

**Submission  
No 24**

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

**Organisation:** Public Health Association of Australia

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**Public Health Association**  
AUSTRALIA

## **Public Health Association of Australia submission on the Alcoholic Beverages Advertising Prohibition Bill 2015**

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# Introduction

## The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public's health in Australia. The PHAA works to ensure that the public's health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people's health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

### Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

### Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

## Preamble

PHAA welcomes the opportunity to provide input to the inquiry into the Alcoholic Beverages Advertising Prohibition Bill 2015 in New South Wales. The reduction of social and health inequities should be an overarching goal of national policy and recognised as a key measure of our progress as a society. The Australian Government, in collaboration with the States/Territories, should outline a comprehensive national cross-government framework on promoting a healthy ecosystem and reducing social and health inequities. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

## Details of the Bill

### Purpose of the bill

The object of the bill is to encourage a healthier lifestyle:

- a) By prohibiting advertising and other promotional activities aimed at assisting the sale of alcoholic beverages and consequently reducing the incentive for people to consume alcohol, and
- b) By providing for the declaration of local option areas within which the purchase, sale or delivery, or the consumption in a public place, of alcoholic beverages will be an offence.

The bill also establishes the Alcohol Advertising Prohibition Committee which was required to prepare a timetable for the removal of advertisements promoting alcoholic beverages and the termination of sponsorships related to the promotion of any such beverages.

The Bill aims to:

- a) discourage alcohol consumption by:
  - i. Persuading young people not to drink and not to abuse alcoholic beverages
  - ii. Limiting exposure of young people and children to persuasion to drink alcoholic beverages
  - iii. Encouraging drinkers of other beverages not to start drinking alcoholic beverages
  - iv. Assisting those who wish to limit or give up alcohol consumption
- b) Reduce alcohol related harms:
  - i. Domestic violence
  - ii. Deaths
  - iii. Road accidents
  - iv. Crimes and other violence
- c) Prevent alcohol-related illness (such as cirrhosis of the liver)
- d) Reduce the harmful impact of alcohol in the home and in workplaces and industry generally

### Prohibitions in the bill

The bill prohibits a range of commercial advertising in public, and also on radio and television where there is a material benefit to the radio or television station owner. Promotional competitions and other schemes designed to promote the sale, or consumption of alcohol would be prohibited, as would promotions in exchange for sponsorship. Free samples to promote alcohol sales would also be prohibited other than at wineries, vineyards or breweries.

# PHAA response to the Bill

## Overall purpose

PHAA supports the overall objectives of the bill, in seeking to encourage a healthier lifestyle by decreasing the consumption of alcohol. Alcohol is simultaneously one of the most heavily marketed products in the world,<sup>1</sup> and responsible for a substantial burden of death, disease and injury in Australia affecting not only the drinkers themselves, but also children, families and the broader community.<sup>2</sup> Currently in Australia, children and young people are exposed to a wide range of alcohol advertising in traditional media, social media, outdoor advertising and event sponsorship. Children and young people take notice of these advertisements, perceiving messages that consuming alcohol is sociable, fun, and confidence building.<sup>3,4</sup> With alcohol being a product with a legal purchasing age, marketing without crossing the line into a younger audience is problematic – an issue which has been recognised by the World Health Organization.<sup>5</sup>

## Progress since 2015

Since this Bill was first presented to the NSW Legislative Council in May 2015, there have been calls from the Alcohol Advertising Review Board for Australia-wide restrictions to alcohol advertising and sponsorship in sport and on public transport.<sup>6,7</sup>

Moves towards restricting alcohol advertising and sponsorship have been made in several Australian jurisdictions. The recent final report of the Alcohol Policies and Legislation Review in the Northern Territory recommended national advocacy for a comprehensive and enforceable code for alcohol advertising and promotion to act as a deterrent to inappropriate alcohol advertising, prohibitions or restrictions of alcohol advertising during live sports telecasts, and alternatives to alcohol sponsorship of sport.<sup>8</sup> In South Australia, an independent review of the Liquor Licensing Act 1997 found that a ban on alcohol advertising on public transport, at sports arenas and during live sports telecasts should be considered.<sup>9</sup> Following this review, the South Australian Government announced that it would ban alcohol advertising on public transport,<sup>10</sup> in line with a 2015 decision in the Australian Capital Territory.<sup>11</sup>

## Suggestions for changes to the Bill

The NSW Government is in a good position to lead the way on reducing harms from alcohol through strengthening regulations on alcohol advertising and sponsorship. However, PHAA believes that it may be beneficial to focus more clearly on limiting the exposure of children and young people to alcohol promotion, as the highest priority. Having the overall purpose of the Act targeting this area would more closely align with the stated aims of the Act and may present the Act as being more achievable.

PHAA views the issue of local option areas as being separate from alcohol promotion through advertising and sponsorship. PHAA strongly supports the recognition of the views of communities in the availability of alcohol in local areas. We recommend that this issue be dealt with in separate legislation to minimise confusion of the issues, and maximise the chances of success for each initiative.

PHAA welcomes the inclusion of an Alcohol Advertising Prohibition Committee in the Bill to oversee implementation of the regulations. Monitoring compliance and the application of sanctions where appropriate are necessary for ensuring that strengthened regulations are effective. An important element of the effectiveness of the Committee in achieving its aims will be the composition of the Committee and the absence of any conflicts of interest among Committee members. PHAA notes with concern Section 17 (1) (c) in the Bill which states that one Committee member is to be nominated by the Chief Executive Officer of the Outdoor Media Association. The PHAA believes that there would be an inherent conflict of interest in having a representative of the advertising industry on a Committee tasked with monitoring regulation over that industry. We recommend that this be removed from the Bill.

The inclusion of warning labels as required by regulation in this Bill is supported, as warning labels are an effective public health strategy for informing consumers about harms associated with particular products. It has been found that in Australia, alcohol warning labels have the potential to be effective, but that the DrinkWise Australia consumer information messages are not arresting enough and may be more effective if they were more similar to tobacco warning labels.<sup>12</sup> The involvement of the alcohol industry in DrinkWise is likely to have contributed to this outcome.<sup>13</sup> PHAA recommends that the NSW Government advocate to the Commonwealth Government for the implementation of a strong, government-regulated mandatory system of health warning labels on alcohol products, independent of industry influence.

## Conclusion

PHAA supports the broad directions of the Alcoholic Beverages Advertising Prohibition Bill 2015. However, we are keen to ensure a clearer focus on preventing alcohol promotion to children and young people, in line with this submission. We are particularly keen that the following points are highlighted:

- The purpose and content of the Bill should more clearly focus on preventing alcohol promotion to children and young people
- There should be no industry representation on the Alcohol Advertising Prohibition Committee
- NSW Government should advocate to the Commonwealth for stronger mandatory alcohol warning labels.

The PHAA appreciates the opportunity to make this submission and the opportunity to contribute to strengthened alcohol regulation in NSW.

Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.

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Public Health Association of Australia

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10 November 2017

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