

**Submission  
No 13**

**INQUIRY INTO ALCOHOLIC BEVERAGES ADVERTISING  
PROHIBITION BILL 2015**

**Organisation:** AHA NSW

**Date received:** 10 November 2017

---

10 November 2017

The Chairperson  
Legislative Council – Portfolio Committee No.1  
NSW Parliament SYDNEY NSW 2000

Dear Chairperson,

**RE: Inquiry into the Alcoholic Beverages Advertising Prohibition Bill 2015**

In September 2017, the Legislative Council referred the Alcoholic Beverages Advertising Prohibition Bill 2015 (The Bill) to Portfolio Committee No.1 for inquiry and report. The Australian Hotels Association (AHA) NSW is pleased to make a brief contribution to this inquiry.

**Introduction**

The AHA NSW represents over 1800 licensed premises across NSW, from small hotels in regional NSW to large, premium accommodation hotels in the Central Business District of Sydney. The predominant liquor licence held by our members is a hotel licence – permitting the sale and supply of liquor for consumption on premises or takeaway sales for off premises consumption.

Advertising the availability of various products and services including food, entertainment and accommodation is an important business necessity, and customer awareness of the types and prices of alcoholic beverages that are available are no different. It is no secret that people choose where they visit based on what a premises has to offer – be it the type of band, the type of food and in some cases the type of beverages sold.

The *Liquor Promotion Guidelines* issued by Liquor and Gaming NSW set out strict criteria in relation to the promotion of alcohol sales in terms of price, rapid consumption and attraction to minors, with penalties and directions available under the *Liquor Act 2007* to prevent irresponsible promotion.

**The Alcohol Advertising Prohibition Bill 2015**

The stated objective of the Bill is to create a healthier lifestyle, however the method proposed is to totally prohibit alcohol advertising as well as other activities that are unrelated to advertising. It is our submission that the laws proposed in the Bill are offensive and dismissive of any member of the community being able to make choices regarding a legal product. The measures are draconian in nature, and given the passage of time since the Bill first appeared (as early as 1995), are unnecessary given continuing reductions in consumption, access to alcohol by minors and crime rates since that time.



In our view, the Bill goes further than “minimising the harm associated with alcohol abuse” or other more accepted objectives of similar instruments designed to prevent misuse, or abuse of what are legal products. It discourages alcohol consumption of any type altogether.

The Bill proposes not only the prohibition of **all** alcohol advertising in NSW – which in itself is a draconian over-reach, but also advocates a dictatorial banning of a range of other activities including;

- ALL Alcohol sponsorship,
- ALL Alcohol tasting activities, and
- The creation of “local option areas” where all alcohol consumption, advertising, sales and distribution would be banned if just 10% of the population petition for that ban.

Notwithstanding t this last issue is totally out of scope of advertising, Sections 115/116 of the *Liquor Act 2007* already contains a provision allowing for the declaration of alcohol restricted areas, whilst the Local Government Act 1993 provides for the making of Alcohol Free Zones and Alcohol Prohibited Zones.

The Bill also seeks to establish an Alcohol Advertising Prohibition Committee, whose sole role is the systematic eradication of all alcohol advertising in NSW. As prohibition laws have been proven over many decades to be unsuccessful, in our view such a committee is not something that should be entertained, particularly in a democratic society.

### **History of the Bill**

In relation to the Bill itself, it is not the first time it has been mooted by the Reverend Fred Nile MLC. Records indicate that “Notices of Motion” have been given for variations of the Bill no less than eight times and as far back as 1995. In 2010, the Bill was introduced into Parliament. An analysis of that Bill indicates it is ostensibly the same as the 2015 variation.

When attempting to introduce the Bill in 1995, Reverend Nile stated the Bill was largely based on the principles of the Tobacco Advertising Prohibition Bill. He also advocated that sporting codes would be able to find replacement sponsors from large corporations, such as Kentucky Fried Chicken or McDonalds.

In his second reading speech in 1998, Reverend Nile stated that the purpose of the Bill was two-fold, with the second being to “*reduce alcohol-related domestic violence, deaths, road accidents, crimes and other violence.*” He said “*That is a very positive aspect of the bill.*”

AHA NSW submits that even if there were justification for such a Bill, in the period since the Bill was introduced the environment in NSW has changed substantially. Summarised, various statistics in Annexure 1 show that;

- The level of alcohol related assaults across NSW has reduced substantially since 2008 – down by more than 46.7% since 2008<sup>1</sup>
- The overall level of alcohol consumption has decreased 9.8% since 2006/7<sup>2</sup>
- The prevalence of the uptake of alcohol by minors has decreased, with 82% abstaining altogether in 2016, up from 72% in 2013 and 61.6% in 2010<sup>3</sup>.
- The rate of motor vehicle fatalities has reduced – from 545 in 2001 down to 331 in 2015<sup>4</sup>
- The rate of alcohol attributed fatalities has reduced, from 21.6% in 1997 to 15.4% in 2013<sup>5</sup>.

Further, in the period since the Bill was first introduced, the regulatory environment across NSW has also changed significantly, with far more sanctions available for the minority of persons that sell or supply liquor in contravention of the laws. This includes;

- The Three Strikes Scheme
- Annual Liquor Licence Fees
- Additional Sanctions for selling liquor to minors on licensed premises
- Legislative options under the Liquor Act 2007 to take disciplinary action against licensees and their associates operating in contravention of the law, with penalties including exclusion from owning, operating or being concerned with the operation of licensed premises.

Should you require further information or wish to discuss any of the issues raised in the attached submission, do not hesitate in contacting me by email or telephone

**JOHN GREEN**  
Director, Liquor and Policing

---

<sup>1</sup> NSW Bureau of Crime Statistics and Research (Graph 1)

<sup>2</sup> Australian Bureau of Statistics (Table 2)

<sup>3</sup> National Drug Strategy Household Survey

<sup>4</sup> HealthStats NSW

<sup>5</sup> Healthstats NSW