and jugs (or similar) of mixed spirits;



- **Promotional cards**, vouchers and external advertising which are distributed away from the licensed premises and provide free or discounted drinks at the premises (unless the drink is provided in association with another service, e.g., accommodation or food) are unacceptable;
- **Promotions** encouraging sexually provocative activities and lewd or indecent behaviour are also unacceptable.

The current full Liquor Promotions Guidelines are available at:

[www.olgr.nsw.gov.au/pdfs/Liquor %20promo\\_guidelines.pdf](http://www.olgr.nsw.gov.au/pdfs/Liquor%20promo_guidelines.pdf)

In summary, we do not see that advertising provides the major impetus to make alcohol an attractive commodity for young people, but rather that community and peer pressure are the dominant contributing factors.

Our view is that the message to be reinforced throughout the community is responsible consumption.

## **2.6 The adverse impact of extreme discounting**

We believe that the Inquiry's examination of this issue should include an acceptance that, in a competitive marketplace, there will always be commercial imperatives for retailers to advertise and promote their products and to offer 'specials'.

In our view, the main issue which needs to receive detailed consideration is whether any regulation towards regulated pricing would have the desired affect or simply become (a) a consumption tax and further financial drain where the poor pay a greater share of their income on consumables than the rich and (b) a mechanism that only raises the cost of the presently lower priced products without affecting liquor products in the medium and higher price ranges.

It is noted that, in regard to the price levels of take-away alcohol, the Independent Liquor & Gaming Authority (ILGA) — concerned about the potential social impact of alcohol pricing on groups at greater risk of harm stemming from violence and anti-social behaviour, public drinking and underage drinking — has considered this issue but more in relation to applications for new 'take-away liquor' licences and not in regard to discounted pricing at existing licensed bottleshops.

Refer ILGA statement of January 2012:

[www.ilga.nsw.gov.au/resource/reports/120126%20supermarket%20bottleshop%20applications.pdf](http://www.ilga.nsw.gov.au/resource/reports/120126%20supermarket%20bottleshop%20applications.pdf)

## **3.0 Terms of Reference (b)**

*- the effectiveness of alcohol harm minimisation strategies targeted at young people*

### **3.1 Alcohol Harm Minimisation Strategies**

Over recent years, there have been a variety of harm minimisation strategies and programmes developed to encourage young people to moderate their consumption of alcohol. However, one difficulty with many of these initiatives, although well-intentioned, is that they are difficult to find – mainly because they have been instigated by various agencies of government both at state and federal levels.

In NSW, Police, NSW Health, the Education Department and the Office of Liquor Gaming & Racing have each produced alcohol-related resources targeted at young persons.

Most of these resources and campaigns concentrate on 'health' and 'social' messages but less on the need to better explain the liquor laws.

In this regard, and to demonstrate the plethora of campaigns and resources, the Inquiry's attention is drawn to [www.whatareyoudoingtoyourself.com](http://www.whatareyoudoingtoyourself.com) and other somewhat similar education campaigns:

Another is the Schools Education Resource which is 'Out Tonight? – Party Right', developed by the NSW Office of Liquor, Gaming and Racing (OLGR) in conjunction with the NSW Department of Education & Communities, Curriculum and Learning Innovation Centre. The website is: [www.partyright.nsw.edu.au](http://www.partyright.nsw.edu.au).

This programme, which includes videos, games and alcohol-related lessons, was launched at the beginning of School Term One in 2013 with the support of AHA (NSW) and ClubsNSW and is a free internet-based resource aimed at years 10, 11 and 12 secondary school students. It focuses on improving young people's awareness about alcohol and the potential risks and dangers associated with alcohol consumption.

Other similar programmes include 'MyNite' ([www.mynite.com.au](http://www.mynite.com.au)) which covers safe party strategies and the NSW Police Force and Health Department programme 'Supply Means Supply' ([www.police.nsw.gov.au/community\\_issues/alcohol/supply\\_means\\_supply](http://www.police.nsw.gov.au/community_issues/alcohol/supply_means_supply)) which targets the secondary supply of alcohol to minors through a series of 'YouTube' videos on the NSW Police website – highlighting scenarios by which minors may get access to alcohol – the sibling, the person co-opted to purchase on behalf of young people, the adult supplying without consent, the family friend, etc.

### **3.2 Towards a more co-ordinated approach**

A more coordinated approach amongst agencies, and one which we would support, could see the development of a 'one-click' website resource encapsulating all relevant NSW Liquor Law as it affects appropriate consumption, proper behaviour, age restrictions, etc.

This suggestion was raised in evidence given to the Legislative Assembly Inquiry into the Provision of Alcohol to Minors and it is a challenge which we believe could be better addressed if, instead of relying solely on 'harm minimisation' messages, the campaigns were to focus on what is allowed at law, including:

- the illegality of 'secondary supply' - when an 'of age' person lawfully obtains liquor and then wilfully supplies it to another who is underage;



- it is illegal for anyone under 18 years to attempt to enter licensed premises unaccompanied or to attempt to obtain alcohol via the internet (and includes a clear definition of a responsible accompanying adult (to be determined by Government));
- it is illegal to sell or supply alcohol to people under 18 years of age;
- it is illegal for under-age persons to consume alcohol (other than in the limited circumstances to be determined by the Inquiry);
- it is illegal to drink on streets in alcohol-free zones and alcohol prohibited areas;
- the law requires that intoxicated persons be turned away from entering licensed premises;
- it is illegal to be intoxicated while on licensed premises and it is an offence to not leave when asked;
- persons who are required to quit licensed premises (for the range of reasons specified in the *Liquor Act 2007*), must move 50 metres away and not attempt to re-enter the premises within 24 hours. (The reasons for removal from licensed premises include being intoxicated; engaging in behaviour which is violent, quarrelsome or disorderly; smoking in smoke-free areas or using or possessing prohibited drugs).

The serious consequences of these offences needs to be reinforced by education which indicates the monetary penalties and on-the-spot infringements which apply and must also include the penalties associated with the most recent Drunk & Disorderly provisions initiated by the O'Farrell Government.

In this regard, the involvement of senior NSW Police, the Department of Attorney General and the Office of Liquor Gaming & Racing, as well as the three (3) peak hospitality industry associations would provide appropriate and worthwhile input to better reinforce a message of what the law requires.

### **3.3 Moving away from (or complementing) 'harm minimisation'**

There are a number of other shortcomings (listed below) with harm minimisation strategies which, in our view, require a departure from a reliance on harm minimisation or, at least, additional strategies which better complement it:

- most adventurous young people tend to the view that they are 'bullet proof' and thus do not see that the harm minimisation messages apply to them;

Advice suggests this is because, during the teenage years, development of the part of the brain which considers risk occurs, and that it is slowed by alcohol consumption whilst in those formative years.

- the concept of 'binge drinking' for some is seen as a badge of honour or, for some is seen as a rite of passage — a practice accepted during a time when people did not understand the cost to self and community of excessive and rapid consumption of alcohol;

- many people, especially those who are attuned to a drinking environment – be it at home or in licensed premises — do not accept the harm minimisation concept associated with what may constitute ‘binge drinking’. Again, it is our view that the message needs to target and counter the culture of deliberate drunkenness.

## **4.0 Terms of Reference (d)**

*- the effectiveness of measures to reduce drink driving*

### **4.1 The benefits of taking a similar approach**

The well-accepted key to the success of the anti drink-driving message has been that drivers know they risk loss of licence and hefty fines.

It is the view of the AHA (NSW) that a similar approach needs to be adopted with the laws related to the responsible consumption of alcohol, so that consumers are patently aware of the penalties for infringement. This is equally important for adults as it is for young people, because it is more likely the adults, including parents, who shape and determine young people's behaviour.

### **4.2 Provision of public transport**

Although the concept of ‘Designated Driver’ has become a more accepted practice in recent years, and the recent ‘Plan B’ campaign has been a timely reminder of the hazards associated with drink driving, the lack of public transport from major entertainment precincts, especially later at night, does in fact contribute to people believing they need their cars to return home.

Augmenting government-provided public transport services, based on proven demand, would prove beneficial in reducing anti-social behaviour on the streets and dissuade more people from taking to the wheel after consuming alcohol.

## **5.0 Terms of Reference (e)**

*- measures to reduce alcohol-related violence, including in and around licensed venues*

### **5.1 Alcohol-related violence in perspective**

It was famously once said that “Guns don’t kill people – people kill people”. Similarly, those who engage in alcohol related violence and anti-social behaviour is a small number of individuals within the overall population who either misuse alcohol, or don’t take personal responsibility for their actions, not the vast majority of patrons who, each weekday and weekend, socialise in licensed venues and are not involved in, nor do they see, acts of violence.

The position of our Association is that the small number who do not comply with the law should be punished, whilst those who are amongst the millions who behave themselves in and around licensed premises without incident should be free to do this.

## 5.2 Fact versus fiction

We put the view that an acceptance is required that anti-social behaviour is not caused by alcohol alone and is only on rare occasions directly attributed to licensed premises.

It is more the case that exuberant (and sometimes unacceptable) behaviour, and to a lesser extent violence, is experienced in areas which attract many people. These are areas which also contain a number of licensed premises as well as other facilities which allow people to socialise.

5.3 The point of fact — and one which we ask the Inquiry to take into account and note for the record — is that NSW Bureau of Crime Statistics and Research (BOCSAR) data reveals that, contrary to community and media perception, the rate of alcohol-related crime and assaults in or around licensed premises in NSW has, since 1999, continued to trend to an eleven (11) year low.

| Incidents of alcohol related assault recorded by the<br>NSW Police Force |                                       |                 |                        |
|--|---------------------------------------|-----------------|------------------------|
| Year   | All<br>Licensed<br>Premises<br>in NSW | All<br>Premises | % Licensed<br>Premises |
| 1997   | 3428                                  | 15513           | 22.1%                  |
| 1998   | 3771                                  | 15808           | 23.9%                  |
| 1999   | 3657                                  | 14318           | 25.5%                  |
| 2000   | 3509                                  | 14272           | 24.6%                  |
| 2001   | 3816                                  | 15813           | 24.1%                  |
| 2002   | 4559                                  | 20426           | 22.3%                  |
| 2003   | 5369                                  | 23314           | 23.0%                  |
| 2004   | 5980                                  | 25845           | 23.1%                  |
| 2005   | 6072                                  | 29690           | 20.5%                  |
| 2006   | 6167                                  | 30139           | 20.5%                  |
| 2007   | 6570                                  | 32402           | 20.3%                  |
| 2008   | 6549                                  | 33168           | 19.7%                  |
| 2009   | 5827                                  | 31721           | 18.4%                  |
| 2010   | 5378                                  | 29417           | 18.3%                  |
| 2011   | 5014                                  | 27415           | 18.3%                  |
| 2102 (Jan to Sep)  | 3358                                  | 18545           | 18.1%                  |

*Source: NSW Bureau of Crime Statistics and Research*

5.4 While there is always room for improvement, we attribute this decline to a number of factors including that:

- Responsible service of alcohol principles and practices have been widely accepted throughout the hospitality industry;
- Licensees continue to take their duty of care in respect of providing a safe environment seriously and invest significant money in doing this, through increased staff training and security measures, safer environmental design and tougher action against aggressive and disorderly patrons and people seeking entry to licensed premises;
- CCTV coverage, both inside licensed premises and in public areas, has increased;

- Where necessary, the presence and training of security staff and Responsible Service of Alcohol Marshalls, engaged by licensed premises to patrol inside and in the vicinity of licensed premises, has increased;
- The training and oversight of security officers across NSW has increased, as have measures to ensure that those obtaining security licences have appropriate qualifications.

5.5 The reduction of violence in and around licensed premises is reflected in the fact that in 2008, forty-nine (49) of all the licensed premises in NSW experienced nineteen (19) or more reported assaults within a twelve month period whereas, in 2012, only four (4) of all the licensed premises in NSW fell into that category.

5.6 A further illustration of the low rate of crime and assaults associated with licensed premises is that since the introduction of the '3-Strikes' regulatory regime in January 2012, no licensed premises in NSW have incurred a 'strike' due to acts of violence or similar.

5.7 Discussion surrounding 'alcohol related violence' in and around licensed premises needs to consider and acknowledge two other significant and contributory factors:

- the assaults committed against licensed premises licensees, staff and their agents (security) are more often when preventing access to persons deemed to be intoxicated or aggressive who have 'pre-fuelled' by consuming large amounts of cheap alcohol purchased from packaged liquor stores and consumed in un-supervised environments – home, beach, park;
- those offences committed where the offenders are considered to be affected by alcohol who are in fact affected by illicit or prescription drugs, or a mixture of drugs and alcohol – stimulant and depressant combined. The demographic of those most likely to take illicit drugs, go out to late night venues and commit acts of anti-social behaviour is ironically the same – young people in the 18-25 age bracket. As in para 5.3, the Inquiry's attention is drawn to BOCSAR data which indicates the increasing prevalence of the detection of illicit drugs by police.

5.8 AHA (NSW) is supportive of the recent joint announcement by the Ministers for Police and Community Services of a trial - expected to commence mid-year in Sydney's CBD - which will give Police the power to escort any drunk and disorderly person who has disobeyed a move-on direction or is a public nuisance or at risk of harm to a 'sobering-up' facility.

We anticipate this will send a message that intoxication and anti-social behaviour are not tolerated and will further enhance the amenity of areas where people tend to socialise by removing those who are inebriated.

We do, however, encourage the Government to include a harsh monetary penalty — so a night cooling-off in a cell does not become a taxpayer-funded accommodation option and another 'badge of honour' for unruly over-18 year olds or a cheaper alternative than taking a taxi home.

## **5.9 The consequences of consumption of illicit substances**

Any conclusion which assumes that alcohol is the sole driver of unwanted anti-social behaviour needs to be tempered by a close and balanced examination of the prevalence of illicit drug use in today's society and the consequences when those substances are consumed either separately or in conjunction with alcohol. Again we draw attention to BOCSAR-issued statistical data which reveals the increased detection (and thus use) of amphetamines and similar substances.

## **6.0 Conclusion**

6.1 In addition to this submission — in which we have dealt with the Terms of Reference of relevance to our industry sector — we would be happy to arrange for our Executive and/or senior AHA (NSW) staff members to address the Social Issues Standing Committee at a mutually convenient time and to further explore the issues about which you have been requested to inquire and report.

[ends]