

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

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

At Sydney on Monday 29 April 2013

The Committee met at 10.15 a.m.

PRESENT

The Hon. N. Blair (Chair)

The Hon. J. Barham
The Hon. C. Cusack
The Hon. G. J. Donnelly
The Hon. N. Maclaren-Jones
The Hon. H. M. Westwood (Deputy Chair)

CHAIR: Good morning. Welcome to the first public hearing of the Standing Committee on Social Issues inquiry into strategies to reduce alcohol abuse among young people in New South Wales. Before I commence I would like to acknowledge the Gadigal clan of the Eora nations who are the traditional custodians of this land. I also pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginal people present.

As a Committee we welcome the opportunity to investigate social issues of significance to the New South Wales community and as such we look forward to developing concrete recommendations to stem the tide of alcohol abuse amongst young people. Community participation is an integral part of the Committee inquiries and I express my thanks on behalf of the Committee to all of those who have taken the time to provide us with written submissions.

This morning we will hear from representatives of Transport for NSW, the Office of Liquor, Gaming and Racing and the Police Association. Later this afternoon we will receive evidence from the Foundation for Alcohol Research and Education, the National Drug and Alcohol Research Centre, the Alcohol and Drug Service at St Vincent's Hospital and the Independent Liquor and Gaming Authority. We are pleased to hear from these stakeholders, who have volunteered their time to assist the Committee for which, on behalf of the Committee, I offer my thanks. Today's hearing is open to the public and a transcript of today's proceedings will be placed on the Committee's website when it becomes available.

The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of public hearings. Copies of the guidelines governing the broadcast of the proceedings are available from the table by the door. In accordance with the Legislative Council guidelines for the broadcast of proceedings, a member of the Committee and witnesses may be filmed or recorded; people in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee.

Witnesses, members and their staff are advised that any messages should be delivered through the attendants or the Committee clerks. I also advise that under the standing orders of the Legislative Council any documents presented to the Committee that have not been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such committee or by any other person. If you should consider at any stage during your evidence that certain evidence or documents you may wish to present should be heard or seen in private by the Committee, the Committee will consider your request. However, the Committee or the Legislative Council itself may subsequently publish evidence if they decide it is in the public interest to do so. Finally, I remind everyone to please turn off their mobile phones for the duration of the hearing.

TIM REARDON, Deputy Director General, Policy and Regulation, Transport for NSW, sworn and examined, and

MARGARET PRENDERGAST, General Manager, Centre for Road Safety, Transport for NSW, and

EVAN WALKER, Principal Manager, Safer Systems, Centre for Road Safety, Transport for NSW, affirmed and examined:

CHAIR: Would you like to make a short opening statement?

Mr REARDON: I will take that opportunity, Chair. Thanks for the opportunity for Transport for NSW to present here this morning. In the Transport for NSW structure we have a group called the Centre for Road Safety, which is run by Margaret Prendergast, General Manager, and also with Evan Walker, Principal Manager of Safer Systems. That group organise themselves around safer people safer roads safer vehicles. It is with that in mind that recently we produced a 10-year New South Wales road safety strategy which we have released and it outlines those three key areas. Within our safer people space we look at all areas of licensing, including young people and a real focus on young people.

The centre has prepared a submission that you have sighted in your documents and it outlines our response to the terms of reference. Before I ask Ms Prendergast to make a couple of more detailed comments

about our road toll and where that has been focused in terms of efforts to reduce the younger drivers road toll, we look at matters around our graduated licensing system for L-plates provisional 1 and provisional 2 and we continue to make enhancements in those areas, such as our recently released younger drivers program, which is going to change the way that we do our 120 hour limit down to 80 hours for those who undertake certain professional driving courses.

We also have had a zero blood alcohol content level for learner and provisional licence holders for some years, and that has proved to be very successful. Thirdly, supporting our enforcement activity, we recently placed the plan B advertising campaign out in the marketplace. Knowing that random breath testing has been around now for just over 30 years, the evolution of how we have even done our advertising campaigns for drink-driving and focusing further in on younger people with the plan B campaign tells you both the focus we have on younger people in terms of our licensing regime and where we focus our road safety efforts to further reduce the road toll. Thanks, Chair.

Ms PRENDERGAST: I would just like to make a comment in regard to the effectiveness of drink-drive strategies. We believe that they have been incredibly effective. In 1980 there were 1,303 people killed on New South Wales roads and 389 of those were alcohol-related fatalities. In 2012 we had 370 people killed on New South Wales roads and there were 56 alcohol-related fatalities. The most striking statistic we can put on the table today is that in 1980, 127 people aged under 26 years were killed due to illegal alcohol levels. In 2012 that figure was 12, which is a massive 91 per cent reduction. We acknowledge there is still more to be done but we think the combination of enforcement, penalty regimes, education and behavioural programs has really achieved some success in this area.

The Hon. HELEN WESTWOOD: From reading your submission it does seem like it is good news, but I suppose there are some areas where you feel we can do better with some particular groups—obviously I am asking about young people because that is our term of reference—and where we are not as successful and there are continual abuses of alcohol while driving. Can you enlarge on that?

Ms PRENDERGAST: In the youth space we know that drink-driving in New South Wales is very much a male problem. In 2011, 97 per cent of alcohol-related involvements were males, and that is why Plan B, which was conversational and was set up to engage young males, was so crucial. That is an area we will continue to work through. One of the areas that we think is the biggest challenge to reducing the road toll even further particularly in relation to alcohol is repeat offenders, the recalcitrant people, those who have been caught more than once and who probably take the risk on a number of occasions.

Despite 4.5 million random breath tests every year people will still take a chance. We have many programs in this space but we think we can get better uptake of those programs, be it the Sober Driver Program for repeat offenders, the Traffic Offender Intervention Program for first offenders or a piece of work we are doing now. The Government has us looking at repeat offenders and the use of alcohol interlocks. At the moment that is voluntary and there may be some extension of that program. We are working through some policy options now for the Government. We think there is space to increase the uptake of those programs and to really address those repeat offenders.

The Hon. HELEN WESTWOOD: Are those repeat offenders who are referred by the courts to a program as part of their penalty any more or less successful than someone who has voluntarily been referred or taken up a program themselves to address their alcohol abuse?

Mr WALKER: It is hard to make a clear differentiation. People who voluntarily take up programs such as the traffic offender programs are usually first-time offenders and it can be tied to the kind of sentence they might get in court. We know from our Sober Driver Program that there is about a 40 per cent reduction in re-offending. That is based on a number of evaluations since 2003. For the recalcitrant or repeat offenders the Sober Driver Program is providing a bit of an indicator about how these types of programs can be successful. For the first offenders and things like traffic offender programs there have been some small evaluations. The initial evaluation showed there was a 20 per cent reduction in re-offending for those groups. Typically the majority of first-time offenders do not re-offend once they have either received a punishment or been through a program like that. It is not a massive issue but there is definitely a certain group that become recalcitrant or recidivist and they are better targeted by a more structured program such as the Sober Driver Program.

The Hon. HELEN WESTWOOD: I get the sense that comparatively Australia and New South Wales in particular are doing well in addressing road safety generally but particularly drink-driving. Is there anywhere else that is having more success than we are and if so what is the nature of their programs or their approach?

Mr REARDON: I will provide some broader comment and hand over to Margaret. Yes, in our programs and processes we are targeting certain areas where we can make further enhancements but overall we believe our graduated licensing program coupled with enforcement and education is a reasonably effective regime and we would not like to lose the quite large gains we have made to date in that regard. At the national level there is a National Road Safety Strategy that sets out the next 10 years at that level. We have dovetailed with that our 10-year Road Safety Strategy here in New South Wales, so many of the matters that are picked up at a national level we look to dovetail with in this State. Margaret can comment on the National Road Safety Strategy and some of the specific items it may be looking at in the medium term and more broadly the international road safety space.

Ms PRENDERGAST: New South Wales is really on par with Victoria. There are places such as the Northern Territory that still have a serious drink driving problem. New Zealand is starting to catch up; they are probably about 10 years behind us. They have just introduced some fantastic new communications aimed at young males et cetera, and they are bringing in restrictions in the drink-driving space, so they are starting to be where we probably were 10 years ago. The National Road Safety Strategy acknowledged that there is still a drink-driving issue across Australia with youth and there is a real issue with motorcycle riders in particular, and young drivers and middle-aged drivers as well. They are looking at a potential option to review the blood alcohol content [BAC] level across Australia.

Austroroads has just initiated a study in this area. We will look to the national direction in this space. It is likely to be six or seven years before any decisions are made. We are comfortable that we have made so many changes. In 1968 we introduced 0.08 in New South Wales; 1980 was when we brought in 0.05; 1982 was the landmark year of random breath testing and in 1987 we moved from having targeted RBT to every single police vehicle being an RBT unit. From that day on we started getting substantial changes. You can track it with our advertising. The first ads we ran were about the consequences of a dad hitting a young child. They moved to the paranoia series where you could see the police in the background and it played on guilt and the perception that they were everywhere, given that every police car is an RBT.

We have evolved to Plan B, which is more conversational, to work with youth and say, if you are planning a night out or if you are drinking and you have your car you really need a plan B because drink-driving is not an option. That is starting to resound. We always look around Australia and internationally. We know, for example, Sweden is moving towards advocating for cars to have alcohol interlocks as common practice. We look to technology and manufacturers to take it up in that respect. It is not something we would advocate but we do know that alcohol interlocks prevent drink-driving and that has to be something we explore more deeply for repeat offenders.

The Hon. JAN BARHAM: Do your statistics clarify the situation in rural and regional areas and whether they are specifically targeted?

Ms PRENDERGAST: Absolutely. I can say that two-thirds of fatalities in New South Wales occur in rural areas, in country New South Wales. Our drink-driving offences are largely in country areas but they are also on the outer urban fringes of metro areas. Predominantly the fatalities that arise from drink-driving are in country New South Wales and the urban fringes of metro. We know it is a factor that occurs in evenings and early mornings, there is a very strong skew to Thursday to Sunday, and it is predominantly a male issue. With Plan B there have been a lot of regional iterations. We are using the cricket team to promote that and that is how we are trying to penetrate regional New South Wales. Of course, we have the Road Safety Education Program. New South Wales is the only State with mandated road safety education and the effects of drugs and alcohol are largely explored through schools, which is very important for the kids.

The Hon. JAN BARHAM: What about providing financial support for buses in some of those areas to stop people from driving and creating that alternative transport? I know that is something that has been done in the past. Is that still operating and where does it operate?

Ms PRENDERGAST: We do sponsor a few. It is limited; it is really about communities approaching our local regional Roads and Maritime Services officers. I know that we have those sorts of services in the Snowy Mountains, around Jindabyne for example, in snow season; we do it a lot in Wollongong. But obviously

Transport for NSW has a strong alternative transport program running through community-based local groups. We also look to private industry, to the hoteliers themselves and the clubs themselves, to provide buses home. You can see in metro—and I can probably only talk Sydney—how many club buses there are and the advantages of that sort of set-up and I think we need to look at that more rurally. But it has to have some responsibility from those who are actually serving the alcohol.

Mr REARDON: I would like to just add to that, in terms of responses to Kings Cross, in October last year we enhanced the bus services in Kings Cross including direct services into the CBD itself and also directly to Central from Kings Cross. We also looked at prepaid taxis in the area as well and improving security on the taxi ranks. But the direct bus services late at night were certainly included in that package and continuing on to date.

The Hon. JAN BARHAM: Is there any evaluation on that yet to see if it is making a difference?

Mr REARDON: We continually monitor on a weekly basis how those services are performing.

The Hon. JAN BARHAM: I just want to know a bit more about the alcohol interlock program, the effectiveness of it and how it works and whether or not there is broader scope for it to be utilised.

Mr WALKER: The alcohol interlock is a device. All the best practice research shows that they are effective when they are in a vehicle. They are like a behavioural intervention; they stop someone driving because when they blow into the device the car will not start. In terms of reducing offending once the interlock is out of the car, they are less effective; they need to be coupled with a behavioural-type program, safer driver program or something like that. Research would show that many drink-drive reoffenders have alcohol dependency issues, so the interlock in the car is a really good device to reduce that risk of these people reoffending, but it needs to be coupled with other things.

The experience from many other jurisdictions, say in the US where interlock is used quite widely, to Victoria, to Queensland, is that again they are quite an effective measure in those jurisdictions; they have got programs that are mandated, so drink-drive offenders automatically end up with interlocks as part of their sentence. I guess from our point of view a comparison would be that we have around 700 interlock licence holders a year in New South Wales; Victoria has around 10,000 with a mandatory program. So that is 10,000 people who have a disposition to repeat reoffending that cannot because there is a device in their car that prevents it. So it is a considerable reduction in risk amongst those offenders.

Ms PRENDERGAST: Our program at the moment is voluntary, which is why the take-up is so small. So what we are exploring now under a broader repeat offender strategy is to look at other options potentially to mandate for those repeat offenders.

The Hon. JAN BARHAM: In relation to your data collection and your stats do you have information about people that are alcohol-affected but may also have other drugs in their system, that sort of polydrug use, and the impact that has?

Ms PRENDERGAST: We are just getting to grips with actually utilising drug data. We are still working through with the Department of Health about making that available to us from a crash data perspective. So we are relying on research done by third parties at the moment to give us some sort of guide. Within the next five years we will have drug data included. But what we know from those research studies is that there is a really strong propensity if they have got alcohol in their system potentially to have another drug, particularly amongst motorcyclists and youth.

Mr REARDON: Also on that, you can imagine that the crash statistics for serious injury and fatalities underpin everything we do in policy and strategy in this area, so it is incredibly important we continue to enhance that data. We continue to look at even the information systems we have in place now—how to roll those forward, how to enhance them with police data collection, how to enhance them with the health system at the other end, the Motor Accidents Authority and other stakeholders. We are continually working on that and that is an ongoing road map; that will never stop in terms of our data collection and enhancements to that data.

Ms PRENDERGAST: I should add that if you are in a fatality you are tested for alcohol and for drugs, and it has only been really in the last six or seven years where it is mandated to test for drugs as well. So what we are trying to do is get that data to be able to ascertain the extent of drug use.

The Hon. JAN BARHAM: I am aware that that is increasing. In another inquiry we have heard that the amount of alcohol might be lower but what it is combined with creates the problem.

Ms PRENDERGAST: The only other thing is that obviously with 4.5 million random breath tests, in 2007 we also introduced random drug testing and since that time there have been over 156,000 random drug tests.

The Hon. JAN BARHAM: My other related query is around events in my part of the world on the North Coast—festivals. What programs do you operate to work with those sorts of event or key holiday periods where we know that people are celebrating more and the likelihood is going to be there?

Ms PRENDERGAST: We always have special messaging around holidays, particularly Christmas, Easter, Anzac Day, Australia Day, where we know there is alcohol consumption. We work locally. Roads and Maritime Services deliver road safety programs on our behalf and there are also over 90 road safety officers working in local councils. So when there is a local event on, what you will find is there are six regional offices of RMS and the regional office, say it is based in Grafton, will work with the local council road safety officers to target those events with messaging, even alternative transport on occasions.

The Hon. JAN BARHAM: Do you specifically track that and can see the effectiveness of that enhanced cooperation?

Ms PRENDERGAST: The regions do that and they do that at different events. They even do the morning after where they will attend an event the morning after and voluntarily test people. We heard of one particular motorcycle event where the next morning 25 per cent were still over the limit. They get told to go and have a cuppa and relax for a little while before they set off. So there is a lot of evaluation, but that is all done locally. We do evaluation of the top-line statewide programs. But that is a really important part of the equation at that local interface, particularly at those events, and just what is happening in the local communities.

The Hon. JAN BARHAM: The issue around the road safety officers I do not quite understand. Having been in local government I am not quite sure why they are not in every council and what the provisions are where I think you say it needs to be applied for and you partially fund. Can you explain the level of funding that you provide and what is partially funded by Transport for NSW? Councils obviously make that commitment and apply?

Ms PRENDERGAST: Yes. There are 152 councils in New South Wales; we know there are about 91 road safety officers. Transport for NSW, the centre, funds road safety officers 50 per cent and the council funds the other 50 per cent. They obviously focus very much on road safety but they do other things for council as well. It is up to the local councils for take-up. However, we acknowledge that local government is such an incredibly important partner for road safety; they own more than two-thirds of the roads, they are the local ears and eyes on the ground to deliver us road safety. So we are looking at a revision of the model, which will maintain and strengthen the road safety officer component, but we have also looked at road safety being rolled out in all council activities.

We have been through what we call mainstreaming in Roads and Maritime Services where we have asked that road safety is considered in everything they do. We really want that in councils so your local traffic engineer, your event planner, anyone planning a little precinct around a bus stop or whatever is thinking road safety in their job. That is our future and we are going to be having a lot more active engagement with local councils and working with them to teach them the safe system approach to road safety, to revamp the current model and to encourage more road safety officers and more road safety activity within every council.

The Hon. CATHERINE CUSACK: Just following up from that, it would be nice to get a list of where those road safety officers are located by local government area. Could you take that on notice and even, if it is not too difficult, what resources are being allocated?

Mr REARDON: We will take that on notice.

Ms PRENDERGAST: What I can say broadly is that we expend over \$4 million a year supporting road safety officers and local government programs.

The Hon. CATHERINE CUSACK: In relation to the statistics concerning fatalities of people aged under 26 years, can I clarify that they include children? It is stated here, "We have defined a young person as aged under 26 years." Is that the age from nought to 26 years?

Ms PRENDERGAST: There are two figures that I quoted when I first talked about the road toll broadly, that is alcohol-related fatalities. An alcohol-related fatality can be anyone of any age. It has come about because someone in that crash had illegal alcohol in their system. When I gave you the example of the young drivers, that was 17- to 25-year-olds and it was purely those with alcohol in their system.

The Hon. CATHERINE CUSACK: Thank you. I am now referring to your submission:

The number of fatalities aged under 26 years has fallen 82 per cent since 1980.

Does that include people aged nought to 26 years or is that a youth age group?

Ms PRENDERGAST: It is a youth age group, 17 to 26—driving age.

The Hon. CATHERINE CUSACK: Can you give us that decline in fatalities as a percentage across different age groups?

Ms PRENDERGAST: Yes, we can, absolutely.

The Hon. CATHERINE CUSACK: Thank you. In relation to fatalities declining across age groups, is it possible to get fatalities related to the age of the driver?

Ms PRENDERGAST: Yes.

The Hon. CATHERINE CUSACK: So a person in the vehicle of any age? Sorry, the issue for me is the age of the driver.

Ms PRENDERGAST: Yes.

The Hon. CATHERINE CUSACK: Often the two statistics are taken together. If there is a young person and their mother is killed in the accident, the fact that she is aged over 60—

Ms PRENDERGAST: I totally get it. The statistic that went from 127 in 1980 to 12 in 2012 was the young drivers or riders with alcohol in their system, but we can break that down, come back and present that.

The Hon. CATHERINE CUSACK: Although that is a terrific improvement, is that a higher rate of improvement than other age groups?

Ms PRENDERGAST: Yes.

The Hon. CATHERINE CUSACK: How much more scope do you believe there is to improve on that achievement?

Ms PRENDERGAST: It is difficult. As the road toll comes down, it becomes harder and harder to make further gains. What I can say is that, in 1980, with over 1,300 deaths and 38,000 injuries we are now down to 370 and 26,000. It is phenomenal. Not only do we need to focus on fatalities, we need to focus on serious injuries, which we have not done today. The next challenge for us is to drill into serious injuries and try to reduce that figure. The challenge continues.

The Hon. CATHERINE CUSACK: Do male pedestrians who have had too much to drink pop up in your figures as well?

Ms PRENDERGAST: They do, indeed. We are conscious of that. We say plan B is that driving is not an option. Often an option is to walk. The Pedestrian Council has done some innovative stuff. Never Let a Mate Walk Home Drunk was their campaign, which we sponsor as well. It is really important. You need to look to mateship, for youth to look after other youth at the end of a big night.

The Hon. CATHERINE CUSACK: Is it possible to get information about that as well?

Ms PRENDERGAST: Definitely.

The Hon. CATHERINE CUSACK: Pedestrian deaths will be just as relevant to us. I have never been able to get my head around the phenomenon of sleeping on the road, but it is a problem that keeps occurring.

Ms PRENDERGAST: It is phenomenal. I never knew about it until I joined Road Safety and learned that the road is the warmest place, which is why people sleep on the road as opposed to the verge at the side. It is unbelievable, but I have statistics on those who were killed while lying on the road. I will come back with more detailed statistics across all of that.

The Hon. CATHERINE CUSACK: I come from the Hon. Jan Barham's region in the Northern Rivers and mandatory disqualification is a sensitive issue. People do not have plan Bs once they lose their licence. Is there any research around the effectiveness of mandatory disqualification as a safety measure? Has it helped or is it not making any difference? It impacts so many people. I have heard a local Magistrate say it is now the number one cause of imprisonment in the Northern Rivers because people are driving without their licence. Any information you have on the efficacy of the strategy of mandatory disqualification would be interesting.

Ms PRENDERGAST: I think that is a question that is probably best placed and directed at the Attorney Generals. They have been doing significant work on this issue. We want to make sure that the penalty regime is appropriate. We also want to increase access to licensing in those areas.

The Hon. CATHERINE CUSACK: I understand that. The rationale for it is that it is a safety measure.

Ms PRENDERGAST: It is a measure that is under review by the Attorney Generals.

The Hon. CATHERINE CUSACK: To clarify, you do not have any research that says that mandatory disqualification saves lives?

Mr WALKER: The whole penalty regime per se is part of our general deterrence approach. It ranges from much lower penalties for lower level offenders and increases in range. All of those reductions associated with random breath testing collectively rely on that penalty regime, which to date has included mandatory disqualification periods. To unpick all the different aspects of the penalty regime and look at them by themselves is quite difficult because obviously as deterrence needs to increase, you need higher penalties to get greater deterrence from people with recidivist behaviour.

The Hon. CATHERINE CUSACK: I hear what you are saying. It is a specific question. Is there any research that says mandatory disqualification has saved lives or has a benefit for road safety? If the answer is that it is difficult to unpick, I accept that answer, but I am asking is there any such research?

Mr WALKER: I refer to what I have said. It is hard to unpick, but it is a cornerstone of the deterrent strategy. Certainly if Attorney Generals are looking at it, it is another area.

The Hon. CATHERINE CUSACK: Can I accept that once people have had their licences disqualified, there appear to be vast numbers of people in our community that are driving whilst disqualified. Do you have statistics of fatalities that involve drivers who have had their licences suspended?

Ms PRENDERGAST: I have statistics about unlicensed drivers, yes.

The Hon. CATHERINE CUSACK: What do those statistics look like? Are they disproportionately represented in fatalities?

Ms PRENDERGAST: There is a proportion of unlicensed drivers involved in fatalities. I could not state the exact figure. I could take it on notice.

The Hon. CATHERINE CUSACK: Will you also tell us what percentage of drivers are losing their licence annually—the number and percentage?

Ms PRENDERGAST: Sure.

The Hon. CATHERINE CUSACK: I recall some years ago we got to the point where over 200,000 drivers in New South Wales were within a point of losing their licence and extra points had to be given to everybody to prevent that happening.

Ms PRENDERGAST: I did not know that was the reason for the increased demerit points.

The Hon. CATHERINE CUSACK: It certainly was the reason. The problem is too many people in the community have no alternatives. To me, it seems that we have reached a point where taking away licences becomes counterproductive as a road safety measure.

Ms PRENDERGAST: As I noted, the Attorney Generals are looking at it, but while we sit here today we are advocating a technology solution, which is alcohol interlocks that will physically prevent somebody from getting from behind the wheel. We know how dangerous drink-driving is. We know the consequences. The changes we have made are stark. We do not want that to be unpicked so that we go back to the bad old days. What we are looking for is how to get the next group. We know recidivists are the issue. Therefore, a technology solution seems the way to go in that space.

The Hon. NATASHA MACLAREN-JONES: Following on from the questions that the Hon. Catherine Cusack was asking, when looking at the age of people who are driving without a licence and fatalities, is it possible to get a breakdown of whether they relate to alcohol as opposed to driving without a licence and speeding, and whether it is metropolitan versus regional areas?

Ms PRENDERGAST: Yes.

The Hon. NATASHA MACLAREN-JONES: In your research you use the breakdown that is under the age of 26. Do you have statistics on how many of those people are on a provisional licence versus a full licence and what the age group is?

Ms PRENDERGAST: Yes, we do. We obviously can always pick out who was Ls or Ps at the time.

The Hon. NATASHA MACLAREN-JONES: Do you need to take that on notice?

Ms PRENDERGAST: I do, yes.

The Hon. NATASHA MACLAREN-JONES: That is fine. Could you outline the penalties in relation to a person who is on their P1 or P2 licence and is caught drink driving?

Ms PRENDERGAST: As you are aware, Ls and Ps since 2004 have been zero blood alcohol content [BAC]. That is where you see that the crash data starts reducing rapidly in that space for young drivers. I thought it was in our submission.

Mr WALKER: There is a table on page 10, which kind of describes the different penalties for different offence types. It might not necessarily talk about age group but what it does is it explains the penalties for novice drivers, et cetera, and for those lower BAC levels which are lower than low range, midrange and high range.

The Hon. NATASHA MACLAREN-JONES: Do you have a breakdown of how many people actually get the minimum amount of three months versus the higher, or is it automatic?

Mr WALKER: We would have to take that on notice. That data is something that Roads and Maritime Services [RMS] can provide but it is also something Attorney General's would have at hand, because they are court-based penalties.

The Hon. NATASHA MACLAREN-JONES: Do you have the breakdown of how many of those would then go on to become re-offenders?

Ms PRENDERGAST: We do periodically do matching, yes, and we have some research studies. We do not do it consistently but we do stop and look at the re-offending rate and matching it to the licence data.

The Hon. NATASHA MACLAREN-JONES: In your opinion are the current penalties strong enough to prevent reoccurring behaviour? If there is reoccurring behaviour, why is it occurring?

Mr REARDON: Just to clarify, 17 to 25 year olds?

The Hon. NATASHA MACLAREN-JONES: Yes.

Mr WALKER: I guess the last time we have looked at the statistics what we have found is for generally first time offenders the repeat rate, whether it is younger or older, as I said earlier, it is a smaller proportion. If it is not 100 per cent it would be close to maybe 10 per cent. We have also looked at recidivist behaviour more broadly and of 26,000 drink drive offenders each year around one in six will repeat in the following five-year period. We have got some idea around the level of repeat behaviour. If you look generally at people who go to court for a first time offence the current regime seems to be effective for the large majority, but there is definitely a group that is a lot harder nut to crack.

If we are doing 4.5 million breath tests a year that is almost one breath test for every driver, 26,000 people get caught and then one in six of those repeat in five years. When you work through the whole community it is quite a small targeted group, but certainly they are a much higher risk group that we need to consider. I would say from our initial look at the data the current deterrence regime, sending people to court for a first offence, seems to be working really well, because you do not have that strong level of recidivism. But then there are other strategies that need to be put in place for those people who do show up within the next five years.

Ms PRENDERGAST: I would like to add that our challenge is never done. We need to keep on this. Just because we have been successful, we still have to keep this up. It has to be refreshed continually and we need to keep doing it. What we know is that enforcement on its own does not work; it has to be accompanied by education and awareness. What will happen is even though there is 4.5 million breath tests someone in a local regional centre may not have seen an RBT for some time, therefore they may think they can take a chance. That is why the combination of enforcement and education and awareness together are critical to success.

The Hon. NATASHA MACLAREN-JONES: I am happy for you take this question on notice. You mentioned that there are strategies for improvement. Do you have any suggestions about areas that you think this Committee could look at? In an ideal world what are some of those strategies that would improve the situation? My final question is that in your survey interviewing young people I think 26 per cent said that they had been drink driving. In that survey, did you ask them why they did it?

Mr WALKER: Yes, we did. It is hard to look at their actual motivation; it was more about the circumstance. Most people who drink drove were people who made the initial decision to drive to wherever they were going, not necessarily with the intention of drink driving but they had had a couple of drinks and as people consume alcohol their decision-making gets a lot poorer. The consequence of that is that they have made a poor decision. For young drivers, having a zero BAC sends a really clear message that if you are going to have any alcohol at all you do not drive. That works really well as a message, but once people are able to think they have got one or two drinks that they can have it then puts them at risk of this issue around driving home. Probably one of the key issues is that people have taken a car out. I guess the other issues are more around transport and poor planning. Those are some of the things that lead younger people to drink drive. That is where we have really tried to focus the Plan B campaign on. A bit of positive prevention and giving people, where they do have options, the option, but providing that reminder that RBT is there as a bit of a deterrent.

Mr REARDON: Just at a slightly higher level, in terms of a response to questions around targets and how much further can we improve we have set ourselves a target for 2016 and then 2021 in terms of the Government's New South Wales 2021 goal. In terms of reduction in fatalities we have set ourselves a target of 30 per cent reduction overall in terms of road safety improvements, inclusive of drink driving and serious injury and fatalities from that. We have set that out in the strategy. In terms of strategies to respond to that, there is a range, as I indicated, of actions around younger people within there. That is the starting place for us on what we will be focusing on for at least the next three years in terms of the short-term actions. We have got a focus on repeat offender and there have been various comments about that this morning. Certainly any other suggestions

or focus we need to have on that we will certainly take on board from the Committee. But certainly in terms of the higher order on how we are focusing across the board for younger people it is outlined in the strategy.

CHAIR: Plan B and those strategies are obviously working, but I am hearing more and more about people who make the decision not to drive that night and sleep on the couch or they go through with the Plan B but then the next morning they jump in the car and they are still over the limit. That obviously means they are still a risk for people on the roads. Do you have any information or data around what percentage of people are actually getting caught the next day? Is there a strategy to try to educate these people that have gone through with the Plan B and in their mind they have ticked the box and they are doing the right thing, but then they have got to be somewhere early the next morning or they wake up at a friend's house and they jump in the car thinking they are okay. Do you have any information around that?

Ms PRENDERGAST: We would look to the police to give the data of that morning after type in terms of infringement time. What we know is that our messaging is very strong both in the fatigue sense after a big night out and in that you may still have alcohol in your system and you need to be very careful the next morning. What we know is that particularly Sunday mornings are very prone and very prone with motorcyclists and youth particularly to potentially be caught. We just try to reiterate that message in all of our holiday messaging to be careful the next morning. We do not that only statewide but we do it very much locally as well in our interaction with local communities.

Mr REARDON: We are certainly encouraged by the comments you make about Plan B, that it has become part of the vernacular out there with young people. The fact that we may need to evaluate and look at what we then do for next morning, as you pointed out, we will take on board in terms of how we evaluate that campaign.

CHAIR: Because again you go back to motivation. As MPs quite often we get contacted to write references for people. I have drawn a line and I actually do not do that. But I am getting a number that explain that they are from the next day. They are pulled over for not turning their headlights on or something like that and then obviously as part of the enforcement they go on the bag and they go over. That means they are a risk on the road. I am not talking about the infringement part, I am not worried about the licence; it means that they are actually a risk on the road. This whole culture of writing yourself off that night means that these people could be well and truly still over the next day. Anything you have got on that would be great.

The Foundation for Alcohol Research recommended that the New South Wales Government introduce a zero blood alcohol concentration limit for all drivers under the age of 25 years regardless of their driver status. Have you got any comments on a proposal such as that?

Ms PRENDERGAST: We know that the strategy that we have in place of zero blood-alcohol content for learners and provisional licence holders is working. The National Road Safety Strategy is looking at that and the potential for reviewing the blood-alcohol content level for all drivers—youths, motorcyclists and other drivers. We will await the outcomes of that research. We are very comfortable with where we have come from in 1980 to 2012. We know there is still more to be done, but we look for national direction in that space.

Mr REARDON: It should be noted that the L- and P-plater regimes were less focused on pure age. We are interested in their driving outcomes going through those graduations and how they develop. We are far more focused on where they are in that system regardless of their age.

CHAIR: A couple of times this morning you have mentioned that motorcycle riders tend to feature much more in these statistics. Should that be considered as a separate class in relation to blood-alcohol content levels?

Ms PRENDERGAST: I believe that all drivers should be treated the same in respect of BAC, regardless of their age and the vehicle they are driving or riding. However, we know that the popularity of motorcycling is going through the roof. It is not only youths but also guys in their 40s going through a midlife crisis who are taking up motorcycling and going for weekend trips. The crash data indicates that youths suffer injuries or fatalities at intersections in metropolitan areas midweek and riders aged from 40 to 59, and even 70, are getting into trouble on the weekends on popular motorcycling routes. We know it is growing in popularity. Fatalities are not increasing commensurate with the take-up, but we know it is a group we should target.

CHAIR: When you say that all drivers should be treated the same, do you mean light rather than heavy vehicle drivers—that is a different class again?

Ms PRENDERGAST: Heavy vehicle drivers are totally different; they are professional drivers.

CHAIR: We do break it up with different blood-alcohol content levels for different risk categories.

Ms PRENDERGAST: Absolutely.

CHAIR: Should we be considering motorcycle riders as a separate risk class?

Mr REARDON: In the short term we have looked at a road safety strategy. Because of the importance of and growth in motorcycle ownership in New South Wales we are looking at a motorcycle safety strategy to start targeting a range of areas. We currently have equity across car drivers and motorcycle riders in terms of blood-alcohol content limits. We are more focused on education campaigns and road safety audits on key motorcycle routes, particularly in rural and regional areas. We do have a specific motorcycle safety strategy that has been brought to the fore in terms of some of the safety systems we need to put around that user group. That is how we are taking things forward in the shorter term.

CHAIR: I live in the Southern Highlands and there is a popular motorcycle route from the coast and up the mountain. Motorcyclists stop at many of the pubs for lunch and head off again. I am sure that some of the cultural factors involved in that are adding to those statistics. Unfortunately, we have run out of time. On behalf of the Committee, I thank you for your submission and also for the evidence you have presented today. I note that you have taken a number of questions on notice. The Committee has resolved that responses to questions on notice should be provided to the secretariat within 21 days. The secretariat will be in touch with you to facilitate those responses. Once again, thank you.

Mr REARDON: Thank you, Chair and Committee members.

(The witnesses withdrew)

(Short adjournment)

ELIZABETH TYDD, Executive Director, Office of Liquor, Gaming and Racing, sworn and examined:

CHAIR: Would you like to make an opening statement before we open the inquiry for questions?

Ms TYDD: Thank you, Chair, I would. Thank you for the opportunity to appear before the inquiry, which is examining strategies to reduce alcohol abuse among young people. A number of the elements of the terms of the inquiry are absolutely relevant to the Office of Liquor, Gaming and Racing. In particular the terms of reference relating to measures to reduce alcohol-related violence in and around licensed premises, the effect of alcohol advertising and promotions on young people, and the effectiveness of harm minimisation strategies targeting young people intersect with a number of our programs. For instance, the liquor promotion guidelines that are available under the liquor laws are currently under review. They are being reviewed to ensure that they have a contemporary focus so that they capture contemporary promotions and practices that are likely to appeal to and to encourage young people to drink excessively. The updated guidelines include a section specifically addressing the legislative requirements that are in place—that liquor promotions must not appeal to minors.

We provide under those draft guidelines unacceptable practices and guidance in relation to unacceptable practices regarding promotions, the use of imagery, design, merchandise, that primarily appeal to minors or that use interactive games or technology to appeal to minors. The guidelines will be released shortly and they enable compliance action to be instituted where venues ignore directions provided under the statutory provisions of the Liquor Act. One of the issues that recently has been taken into consideration that is particularly relevant to young people is the way in which these promotions are promoted—via social media and the internet. My office has been particularly engaged in recent months to monitor those social networking sites and look at taking appropriate intervention in that space where promotions are undesirable or could be associated with an unacceptable risk of alcohol-related harm. The importance of this issue has come to light quite recently in relation to Byron Bay interventions that we have been actively involved in.

In those circumstances, promotions, photographs, comments on venue websites and social media sites that raise serious questions about responsible service practices have been subject to action taken by the Office of Liquor, Gaming and Racing. We have caused licensees to cease those promotions and licensees have adhered to those directions provided. They have been responsive to that action and further action will be contemplated. Likewise in recent times, particularly around Anzac Day, we have intervened in other promotions that have been deemed to have potentially breach the legislation to ensure that those promotions are ceased. We also have been very heavily involved in the Byron Bay Action Plan and have worked with the community in that regard to ensure that there is proactive management of alcohol-related harm in that community.

Part of that action plan includes a 1.30 lockout, a ban on doubles, shots, shooters, jugs of alcoholic beverages being served, a limit of four drinks per patron after midnight, the engagement of a responsible service of alcohol marshal who is specifically tasked with oversighting the responsible service of alcohol practices by venues after midnight on a Saturday night, a ban on the sale of takeaway alcoholic energy drinks and a prohibition on the sale of two-litre casks by takeaway venues, a prohibition on takeaway sales after 11.00 p.m., and likewise an initiative designed to ensure that the external packaging of takeaway liquor contains appropriate warnings. The issues in Byron Bay extend beyond the licensed premises and the action plan represents a cohesive effort to tackle these larger issues. We are working with all relevant stakeholders to ensure that the plan is implemented. Likewise the Office of Liquor, Gaming and Racing assumes a significant responsibility in implementing the Government's three strikes disciplinary scheme.

As an update, 37 venues have incurred a strike since the scheme's inception in January 2012. Twenty-one strikes have been incurred in relation to intoxication offences. A further 14 have been incurred for selling liquor outside approved trading hours. One venue has incurred a second strike under the scheme. For each strike the Office of Liquor, Gaming and Racing considers remedial action that should be taken and ensures that that action will minimise the potential for further strikes and curtail irresponsible practices. Likewise the Committee would be aware of the Kings Cross management plan and recent activities in relation to managing alcohol-related violence in the Kings Cross area. At the Office of Liquor, Gaming and Racing we have been responsible for implementing a number of the strategies under the Kings Cross management plan.

There are strict new licence conditions applying to the venues in Kings Cross in that new expanded Kings Cross precinct. We are working strongly with our co-regulator police to ensure that venues adhere to those requirements. Some of the conditions relate to close-circuit television, a prohibition on glass, and the engagement of responsible service of alcohol marshals. The Office of Liquor, Gaming and Racing adopts an

approach that attempts to minimise alcohol-related harm as well as in the compliance and enforcement space. Our efforts also include a strong focus on education. Recently we launched the Out Tonight? Party Right interactive game that has been included as part of the secondary school curriculum to educate young people around alcohol-related harm, informed decision-making and responsible drinking practices. That has been rolled out to schools. It is currently being implemented and we will evaluate that after 12 months of operation. It applies from year 9 upwards in the secondary setting. We have a number of other educational programs that we roll out through local liquor accords to ensure that we provide end-to-end regulatory responsibility.

The Hon. HELEN WESTWOOD: Thank you, Ms Tydd, for joining us with morning. I will begin with clarifying some of the information that you presented to us in your opening address. The 37 venues that you mentioned that incurred strikes, were they venues that were within the Byron Bay Action Plan, or is that across New South Wales?

Ms TYDD: That is across New South Wales.

The Hon. HELEN WESTWOOD: Have you been collecting data so that you could give the Committee a picture of trends? Are we seeing an increase in those strikes or a decrease, or are the types of breaches we are seeing different?

Ms TYDD: The Office of Liquor, Gaming and Racing maintains a public register of the strike offences. I am happy to forward to the Committee our fact sheets relevant to the three strikes disciplinary scheme together with the website address to ensure that the Committee can consider what we make publicly available, which is the name of the venue, the strike and the date upon which it was incurred. Likewise, the scheme has been in operation since 1 January 2012 and it is being monitored regularly. It is part of a review that we will undertake to assess its effectiveness.

The Hon. HELEN WESTWOOD: Prior to that there was no public disclosure?

Ms TYDD: The commitment to ensure there was a publicly available website was introduced at the same time as the legislation. So, the public register has been available since the legislation was introduced.

The Hon. HELEN WESTWOOD: Prior to that would the office have data on breaches?

Ms TYDD: The office relies largely upon the data provided by Attorney Generals in administering many of the schemes that we are responsible for co-regulating, for example, the schedule 4 scheme. So, alcohol-related crime data is made available to us through the Attorney General's Department. Of course, we adopt adherence to the State Plan to reduce alcohol-related offences. The Bureau of Crime Statistics and Research data released last week demonstrates an 11.5 per cent reduction in alcohol-related crime in the last 12 months. What we also make available is compliance data to inform our actions. We are in the process of releasing a compliance strategy following engagement with our co-regulators to better design our programs and better reflect the risks that are available. One of our key priorities detailed in that compliance strategy is an endeavour to manage these promotions and to ensure we use the statutory powers available to curtail—and ensure that licensees cease—any practices that may have special appeal or encourage excessive or irresponsible consumption.

The Hon. HELEN WESTWOOD: Does the office have any involvement in the Newcastle project? We have a number of submissions that refer to that, particularly the NSW Police Association's is supportive of that. Firstly, did the office have any involvement in the plan and did you have involvement in assessment? If so, what is the office's view about the Newcastle approach?

Ms TYDD: I can address that question from a factual perspective and some of the history. The licence conditions applying to the Newcastle and Hamilton venues were applied by the former Liquor Administration Board. A review of those conditions was conducted by what is now the Independent Liquor and Gaming Authority to determine their effectiveness. Some of those conditions were modified to some degree reflective of the review and also submissions made. The question about the application of conditions was a decision of an independent decision-making body, however, under the Act our compliance area is responsible. The director general has the power to make submissions in relation to the conditions that might be imposed, and that is a practice that is undertaken regularly by the department in providing submissions on significant matters. There is a separate statutory regime and that is the regime where the director general can impose conditions on licensed venues, and that certainly operates with a number of conditions being applied to licensed venues following a

request from council, the police, and therefore conditions applied under various provisions of the Act by the director general.

CHAIR: We did not receive a submission from the office. In your opening statement you had quite a number of interesting statistics which I think would benefit members. Are you happy to table your opening statement so we can circulate that to members for the remaining amount of time?

Ms TYDD: Yes.

Statement tabled.

The Hon. HELEN WESTWOOD: As you referred, our terms of reference are specifically around young people. Does the office separately look at alcohol abuse amongst young people and, if so, is that around compliance or is it also around programs?

Ms TYDD: In terms of programs, yes, we are committed to ensuring that educational resources are implemented to address alcohol-related harm in the minors' area, and the Out tonight? Party right initiative, which was a Department of Education and Training and Office of Liquor, Gaming and Racing combined program, has been implemented in schools. We have embarked upon other initiatives. Our compliance strategy is based on an assessment of the harm, and an assessment of the harm would include reference to minors in particular and then developing strategies to address that particular harm. Byron Bay is a very good example of that.

In relation to trends and statistics, we are largely interconnected with the statistics provided by Attorney Generals and we work with Police and Attorney Generals using statistical data to inform those strategies. In terms of further programs, the Office of Liquor, Gaming and Racing supports liquor accords throughout New South Wales. There are more than 130 liquor accords in New South Wales. Liquor accords are particularly focused on minimising harm and in some of the liquor accords the identification of alcohol issues associated with minors has been identified and strategies implemented to address any particular harm that may be related to alcohol consumption by young people. Again, Byron Bay is one example. The focus from a whole-of-government perspective that is brought to bear in the accords process has developed programs to ensure that consumption by minors is prevented. The legislation also prohibits sale and supply to minors and provides effective disciplinary and prosecution of offences that are able to be prosecuted.

The Hon. HELEN WESTWOOD: Does the office have a view of whether there is a problem amongst young people of alcohol abuse, and also, do you have data that tells us what the trends are? By young people, we are looking at 25, although they are not minors. From minors, when they are young people, up to 25 years of age.

Ms TYDD: Alcohol consumption and effective alcohol harm education have been identified as areas of priority and commitment within the office and by the Government. We have implemented a number of strategies to address that. I have referred to the Out tonight? Party right education resource. I would also refer to this three strikes disciplinary scheme in which one of the prescribed offences is sale to a minor. The Byron Bay plan has also recognised the importance of alcohol education and the prevention of sales to minors. Our liquor promotion guidelines particularly reflect the legislative intent to ensure that promotions do not contain any particular appeal to minors and they are not attractive to minors.

Our guidelines reflect that and the action we are taking to ensure that a show cause notice is issued to any licensee who is responsible for such a promotion, particularly using a medium that appeals to minors. That is generally social networking media. So, our compliance endeavours in identifying appropriate promotions is one of our strategic priorities. Our compliance endeavours have been focused on combing social media to identify any potentially harmful practices and promotions so that those statutory provisions can be utilised to prevent that harm occurring.

The Hon. HELEN WESTWOOD: Previously, the board had a role in making comment and placing conditions on new applications for licences. Certainly, the board would give advice at local government level. Does that remain?

Ms TYDD: Yes. The director general can make submissions to licence applications. The office also has undertaken a significant piece of research and developed a new tool that will be applied by decision-makers who are responsible for both the DA process and then the liquor licensing process. Currently, a trial is underway

that will be evaluated using what is called an environmental assessment tool. That tool has been developed by the Office of Liquor, Gaming and Racing following research into alcohol density. That tool provides a mechanism by which decision-makers, local councils—in this instance the trial is being conducted in Newcastle and the City of Sydney—where that tool contains various factors that help provide a risk rating and an assessment of harm mitigation strategies that are used then to determine the effect of a new licence in that particular locality. I am happy to provide more information about the evat tool on supplementary questioning, or should I continue?

CHAIR: Yes, you can finish that answer.

Ms TYDD: The evat tool looks at the locality. It looks at the existence and number of licensed premises in that locality. It looks at the issue of whether those licensed premises are late traders—so trading post-12 midnight. It considers the type of licence application being applied for—is it a non-premise, that is, a restaurant or is it a hotel licence. It then looks at other external factors, such as the availability of transport that is potentially beyond the licensee's control to then provide an objective assessment of whether a new licence may be low, moderate or high risk in that environment to assist decision-makers and those making submissions, which include police, local councils, Director General of Trade and Investment, to that determinative process to ensure that those making submissions address the appropriate harms and potentially suggest risk mitigation so that conditions do apply to those licence types. The tool is the first of its kind. The trial has just commenced and will be evaluated over a period of 12 months. It is a significant tool to assist decision-makers in the granting of licences.

The Hon. JAN BARHAM: For your information I declare that I am from the North Coast, particularly from Byron Bay where I was the mayor for two terms. We found it increasingly difficult to deal with alcohol-related issues. In 2007 OLGR had a task force in that region, but I have to say that most people thought it was pretty ineffective; nothing came from it to the point where seven years later we have had a 20 per cent increase in violence. Can you explain what happened to the 2007 task force with the Liquor Accord members? Do you know?

Ms TYDD: I am sorry. I will have to take that question on notice.

The Hon. JAN BARHAM: Do you support mandatory membership of the Liquor Accord?

Ms TYDD: Liquor accords operate on a voluntary basis. One factor taken into account by the evat tool is whether or not the prospective licensee will sign up to a liquor accord because that is deemed to be a mitigation strategy. We know liquor accords can be extremely effective tools when supported properly, when ideas to address harms are generated. The development of the Byron Bay Liquor Accord and the management plan to be rolled out there is representative of a concerted effort by police, by OLGR, by local council, by industry in developing strategies.

The Hon. JAN BARHAM: Some community groups have not been involved and I am unclear whether council has been effectively involved; it is primarily between OLGR and the licensees. Part of the concern is that the outcomes or development of a plan are a closed shop. The community is very consultative and it appears to have been locked out of a process that is very focused on an industry that is seen to be of control and OLGR being unable to do much to restrict or constrain?

Ms TYDD: The proposed conditions represent significant measures in relation to drink restrictions, a lockout and a limitation on sales of alcohol—

The Hon. JAN BARHAM: I am aware of what they are and make the point that three years ago the council resolved unanimously to call on the Accord to conduct a trial of last drinks after the Newcastle experience. That was ignored and, unfortunately, no power can force an Accord to take on such a trial or intervention. Obviously, you have had some effect.

Ms TYDD: Thank you.

The Hon. JAN BARHAM: In April 2010 the council voted unanimously. Was that part of an awareness of the authority?

Ms TYDD: Within OLGR we have and will continue to dedicate resources to ensure that the plan is implemented and monitored. This week we have a number of senior officers at Byron Bay promoting and assisting with the implementation of a number of the strategies. There is a commitment to ensuring that the Byron Bay Management Plan is effective and works for the community, for the entire community, to ensure that the issues and harms identified are properly managed.

The Hon. JAN BARHAM: Do you have any data or statistics about changes that were made to the 2007 Act that made it much easier to achieve licences and the difference that has made?

Ms TYDD: I am not quite sure I understand your question.

The Hon. JAN BARHAM: The BYO to licensed premises provisions that happened in 2008, I think, when Byron Bay liquor licences increased from 11 to 37? You turned every restaurant and café into a licensed premise.

Ms TYDD: Applications continue to be made. A determination must be made as to whether or not that licence should be granted. That is a two-stage process. I am sure you are very familiar with the process for a DA and then for a liquor licence process. We do maintain statistics.

The Hon. JAN BARHAM: Excuse me. I am sorry, but I believe the provisions meant that an existing restaurant or café paid a \$500 application fee and could get a licence.

Ms TYDD: I will have to come back to you on that. We do maintain statistics about the number of new licences granted and we can provide those statistics particularly to address the Byron Bay area, if that would assist the Committee.

The Hon. JAN BARHAM: Another point of interest is under-age drinking. Do you have information or ways of dealing with fake licences? I was shocked hearing from young people about the ease with which they can obtain false identities, how easily they are used and the fact that they are not detectable. Many young people were accessing venues with them.

Ms TYDD: The Act provides an offence for using a fake ID. Likewise, there is a relationship to transport in terms of the implication for a driver's licence. That would be a matter for Transport, but there is a nexus between fake IDs and P-plate drivers.

The Hon. CATHERINE CUSACK: I would like to ask you about what young people refer to as prefuelling and preloading. How much of a problem does your office view that as?

Ms TYDD: That is an issue that we are conscious to ensure we identify, better understand and develop and implement strategies to address it. It is a reported phenomenon and there were weekend media reports about those phenomena. We are looking at addressing that through a series of programs: One is education, the Out Tonight? Party Right education resource, which really does address that and talks about the harm and incorrect decisions that are made to potentially result in excessive consumption and then you are talking about attending a particular location or venue once that consumption has taken place. We would address that from an alcohol related harm issue.

We would also work with the accords to identify how significant a problem that is and whether it occurs in different areas to different degrees. It is something that we are aware of through the accords network; that different behaviours manifest in different regions. Sometimes beachside locations have different harms present than other locations. Prefuelling is something we need to further understand and together with police develop strategies to ensure that is addressed.

The Hon. CATHERINE CUSACK: Can I stop you there. I am eager to pin down what we know about that problem. Has any research been undertaken by your office on that issue?

Ms TYDD: I cannot point the Committee to any research that we have undertaken on prefuelling within the Office of Liquor Gaming and Racing.

The Hon. CATHERINE CUSACK: I am not aware of the media reports that you just referred to but everywhere I go I get complaints that there are parks littered with empty coke bottles where half the coke has

been tipped out and it is refilled with rum and the young people are, in their words, completely "prefuelled" before the night begins. With so much effort going into licensed venues I wonder whether we are getting the right end of it, particularly if we do not understand what the cycle of the violent behaviour is and how often that began with a prefuelled situation. Intellectually you would think there would be a high coincidence of that?

Ms TYDD: I go back to the accords; we are working to identify consumption in public spaces. For example, in Byron Bay consumption in public spaces has been identified as an issue. We will work with local councils to ensure that appropriate lighting infrastructure is created to discourage this type of behaviour. Likewise, there are provisions for alcohol free zones in public spaces. Again we are working with councils to identify where those spaces are and ensure they are alcohol free zones which will allow police to intervene.

The Hon. CATHERINE CUSACK: I live down the road from the Hon. Jan Barham at Lennox Head and the issue we have is with young people coming into our town from other communities. I know that is a huge issue in Byron and the incidents and deaths that have occurred in our community have been from young people outside our community attracted by that image into the community. The locally based things are commendable but unless we change this culture more broadly it does not matter what you do in these communities, does it?

Ms TYDD: Education is a tool to change behaviour and cultural behaviour that needs to be addressed. Our first step has been to go into secondary schools using this tool to ensure that people have access to appropriate education.

The Hon. CATHERINE CUSACK: That was launched on 14 February this year?

Ms TYDD: That is correct.

The Hon. CATHERINE CUSACK: How many downloads or what statistics do you have in terms of its use?

Ms TYDD: We will undertake a review and evaluation of utilisation and effectiveness during the 12 months of operation. In 2014 we will provide a report that looks at how effective that tool has been. I cannot give you the number of schools that are currently implementing it, however we did work with a number of schools prior to the launch to ensure that teachers had access to the tool and educational resources that accompany the tool so that they were well placed to implement it from term one.

The Hon. CATHERINE CUSACK: A lot of your answers have been relying on the fact that this tool has been launched. I am keen to understand the effectiveness of it. How can we get the statistics as to how many hits there have been on the website and how many young people are completing the programs? To wait 12 months before we know whether it is going to be hitting the target market—the young people who are out there prefuelling, getting drunk and causing damage to themselves and other people—is a long time. Are they the people who are going to sit in a class room and log on to the website and download the lessons and video and methodically go through them?

Ms TYDD: I am conscious that I have answered the Committee's questions in relation to the work being undertaken by the Office of Liquor, Gaming and Racing [OLGR]. There is a significant amount of work and a number of education campaigns being undertaken by Health NSW and those campaigns are directly relevant. To answer your question directly, Ms Cusack, we will evaluate the number of schools utilising the resource and I am happy to provide the statistics.

The Hon. CATHERINE CUSACK: Did you do a profile of at-risk young people?

Ms TYDD: In developing the resource we worked with the Department of Education. The Department of Education provided a significant amount of input into how to best ensure that young people were attracted to and were able to gain an education from this particular resource. That is why it was developed in the manner in which it is now available.

The Hon. CATHERINE CUSACK: Do you have a profile of a young person at risk of alcohol abuse that you are working to or is it just all young people?

Ms TYDD: When you are talking about a target are you talking about a percentage decrease or a demographic target?

The Hon. CATHERINE CUSACK: I am trying to understand who it is we are trying to help here?

Ms TYDD: I cannot answer the question that we have an established demographic target. We know the features of some young people who embark on consumption of alcohol and that has been addressed in Out Tonight? Party Right to ensure that addresses both ends of the spectrum.

The Hon. CATHERINE CUSACK: What were the features of those young people?

Ms TYDD: Risk-taking behaviour—I should answer your question more clearly—is one of the features, and the primary feature, that we have directed the Out Tonight? Party Right program to address. In that tool we are trying to influence better informed decisions.

The Hon. CATHERINE CUSACK: I understand the tool and what it is trying to do. What I am trying to understand is whether you have narrowed down a group of young people that your research shows are particularly at risk? We have heard from the Centre for Road Safety that 97 per cent of fatalities from drink driving are male. So obviously they are now targeting men. Have you profiled the at-risk group?

Ms TYDD: No, Ms Cusack, we have not. We rely on statistics from Health NSW and Attorney General and Justice, we have not undertaken any individual profiling within OLGR.

The Hon. NATASHA MACLAREN-JONES: Following on from a question by the Hon. Catherine Cusack, do you work with other departments in developing plans and if so which departments?

Ms TYDD: We have a number of intersections with other departments and a number of government and communication mechanisms to address that. From a compliance perspective we have regular meetings with the police both on the ground and at higher levels to ensure that our programs reflect the total regulatory intelligence. We also work closely with Attorney Generals, with Health and from time to time other departments with carriage, for example, the Department of Premier and Cabinet. We have an alcohol policy coordination working group established that comprises representatives from Health, the Department of Premier and Cabinet, police and Attorney General and Justice to ensure that in addressing the policy objectives we are able to take learning from the other departments.

The Hon. NATASHA MACLAREN-JONES: How long have the interdepartmental groups been operating?

Ms TYDD: A number of them have different timeframes and have been adopted for specific issues. For example, the alcohol policy coordination working group has been recently established and that is to ensure that there is a whole of government perspective on policy. In terms of regular liaison with police, both at an operational and more strategic level, those operational meetings have been in place for a number of years. At a strategic level I implemented a stakeholder engagement program at least two years ago to ensure that we have regular meetings with other regulators. It is dependent on the issue to be addressed, the time and temporal connection to those meetings, but from an operational perspective it is ongoing.

The Hon. NATASHA MACLAREN-JONES: Are you aware of any data that looks at alcohol abuse amongst young people in other countries?

Ms TYDD: There is a significant amount of research that is available to us and we seek to rely upon that research to inform our programs, so in relation to the previous question regarding profiling, OLGR has not undertaken that work itself but we draw upon the considerable body of research that is available to us and we also partner with Health or Attorney General's where appropriate to ensure that those learnings are translated into operational improvements.

The Hon. NATASHA MACLAREN-JONES: Does that also cover young people's attitude towards alcohol and the impact of the parents' role in relation to alcohol consumption?

Ms TYDD: There certainly is data available that looks at the impact of alcohol.

The Hon. NATASHA MACLAREN-JONES: What does that data reveal?

Ms TYDD: I could not address the Committee specifically on that issue right now.

The Hon. NATASHA MACLAREN-JONES: Could you take that on notice?

Ms TYDD: Yes.

CHAIR: Could I just go back to pre-fuelling for one moment? You mention that work is being done particularly on open spaces and lighting issues around parks and things like that. Is any work being done on pre-fuelling for people over 18 who legally purchase alcohol and then pre-fuel in private premises not in a public space and then present to a licensed premise where, unfortunately, the security guard on the door has to make the decision whether they can or cannot enter? I imagine they could legitimately stick within the purchasing guidelines of no more than four drinks per person, et cetera and still end up being a problem with alcohol-related violence. Is any work being done on private pre-fuelling?

Ms TYDD: I am not aware of any body of data that the office has been engaged in to assess the impact of fuelling in a non-licensed premises, in particular, in a home environment. I am not aware of that data through the Office of Liquor, Gaming and Racing. I could take that question on notice to see if it is available in the body of research that we draw upon.

CHAIR: That would be good, because obviously there has been a determination, for example, that the sale of two-litre casks of wine from off-licensed premises is an issue. Obviously people are taking that somewhere and consuming it and they may be consuming it in their private home?

Ms TYDD: Yes.

CHAIR: So they are all interrelated?

Ms TYDD: Absolutely.

CHAIR: It is not just about public spaces. The other thing I wanted to quickly touch upon is the use of scanners for drivers licences when people actually enter licensed premises. I had mine scanned just recently. Could you explain the rollout of these scanners, particularly with improved and cheaper technology cheaper, and the office's view of those? I assume the scanner is a good deterrent to fake licences and it obviously will assist police if there is an incident. What is the office's view of scanners?

Ms TYDD: I can provide an update on the current system that is operating through the Newcastle liquor accord where five venues have implemented an ID scanner system. That system operates with those five members signing up effectively voluntarily to implement a linked ID scanner. That linked ID scanner is also associated with a radio network so it has immediacy. When a patron attends the venue, the venue is able to refuse entry. It is my understanding that the system operates so that a licensee who refuses entry to one patron within that precinct will then notify either via the ID system or via the radio network of a particular individual who has been refused entry.

Accordingly it has a proactive management approach whereby that same individual then cannot gain entry to one of the other venues. Likewise, if the patron is removed from a venue, then the system is updated to ensure that the other venues are alerted to the fact that a particular individual has been removed or banned from that particular premise. That sharing of information has enabled the Newcastle licensees to manage both attendance upon a licensed venue but also when someone has been removed from a licensed venue.

The feedback through the accord has been that that particular strategy has been very effective because of its immediacy and because of the fact that there is a sharing of data between those five venues. Newcastle is also an area in which the number of patrons attending is quite different to other areas within New South Wales. I am aware of the comments whereby people travel to particular centres, regional locations, to attend upon that venue. Newcastle may have different features that have ensured that this system operates more effectively there than potentially it might in other areas, hence the desire to look at the harm and to look at a mitigation strategy that addresses that properly identified harm.

CHAIR: Does that information get shared with the police as well? If it is going to the other venues does it go to the police, if someone is being either removed from premises or refused entry?

Ms TYDD: I cannot answer that question, I am sorry. That is a matter that the licensed venues which have adhered to this particular system could. However, if the licensee calls upon the police to attend, one would imagine, particularly for removal, that there is an association at that time. Refusing entry would not necessarily be a matter for the police to be called.

CHAIR: No, but if the information is enough to be shared amongst other licensed premises I was wondering whether there was a direct proactive link there as well because ultimately it will be their problem if they cannot get in anywhere else and they start taking their frustration out somewhere else. We have run out of time but you mentioned in your opening remarks about the Byron Bay action plan and the compliance and monitoring plan. Are you able to table those or provide information about those?

Ms TYDD: The status of some of the documents that I have referred to, particularly the liquor promotion guidelines, have not been released. The compliance strategy I am certainly happy to provide to the Committee, even in draft form because it does represent a—

The Hon. JAN BARHAM: The liquor accord media release lists all those issues, does it not?

Ms TYDD: Yes.

The Hon. CATHERINE CUSACK: Documentation referred to in the statement that you might want to provide.

Ms TYDD: Yes.

CHAIR: I note that you have taken some questions on notice. The Committee has resolved that the response to those questions taken on notice be returned within 21 days. The secretariat staff will liaise with you for the facilitation of those answers. On behalf of the Committee thank you for your time this morning and your evidence.

(The witness withdrew)

SCOTT DAVID WEBER, President, Police Association of New South Wales,

PETER JAMES REMFREY, Secretary, Police Association of New South Wales, and

GREGORY THOMAS CHILVERS, Director, Research and Resource Centre, Police Association of New South Wales, sworn and examined:

CHAIR: Would you like to make a short opening statement before we go to questions?

Mr WEBER: Yes, Mr Chair. As far as we are concerned, and especially as a serving police officer, this is really a health issue; but it is definitely a police issue too. We have to deal with the repercussions and the injuries, the assaults, the attacks that are related to this, and what we should be doing is protecting and teaching our young people. In my duties as a Police Association president but also as a police officer I have taught in many schools, I have given many presentations and also dealt with the issues of alcohol-related crime. What we are seeing is a model that can work and reduce this violence across the State of New South Wales, and that is the Newcastle model. Again, the Police Association for a long period of time has been going down this path. When we see a 37 per cent reduction in alcohol-related assaults this is a strategy that needs to be implemented across the State, and it beggars belief for all police officers that this has not been introduced.

If we were talking about any other strategy we think it would be introduced, but obviously alcohol-related violence is an issue across all the community and there is a large amount of people that are involved in focusing on the industry; that is, there are very powerful lobby groups that deal with it. What we are saying is that we are here to represent the community and police officers, that is, protect the community interest, protect police officers' interest. We are sick and tired of police officers being assaulted, but, most importantly, we are sick and tired of the community being injured when we can prevent these crimes. That is why we want the modest restrictions put in place: 3.00 a.m. closing times, 1.00 a.m. lockouts, restrictions in regard to the sale of shots and heavy liquor. With these modest restrictions we believe this is a start to tackling this multifaceted problem.

What the Chair has raised before in regard to scanning and other issues, yes they can be done as well, but if we want a silver bullet that can actually start to rectify the problem straightaway we believe the Newcastle model is it. This is what our police officers on the street tell us, this is what the community tells us, this is what the Last Drinks campaign tells us, which has ambulance officers, doctors, nurses, all involved. We look forward to any questions, but from a police officer's point of view this is something that we can start to fix. It is a massive problem but we need to start somewhere and we need to make some very difficult decisions.

The Hon. HELEN WESTWOOD: Thank you all for appearing before us today and for your very detailed submission as well. You have referred to the Newcastle model and it is very clear from your submission and everything you have said to date that that is what the association believes is the best approach we can take in New South Wales to limit alcohol abuse. Do you have any idea what proportion of a police officer's workload or a command's workload is related to alcohol abuse and also what proportion of that is young people, because our terms of reference relate to minors up to 25 years of age?

Mr WEBER: We have a saying in the police that nothing good happens after midnight, and if nothing good happens after midnight it is usually all alcohol-related—it is usually 80 per cent, and I am using generic terms across New South Wales, that individual commands are facing. When we are talking about the north of the State, when we are talking about Byron Bay and the issues up there, obviously there is a major emphasis on youth crime and that is where numerous strategies need to be put in place. I know that the Committee is already looking at, obviously, education and alternatives and making sure they are involved in sports and family units; it involves a massive amount of other resources and departments, but from a policing point of view we are always at the tail end once it has gone too far, once people are too enebriated, once people have become victims or offenders.

What we want to do is put those preventative strategies in place. If we can limit the availability of alcohol, the density of alcohol and the propensity for people to get enebriated, that gives us the opportunity to have that breathing space to start being more proactive instead of just dealing with, obviously—I hate to say it—drunken idiots. I can have a conversation with a group of adolescent youths and they will be quite coherent, not a problem. Add alcohol to the mix, whether it be five, 10, 15, 20 drinks, it progresses slowly and then becomes absolutely anarchy. I think maybe Committee members have dealt with people that are enebriated: it is a very

difficult conversation to have. Also, as soon as a police officer turns up there, just by their sheer presence there is authority; the sheer presence is telling them to stop their behaviour. All of a sudden there is an interaction there that can lead to violence and that is the last thing police officers want to do. We do not want to be involved in arguments and confrontations or arrest young people; we want to make sure they are safe.

On top of that too, it ends up injuring our officers. That is where we saw the spike up in Byron Bay, that 25 per cent higher rate of assaults against police officers than anywhere else in the State of New South Wales. This is the premier place for people to come and visit and enjoy themselves and yet we see the stats that out rate the rest of the State in regards to alcohol-related violence, and it is just not on. We can come down with a heavy hand and put a lot more police resources in, and I saw that in Bathurst when I was an operational support group officer, I was chief of what you would call quasi riot police, and we went up there with a large amount of police resources, which this State pays for, to deal with a sporting event that had a large alcohol-related violence problem. Slowly we have fixed that up, and that is through a massive presence and numerous other strategies put in place. You can do that across the rest of the State but it costs a lot of money, so why do we not put something in place that has already been tried and tested? That is why we will keep going on about the Newcastle model.

Mr REMFREY: I was just going to add to that, the issue that you raised specifically about youth crime, obviously, particularly for those who are able to get into nightclubs and the like, in our hot spot areas the local area commanders would say that their after dark calls for assistance, calls for service if you will, are well above 70, 80 per cent. The average, I think, across New South Wales is 70 per cent and, according to the stats from BOCSAR, the 70 per cent of assaults against police are alcohol related. Hence, you see the reason that the union got involved in this at the start, particularly when we saw the success of Newcastle; it was not only a community issue and where we wanted to see crime rates reduced, which is obviously good for the community, but from our specific remit it is an officer safety issue. If we can prevent assaults happening on our members, that translates into reduced hurt on duty workers compensation claims and medical exits.

Mr CHILVERS: Can I just add too, we are certainly not saying that this is the solution to all the problems. There are a whole range of other issues—there is advertising, which we have already identified; there is pricing, which is a significant issue, particularly when you have got the major chains that can sell at the bottom level below cost, which interestingly in some parts of the world is illegal but not in New South Wales. But in terms of the violence issue, this is a no-brainer: the evidence is so overwhelming that we can address that part of the problem almost immediately.

The Hon. HELEN WESTWOOD: Do you have a sense that young people are more at risk in those, you called them hot spots? We talk about Byron Bay, we talk about Newcastle and Kings Cross. Is it overwhelmingly young people who you are seeing inebriated and then either being the victims or perpetrators of crime?

Mr REMFREY: The stats would suggest that they are not only the perpetrators they are also the victims. The argument says we need to allow 24-hour trading, for example, because it is a right of passage, et cetera. We are actually putting at risk the very people that your Committee's terms of reference are designed to look at the problem. Some of the CCTV video that we have out of frustration released, I think the Wollongong example will show the very demographic that you are talking about both engaged in and being the victims of that sort of violence and probably more violent than any video game that one would ever see—an individual having his head kicked almost off the top of his head is something that I think even the most hardened police officers when they saw the violence were amazed at. That formed part of a section under the Act to get a precinct changed and restrictions into Wollongong. It was put up as evidence to the Office of Liquor, Gaming and Racing [OLGR] only to see the bureaucratic machinery take its toll. By the time they actually considered the claim or the brief by the New South Wales police they took the view that the information was too old and therefore we got nothing out of it. This is the frustration that we have seen over the course of this campaign.

Since the confirmation of the success of the Newcastle arrangements we have been seeking to have them in place, successfully I might say in some areas such as Manly, for example, by way of some changes to hotel ownership over there and some people coming in with a different business model now ironically making more money. The venue in the case of the famous Steyne hotel is making more money than they ever did but closing much earlier, having their own lock out, doing exactly what it is that was imposed on Newcastle and succeeding. It can be done. The argument from the industry that it will send us broke and the night-time economy will fall over is nonsense. We are talking about a change from 5.00 a.m. to in Newcastle's case 3.30. It is not a huge difference in trading hours but an almighty difference in the effect on the community. I think, if

the statistics had continued, there have been 2,000 less assaults in that city since the restrictions were implemented. That is 2,000 victims of crime and 2,000 perpetrators of crime who wake up the next day and say, "What have I done?"

Mr WEBER: By the sheer nature of being young obviously it leads into that path, because they are more likely to take chances. They are more likely to experiment. They are more likely to see what life has for them and take what their role models are doing. There is a massive culture of binge drinking in Australia. It occurs across all facets of the community and of course young people are going to take that on board. We saw in the Newcastle model where there is evidence that young people are not going out as late as they used to. We see that in Sydney where people do not go out until 11, 12 or 1 o'clock at night and then for the weekend they are non-functional. They sleep during the day. They do not go to that community event. They do not go to the sporting event. They are not maintaining their fitness. They are not actually developing. That is where it can hurt them a lot.

A prime example is I have worked at the Mardi Gras many times and that is an area where obviously people under the age of 18 should not be intoxicated but virtually every single issue I have had at the Mardi Gras has been with intoxicated youths, large groups of intoxicated youths. Whether it be the ongoing brawls that we had in Hyde Park and we restricted alcohol behaviour and made that an alcohol-free zone eventually. But then just along the Mardi Gras route recently there have been a large amount of issues there with youths. It is an ongoing problem with us and just by their sheer nature they are going to be the most vulnerable victims. Ongoing it is going to occur that way because again they do not have the cognitive abilities. They are still developing and they are more likely to take those chances. Nor do they have the tolerance to alcohol, which is a very powerful drug.

Mr CHILVERS: Mr Remfrey referred to this issue of the 24-hour city as part of being an international city and that is one of the arguments that is often put up by certain members of the alcohol industry. That is, by reducing opening hours and that sort of thing in some way we are going to reduce everything from tourism to our worldwide reputation. I do not know where that has come from. It is an emotive argument which has no basis in fact, I can tell you now. I was in New York four or five months ago. I would defy you to get a drink in Times Square after midnight. You cannot.

The Hon. HELEN WESTWOOD: That leads me to a question I was going to ask. Perhaps you have already answered it. Does the industry offer any evidence for the argument that they make that if we did limit alcohol availability and hours it will have a severe detrimental impact on their businesses?

Mr CHILVERS: None that I have ever seen. In fact, the evidence that we have available to us particularly through the experiments in Newcastle and in Sydney at the Steyne and all that sort of thing is that if you do it properly and if you start to take control of things and make it a family friendly environment in fact your profits go up.

Mr REMFREY: There is another aspect to that. I have not got the statistics to hand, but the proportion of late traders in terms of licensees is actually very small. In terms of the bigger picture of the industry—and we were accused by a former politician in this place of being wowsers when we started this campaign, but the three of us are living proof that that is not true—there are not that many venues that trade late in a proportional sense. Most venues will be shutting at midnight, particularly those in suburban areas and the like. But those that do trade late have a disproportionate relationship with violence and other forms of crime. The real question is what sort of balance do we want as a community? You guys as lawmakers are in a position to be able to have some direct influence on that.

Do we want a situation where we have 24-hour trading as they have now introduced in in Britain with the detrimental effects that they are having? I think our paper demonstrates that. Or do we want to have some sort of a balance where we all want to see Australia continue to have this reputation as a sporting nation and fitness and people contributing throughout the weekends? Or do we want to see our next generation living an alternate life where they drink all night and sleep all day? That is not something I want for my children, who are not quite at that age yet fortunately, but I have friends whose children have just graduated from high school and they are now experiencing the joys of going out until 5.00 a.m. That is killing their family lives. The parents are up all night worrying about whether they are going to get home and in what state.

They are the issues, and there are not that many late traders. We do have some hotspot areas like Kings Cross. Most of those are nightclubs, not pubs. You can draw your own conclusions about those. Most of them

are not members of the Australian Hotels Association [AHA] so the industry is probably not that interested in them anyway. Whether or not we come up with a solution that if you introduce a lock out combined with a 3.30 a.m. shut down you avoid a lot of the problems. You cannot do one without the other, I might add. If you have a 3.30 a.m. shut down then everyone is out on the street at the one time, but if you combine that with a lock out at 1.30, for example, then people will leave.

They cannot get in anywhere else; the only alternative is to go home. I think if you manage that with the issue of public transport, which is always the great whinge, then you might solve the problem. Although the evidence would suggest from our members and you will probably get some information from the transport authorities that the volume of people using the bus system up there is not high. Even with the amount of money that the Government is spending on that, it is still relatively low. They are relying on taxis and other forms of transport to get out, or they are waiting for the first train out at 6 o'clock the next morning.

Mr CHILVERS: There is also interesting research that has been done recently by Professor Peter Miller from Deakin University. He did a lot of work on the Geelong night-time economy. One of the things that they discovered as a side issue was that when they reduced the opening hours or the lock outs were brought forward one of the effects was that young people went out earlier. That had the flow-on effect of reducing the preloading. They are still going out and having a good time but they are doing it a bit earlier now. Whereas at the moment if they can get in at any time, they preload, they go out at midnight and then they have all the problems.

Mr WEBER: Therefore their alcohol intake can be regulated. It is more visible. You would not know if Scott Weber had 20 drinks in the park before he went into the nightclub, but you would definitely know that Scott Weber keeps going up to the bar and keeps having a drink. I think it affects 4 per cent of licensed premises that trade after 3 o'clock, but I think we need to remember what sort of State do we want to live in? That is, I want to live in a State where our children are protected and where they have an opportunity to come home safely. The last thing a police officer wants to do is deal with someone who is injured.

We do not want someone to come home in the back of a paddy wagon, the back of ambulance or make those phone calls from hospital or, even worse, go and visit a family and tell them the most horrible news because they went out for a night to try to enjoy themselves. If we can limit that in any way that is the job that we should be doing and we should be definitely protecting our children. Again there is so much evidence about the Newcastle model, giving that an opportunity. I think that is the first start in a multifaceted approach with education, advertisement and making sure our young people are healthy and that they are there tomorrow.

The Hon. JAN BARHAM: Thank you for your submission and all the great work you have done in relation to the Newcastle option and the Last Drinks campaign. Can you explain why, in my community where, as I said previously, we have a unanimous resolution from the council to request that the liquor accord undertake a trial of Last Drinks, that could not happen? Why did that not happen? Why is there no authority that could make them do it? Can you explain that?

Mr REMFREY: No. We entered this debate after the research came in about Newcastle, assuming that the Government would go, "Wow! A 37 per cent reduction in a crime stat." If that was the road toll or a 37 per cent reduction in deaths in hospitals, there would be handstands being done down Macquarie Street to introduce it. We can only surmise that it is the influence of the industry that has stopped the ongoing rollout of this from a mandatory perspective. But, at the end of the day, there was a change, I think, to the liquor laws at the time and a shift from the old Liquor Administration Board to the new model, which we do not think has worked.

The Hon. JAN BARHAM: Can I ask you about that? I asked the representative from the Office of Liquor, Gaming and Racing about it. The change that happened in 2008 meant that restaurants and cafés were able to transfer to have a licence. As you probably know, in tourist towns some of those places are now operating like small bars, basically. Has that had a big impact? Do you have any evidence about whether or not there have been impacts from those regulatory changes?

Mr REMFREY: It would be anecdotal evidence, so we are a bit reluctant. We have always operated this campaign on an evidence-based approach.

The Hon. JAN BARHAM: Yes.

Mr REMFREY: There is so much out there and so many opinions about what works and what does not that we have always reverted to saying, "Look, if there is evidence, show us." For example, with education campaigns people naturally say, "Well, let's educate our young people." That is fine and we should do that, but it does not work.

The Hon. JAN BARHAM: No.

Mr REMFREY: The evidence would suggest it does not work. All of the academic research has been done around that whole issue of the responsible service of alcohol. Unless it is extremely heavily policed and done in a very strong way by the licensees, it does not work either. The logic of personal responsibility is just absurd when someone has a skinful of grog. I mean, we have all been there at some point in our lives. I am probably giving away some personal views here.

The Hon. JAN BARHAM: Yes.

Mr REMFREY: You just do not have the cognitive capacity when you have had eight or 10 drinks. It is just absurd.

The Hon. JAN BARHAM: You are saying there is a responsibility on the State to limit and impose those restrictions?

Mr REMFREY: Absolutely.

The Hon. JAN BARHAM: You support Last Drinks being trialled statewide?

Mr WEBER: Yes.

Mr CHILVERS: Yes.

Mr REMFREY: That is our position. We think it should be trialled statewide. Trial it in a number of different sites, if you wish, but we have got a problem with alcohol. Sure, they will point to some reductions in alcohol-related crime in the last several years, but that is coming off a very high base. I would see a 37 per cent reduction than the marginal reductions we have been able to achieve to date, and that is with a lot of resourcing. It is a lot of police time that could be better spent dealing with other real crimes in the community than chasing drunks around and, you know, the stuff that happens. The stuff that is not reported is pretty critical. I feel for the pubs.

We have been talking with some very sensible long-term licensees in the industry who know what works and what does not. They have made some business model changes, as we were talking about earlier. Prior to the global financial crisis, there had been a peak where pub prices went through the roof. There were mountains of money to be made, apparently. A lot of people came into the industry who knew nothing about it. They have done their shirts. People are saying, "Oh, it's because of the restrictions on alcohol." No, it is not. They paid over the odds for their premises and the good smart players are coming back into the industry, buying up the pubs cheaply, and changing the business models.

But that will not happen universally without regulation because it is a competitive environment and if you are in a place like Manly, it has only been through sheer luck—a change in one premise and a couple closing for renovations—that we have reduced a lot of the crime. But whilst ever it is a voluntary arrangement, one of them is going to go, "Well, I can make a quid out of this by staying open until 3.00 a.m. or 5.00 a.m.", and we will see a whole competitive return to the old days and the police will have to go back in there. It has often been said by the Manly local area commander, "My local area command wouldn't exist if it wasn't for the alcohol problem." That is absurd.

Mr CHILVERS: In terms of the research, as Peter said, most of the Newcastle model would affect only a very small number of venues anyway, and they are usually the very large ones. That is the George Street strip, it is Kings Cross—those sorts of venues. They are very difficult to police the responsible service of alcohol when you have 1,000 people crowded around a bar, all shouting. We are not talking about closing. We are talking about coming back from 3.30 a.m. to a 1.00 a.m. lockout. It is tiny stuff, but it has a big impact.

The Hon. JAN BARHAM: The density issue is relevant at big venues, but in the small rural areas, it is about that density particularly in tourism areas.

Mr CHILVERS: Yes.

The Hon. JAN BARHAM: My experience is hearing from the police about the alcohol and other drug mix, and ice and some of the amphetamine issues being a problem. The combinations are problematic.

Mr CHILVERS: A tiny problem, a tiny problem.

The Hon. JAN BARHAM: It is not?

Mr CHILVERS: Again, this is one of the arguments that is put forward by some members of the industry, and that is that the problem is not alcohol; it is a combination of alcohol and drugs. I tell you it is a very, very small problem compared to alcohol on its own—very small.

Mr REMFREY: There is a study out of one of the Newcastle hospitals up there.

Mr WEBER: The Mater.

Mr REMFREY: The Mater got a grant to look at drugs, and after a very short period of time they gave the money back because there was no problem in comparison with alcohol. The bigger problem with alcohol is alcohol mixed with—

Mr WEBER: Energy drinks.

Mr REMFREY: Yes. That is causing a very significant problem.

Mr CHILVERS: Yes. It is sort of alcohol and they allow you to drink more.

Mr REMFREY: They are keeping people awake whereas in days gone by if you had a lot to drink, you tended to go to sleep. But that is not the case. It is fuelling this whole problem of a 5.00 a.m. finish. Some of the statistics about preloading are very interesting. There is some work out of the Deakin University suggesting in a survey in which people were saying they drank between 11 and as much as 25 standard drinks before they went out.

The Hon. HELEN WESTWOOD: Oh.

Mr REMFREY: This is not anecdotal. This is a legitimate survey that was undertaken. The chap who Greg mentioned earlier, Professor Miller, did a study around Geelong where it was a little bit more sanguine, but they had at least six standard drinks before they went out. The whole concept of shifting the night forward and reducing the amount of preloading means in aggregate you are reducing the amount of alcohol that people are consuming, and that has got to be a better outcome for everyone. His study has suggested that that is not just a theory but that in fact that is what has happened in Newcastle. The amount of preloading is reduced. It makes sense.

The Hon. CATHERINE CUSACK: Just on that issue of preloading, it is pretty much because people have made a decision that they want to get drunk that night, and the cheapest way to do it is, rather than ordering over the counter, to self-help beforehand. Have you any observations on gender issues? Is this more boys than girls? Is there any movement in that?

Mr WEBER: Oh, in fact there is massive movement in regards to females. I think you can see that in the footage and it is demonstrated in regards the amount of females that are coming across the board in alcohol-related violence crimes and also being victims, which is a scary trend. Again there are numerous social factors in regards to that, such a peer pressure and obviously trying to mimic role models, idols, and just the sheer nature of going out. It is late night. As Peter says, there is preloading and it is obviously a lot cheaper to do that. They sit at home and preload or they go to a party before or go to the pub before, and then go into the premises where they have those extra couple a night. Also fatigue kicks in there.

You highlighted before the energy drinks, but any form of stimulant obviously will give you the capability of increasing your alcohol intake, which is not beneficial and obviously, with all those factors involved, relates. We are starting to see a trend to more female offenders and victims, and probably a lot more to offenders.

The Hon. CATHERINE CUSACK: Is that because there are more women going out? I am sorry: Why do you think that is?

Mr WEBER: Because of exactly where you were leading towards. It is that more women are going out. Also the nature of their role models are totally changed. I find that 15 years ago, if I told someone, "That's it. Enough. Move on.", they would move on. These days if I tell someone to move on, they will go, "Who are you? Why are doing that? You can't tell me what to do." There has been a massive change in society with regard to respect. Whether that be for politicians or police officers or people in authority. It is a horrible thing. Where we could turn up to a noise complaint with one police car and two officers, now we have to bring more. Why has that occurred? Mass media. People are taught to question authority, which is a good thing at times as well. But mix that with alcohol it is an absolute recipe for disaster.

We are seeing a lot more young people coming across our desks, a lot more young people being involved in crime. The Government is trying to deal with that and we welcome the money that has been put into the police citizens youth clubs and alternatives to sentencing and focusing on that. But, again, we keep coming back to the Newcastle model because I think that is the preventative strategy that can stop all this. We do not have enough money to solve all the problems, of course. It is a finite budget. Let us put our money where it works. We need more police across the State of New South Wales, that is quite clear. Would it not be great if we could relieve the workload of police officers every Friday and Saturday night and instead of my colleagues and I dealing with drunken idiots every day we could attend a domestic earlier or I could deal with the offending driver instead of speeding to a brawl that is in progress, because there is always something else to do.

The Hon. CATHERINE CUSACK: I do want to come back to that but there are other issues I want to ask about. One relates to when a police officer comes across someone drinking in a park. Many areas have been declared alcohol free. Are our laws effective and do our police have the powers they need to end the drinking in those public places, particularly those ones that have been declared alcohol free?

Mr WEBER: Probably what we would like to do is confiscate the alcohol forever. If there is any open alcohol we usually poor that out straightaway.

The Hon. CATHERINE CUSACK: Just to clarify, the powers are clear that you can do that? I live in a coastal community as well and our feedback from police is that they do not have the power they need to intervene, that they have to give warnings, and the best they can do is tip it out and the fact that some place has been declared alcohol free is a bit of a farce.

Mr WEBER: Firstly, when we turn up you pour out the alcohol that has been opened and confiscate the rest of it. If that person is over 18, they can come into the police station and reclaim it or, if they are under 18, a responsible guardian can. So they have not lost too much really other than the fact that they are moved on. There are fines that we can issue but they are very minor fines. Also, it needs to be proclaimed, signs need to be clear, and that is done by councils. It is a difficult process. Numerous times, even when I worked in Marrickville, the dates had not been updated and suddenly there is a way out there. On top of that, if people are drinking in those non-alcohol designated zones there has to be a punishment a lot more severe than there is—confiscation of the alcohol for ever, fines, all those facets, so it stops the behaviour. In your coastal areas you would know you get the same people every weekend and they know the rules after two or three weeks. They will hide their alcohol, have their one drink and see the police coming up so they will scull that and move on and come back half an hour later.

The Hon. CATHERINE CUSACK: We had a disgusting Australia Day riot at Lennox Head a few years ago and everyone could see it coming. It appears to me that the powers were insufficient. Secondly, if there were to be some sort of a crackdown on the pre-fuelling in public parks, which I understand is a problem in various specific communities, would police have the powers necessary to do that? Can you make any suggestions as to how we can improve those powers, even on notice if you want to?

Mr WEBER: Yes, probably on notice, but, as I said, alcohol could be taken away and never given back and obviously destroyed. On top of that there should be some form of fine a lot more than there is,

regardless of serving alcohol to minors and drinking in a public place, all those issues of being intoxicated in a public place. If it is designated as a zone that has that prohibition, they should highlight the fine straight away. If that occurred it would send a ripple through the rest of the community. Obviously they may move to other places and then the council can designate that, and eventually you would stop that issue. Probably the issue at Lennox Head on Australia Day, Australia has a massive drinking culture. We had a great Anzac Day but again a lot of people were inebriated, and people accept that. We see in the morning people drinking a large amount of alcohol.

The Hon. CATHERINE CUSACK: And urinating in the street and behaving in a disgusting way.

Mr WEBER: This is where all of a sudden police officers are not tied up with one of those incidents, they are tied up with 100. The charging process, even writing a ticket, all of a sudden 20 or 30 minutes just for the ticket alone, because you are dealing with an inebriated person. If they cannot understand the ticket it goes through a charging process and those officers are off the streets for two hours. In the meantime, there are 100 other offenders. So, if we can just get that buffer. I can walk past every person in this room and they are not causing a problem and there is one who was causing a problem and I deal with them and everyone else sees that, slowly I can get to those offenders because a lot of people you see on Australia Day or Anzac Day they do not have any police interaction. It is not that police want to do it, it is just the lack of resources or the physical numbers to deal with those problems.

The Hon. CATHERINE CUSACK: Preventing the escalation?

Mr WEBER: Yes.

Mr CHILVERS: Can I come back to the gender differences, and I think that is a significant issue. Part of the problem I think is the movement amongst young people towards shots. I have personal experience of this. I was at an event not long ago where I saw a line of shot glasses on the bar and a line of young girls probably 18 or 19. I turned around to get a beer and turned back and they were all empty. They just throw them down and go off. We all know that physiologically women get drunk a lot quicker than men do and they keep up with the guys, drink the drink—unfortunately, high alcohol shots. One of the solutions put forward again in the Newcastle model is to ban shots and high alcohol drinks after 10 o'clock. That has got to have an impact on it. They can still have a drink, but not shots.

Mr REMFREY: The smart publicans ban them anyway. They do not want to deal with the drunks. If their business model is focusing on food and encouraging families and people into their place and reduce security costs, they ban them. They do not allow that stuff to happen in their pubs. Unfortunately, they are not all that smart.

Mr CHILVERS: It is not just about getting drunk. It is physically dangerous for young women to be consuming alcohol at that level.

CHAIR: That leads me into where I was wanting to ask some questions. You have had experience over the years on the ground. In relation to the culture, what has changed? We have had alcohol since day dot. We have had a culture in this country of being able to have a drink and being drinkers. I can remember recently watching some footage of early World Series Cricket games and people turning up to games with a case of beer on their shoulders. They were their drinks for the day. What has changed? Is there not an argument to say that we should be focusing on the way we consume alcohol and not the alcohol itself or is it what we are adding to the alcohol, the type of alcohol? Have you any idea as to what has changed? My parents are from Ireland. I grew up with what you would say was a culture of alcohol being part of everyday life. But it was not a case of seeing how many Guinness you could smash in the first hour. It was more a case of sitting around having a Guinness and having good conversation. What has changed?

Mr WEBER: I am glad you brought up the question, because that is a prime example. The cricket was a massive issue. Sitting in bay 13, 15 years ago, was not a family environment. People were having massive amounts of fights, police officers getting assaulted. I have worked at the cricket and the January tests many times. We have seen moderate restrictions being put in place in regards to mid-strength beer, limiting the amount of alcohol you can take down to your seat, not letting your own alcohol into the premises. There have been massive restrictions.

The Hon. CATHERINE CUSACK: Getting rid of the beer wenches?

Mr WEBER: That is right, and other people buying you alcohol. We have seen the families come back. They have not lost any money. It is actually a better business model because everyone there can enjoy it. Sometimes people say you go too far with the beach balls and the bar beer snakes, and perhaps I probably agree with that. But the modest restrictions put in place make sure everyone enjoys the day and everyone comes home safe. We have seen a massive drop-off in assaults. Also there is CCTV. The Sydney Cricket Ground has some of the best CCTV footage in Australia. But we have seen a culture too. Fifteen years ago if there was a fight in a bar, it was one on one. One person being knocked down and he would pick that person up and they would have a schooner together. Now, the person goes down to the ground, someone will jam a schooner glass into his face and numerous people kick him while he is on the ground.

There has been a massive change. Is that mass media, access to the Internet, violent movies, propensity, not realising the consequences of their actions because a lot more young people are out? There is also the availability and variety of alcohol. When you went out 15 or 20 years ago there would be two beers on tap perhaps and there would be six basic spirits, no pre-mixed drinks. So if you did not like that, you would probably struggle. These days there is a drink that caters for everyone and they all have alcohol in them and they are all quite strong and readily available. There is the availability and proximity and density of alcohol. Instead of walking down to a pub and organising, modern technology adds to it too. You may plan to go out; "I've got football on in the morning."

All of a sudden you get a text at 10.30, 11, 1 o'clock at night, "Oh, no Scotty's down at the next pub. I'll go and have one there" and it ends up being a drink until 5.00 a.m. We did not have the propensity to do that 15 years ago. And if you did not catch up with your mates and they went to another pub, you were in a pub where you did not know many people so you would have a couple of drinks and probably go home because there were only landline phones. There are numerous facets. We have always had the culture of binge drinking. We will always have the culture of having a beer; that is entrenched in the Australian society. But in regards to moderation and also knowing when you have too much, everyone would know someone at their eighteenth or twenty-first that had been paralytic drunk and the next day says, "Jeez that was a great twenty-first or eighteenth". Speaking from experience here, we definitely are not teetotalers or wowsers, but what we are saying is, "I want to go out and have a drink."

I want to sit and have a bottle of wine with the person I love" or "I want to go out with my mates and watch a sporting event and have a beer and I don't want to come home with a massive mark on my face because someone's jammed a schooner glass in my face" or been kicked in the side of the head and never been able to look up or been sexually assaulted. I have been to all these matters and they leave horrific scars for the person involved. It hurts the offender and the community around them, their family and friends. This is not a society I want to live in. As a police officer I took an oath to make sure I would protect the society. This is what we are highlighting. We want these modest restrictions in place. We have told both sides of government many times when the previous Government was in power and this is something we will not walk away from because it is something I have sworn to uphold and protect. When I do walk away from it, I will leave this job.

Mr REMFREY: A common theme in what Scott has just said and to follow the answer to your question is access and availability. I dare say when you migrated from Ireland the pubs shut at 10, presumably. We have had a creeping greater access to and availability of alcohol. At the Dan Murphys you take your car and fill up the back of it, it sounds great and I have been there myself but it is causing a problem. Earlier we talked very briefly about a floor price. Some alcohol is being sold in some supermarkets now—Aldi is an offender—where it is cheaper than water at 80 cents a can. Is it any wonder that kids are going "Oh wow, I can get smashed on Aldi beer and then try to get into a nightclub"? That is the culture that was not around. You never had a drink before you went out previously. Now it is what you do.

CHAIR: That is the issue we grapple with. What has occurred that has turned the attitude from "Let's go out" to "Let's get smashed and then go out and get even more smashed"?

Mr REMFREY: I think it is because you can. It is as simple as that. Instead of shutting at midnight or thereabouts, it is now 3.00 a.m. or 5.00 a.m. You can do it. We have created an environment where that is not only able to be done, but acceptable to be done. We need to pull that back. The very interesting thing from our perspective is the level of community support for what we have been arguing. We hired a company to do a survey of the community; it tacked it onto one of those omnibus surveys that they do. There was 85 per cent support across Australia and 80 per cent support in New South Wales. When one of the academics followed up on the Newcastle study, it was similar amounts of support from the very community that people are saying

"We've had these restrictions in place." They actually think it is a good thing because it has changed the amenity of the people of Newcastle. That is the balance that you guys as lawmakers have to try to strive for. I know it is not easy, but the evidence would suggest that the pendulum has been swung too far and we just have to pull it back a little bit. We are not going back to 6 o'clock closing or 10 o'clock closing. We are not saying midnight closing. We are saying, "Let's just peg it at a reasonable amount that balances the industry needs and the rights of people to have a good time, but not go over that edge. Newcastle is still a problem. We still have issues of violence up there, but it is nowhere near as bad as it was.

Mr CHILVERS: They are the two things on reflection in my life that have changed: access to alcohol and pricing particularly. As Peter said, when I was a student a long time ago, pubs closed at 10 o'clock and you went out. No-one would dream of having a whisky or something or a shot. You could not afford it for a start. We used to drink beer and when you went to a party you would take, dare I say, flagon wine—our tastes have improved since then! They were the two things. Now the only difference from when I was young is really that the opening hours were extended significantly and the cost has reduced to such an extent and the availability is much greater. They are the two things.

CHAIR: Do you mean the cost of those stronger spirits and things like that?

Mr CHILVERS: Bang for your buck.

CHAIR: When I was a student beer was \$17 a case and now it is pushing \$50 a case.

Mr CHILVERS: Yes. But in relative terms it is still—

CHAIR: It is dearer.

The Hon. CATHERINE CUSACK: I actually think it is cheaper.

Mr REMFREY: There actually has been a study done on that very issue and the affordability of alcohol increased by 40 per cent between 1995 and 2008.

The Hon. CATHERINE CUSACK: Can we have that study because that is important.

Mr REMFREY: Yes, we will get that to you.

CHAIR: You mentioned the study about energy drinks by the professor?

Mr CHILVERS: Professor Peter Miller from Deakin University.

CHAIR: Some energy drink companies are specifically trying to move away from this attachment to alcohol. Some are going out of their way to try to sponsor different types of events that have nothing to do with alcohol because I guess they are concerned about that initial attachment: the old Red Bull and vodka where your heart jumps out of your chest—six or seven of those at night might be an interesting recipe.

The Hon. HELEN WESTWOOD: When you were talking about Kings Cross you said some of its problems were nightclubs and they have their own range of problems compared to hotels. Another problem area is registered clubs. In my community the outlets overwhelmingly are registered clubs. We do not see these sorts of problems, but that may have something to do with the demographic. Is there a different type of culture or are their different rates of alcohol abuse at different types of venues?

Mr WEBER: Definitely so. It links into venues like Kings Cross, George Street and even Manly. They were real hot spots for alcohol-related crime. Obviously, with a registered club you have to be a member or guest of a member and there is a visible reminder when you are walking in: you are signing into a club. We still have a lot of problems at registered clubs too. Any venue that supplies alcohol has the propensity to have an incident.

Mr REMFREY: It also depends on what the registered club wants to do with its premises. For example, we had enormous problems at Panthers some years ago when it had a nightclub. Eventually they said it was too hard and shut down the nightclub and the problem, surprisingly or unsurprisingly, disappeared. The other issue we have not touched on is this question of gambling and alcohol. We are not opposed to separating

the two. I think the regulations have changed, I am not sure at the moment, but previously you had to open and be serving alcohol in order for people to gamble. That does not make a lot of sense. While gambling has other issues they are not violence and health issues that we are talking about here.

We would be totally supportive of separating the two. If a venue wanted to stay open serving coffee and allowing people to put their life savings through the poker machines—as bad as that is it is not our issue or what the Committee is asked to confront—we would not be opposed to that. A lot of clubs make their money out of gambling rather than alcohol. To that extent it is probably something worthy of consideration if it is going to mitigate the problems that venues may have in terms of changing opening hours. Similarly in clubs they make a lot of money out of their gamers and most of them would be happy to stay open and have the gamers making them money and reducing security costs.

Mr WEBER: Most publicans and most licenced premises would say we much prefer gamers than drinkers: they cause fewer problems and mean fewer overheads in terms of staff and security. As Mr Remfrey said, there are issues with gaming that we deal with at a later date with regard to domestic violence and other things, but in saying that why would you mix the two of them together, it adds fuel to the fire. We are quite happy to separate that. We have outlined that to the alcohol lobby groups and we have never been opposed to that.

CHAIR: Gentlemen, thank you for your detailed submission and for coming along and giving evidence today. There are some questions that you have taken on notice: The Committee has resolved that the response to those questions be returned within 21 days. The secretariat will liaise with you to facilitate the response to those questions. On behalf of the Committee thank you very much.

(The witnesses withdrew)

(Luncheon adjournment)

CATERINA GIORGI, Manager, Policy and Research, Foundation for Alcohol Research and Education,

KATHERINE CONIGRAVE, Director, Foundation for Alcohol Research and Education, and

ANTHONY SHAKESHAFT, Deputy Director, National Drug and Alcohol Research Centre, University of New South Wales, affirmed and examined:

MICHAEL FARRELL, Director, National Drug and Alcohol Research Centre, University of New South Wales, sworn and examined:

CHAIR: We have your submissions, thank you for those. Would you like to give a short opening address before we proceed to questions?

Professor FARRELL: Yes, we will give two brief opening addresses. First of all, thank you very much for the opportunity to partake in this very interesting inquiry. As the director of the National Drug and Alcohol Research Centre, just to let you know that it is a premier research organisation where the mission of our organisation really is to look at the research and develop research on drug and alcohol problems with a specific focus on developing appropriate interventions both for treatment and prevention and for broader policy. From that point of view we very much welcome your attention to the important subject of alcohol and put it quite firmly that we believe it is important to look at the social and health burden of alcohol.

The scale of alcohol and alcohol-related harm in New South Wales is very considerable, the priority given to it is very important and the alcohol culture of the adult population strongly shapes the alcohol consumption culture of the young population. The two are inextricably bound. We have some key principles of understanding ways to tackle alcohol. One of the key ones is to look to reduce the total population alcohol consumption, thereby reducing the net individual consumption. The key ways to do that are through a mixture of cost and availability strategies. These are not simple but there is a very strong body of evidence supporting this. There are clearly challenges for the process of implementation of that, but to look to reduce mortality, morbidity and social harm is to actually reduce alcohol consumption.

Ms GIORGI: Thank you also for having Professor Conigrave and I here today from the Foundation. There is significant community concern about alcohol-related harms among young people in New South Wales. One of the most concerning consumption trends among young people is the culture of drinking to get drunk. Over one-third of young people aged 12 to 17 years consume alcohol with the aim of getting drunk most times or every time. For people aged 18 to 24 years this increases to 62 per cent. The excessive consumption of alcohol results in young people experiencing disproportionate levels of alcohol-related harms. We have documented these extensively in our submission.

While there is significant concern about young people's drinking and the harms that result, governments have failed to respond with comprehensive action. The New South Wales Government's approach to alcohol policy has been ad hoc with an overemphasis on cleaning up the mess from alcohol-related harms and not enough being done to prevent these harms. This approach fails to protect young people. This approach to alcohol policy is also not limited to the current New South Wales Government. A recent analysis undertaken by the Foundation on the progress of implementing recommendations from the 2003 New South Wales Alcohol Summit found that there was an inverse relationship between the actions implemented by government and the strength of the evidence supporting these actions. Put simply, New South Wales governments over the last decade have been less likely to implement policies that we know will work to reduce alcohol-related harms.

When we talk about young people we are talking about two distinct groups: those under the age of 18, and those aged 18 to 25 years as we have defined it in our submission. The issues and policy responses to reduce harmful drinking among these groups differ. For example, for people aged under 18, addressing access to alcohol through both purchase and secondary supply are vitally important. While there are distinct issues for young people, it is also important to note that young people's alcohol consumption does not occur in isolation. Young people are part of a broader environment and culture of drinking. This environment is one where alcohol is more affordable than it has been in three decades—one where alcohol has never been more available and one where it has never been more heavily promoted. This Government has the authority to target each of these areas—the price, promotion and availability of alcohol—through liquor licensing legislation.

The New South Wales Government can target price by targeting discounting and imposing restrictions on bulk buyers and on practices such as happy hours. The New South Wales Government can target the prolific point-of-sale promotions, now averaging 30 per licensed premise, by implementing policies that minimise young people's exposure to these promotions, and the New South Wales Government can limit the number of licensed premises and their trading hours. This is not a problem without a solution. We simply need the Government to adopt the measures that will have the greatest impact. Immediate action is needed if we are to prevent further young people from succumbing to the harms that result from alcohol consumption. Today this Committee has the opportunity to recommend actions that can and will make a difference.

The Hon. HELEN WESTWOOD: Thank you all for appearing before the Committee this afternoon, for assisting us with our inquiry, and for your very comprehensive submission. If I understand what you are putting to us, it is that the approach needs to be multifaceted in terms of harm minimisation.

Ms GIORGI: Yes.

The Hon. HELEN WESTWOOD: I know you have made some recommendations, but specifically where do you think the Committee should recommend to the Government in terms of directing its energies first—policy, legislation, or indeed investment in education?

Professor CONIGRAVE: Can I start from the FARE perspective?

The Hon. HELEN WESTWOOD: Yes.

Professor CONIGRAVE: As Caterina said, there is far stronger evidence for limiting supply than there is for things like education. Education has rather variable evidence. It can have an effect, if done in the proper way—not just any education. It has to be evidence-based and actually changing thinking, behaviour and skills. But the strongest evidence is for things like closing hours. There is good evidence that advertising and promotion affects young people's drinking. As a parent, as probably are many other parents, you get a bit appalled at how much is pushed at the kids. I mean, I have five between the age of 20 and 28, so I have just come out of those scary years, but on every occasion it is getting pushed on the internet, on Facebook, on the National Rugby League Grand Final, at the beach, and by banners up above.

Any education you do in schools will be undermined by the promotion by industry. Limit supply, control, licensing hours and limiting those promotions as well as those hidden promotions, such as the subsidies and the sponsorships for clubs, particularly sports clubs. I saw a disturbing photo by Sandra Jones of kids in a Nippers surf lifesaving club with alcohol sponsorship on their shirts. We know that when you get up to young adult clubs and when the clubs are sponsored by alcohol industry, they tend to be given discount alcohol and the members drink more. That is a big factor.

Ms GIORGI: Just in terms of price and promotion and to expand on what Kate has just said, at the moment the New South Wales Liquor Act touches on promotion, and there are promotion guidelines. We think that these could be substantially strengthened. One way to do that is to make sure that they are extended to off-licence as well. We purchase 60 to 70 per cent of our alcohol from off-licence premises and discounts are extensive in these premises. That is one of the ways that we think that this needs to be addressed in addition to policing promotion guidelines.

At the moment there are still happy hours that exist, there are still promotions that encourage excessive consumption, and there are still "Get four of this product and get this for free" promotions. Those sorts of things do encourage excessive consumption and should be curtailed. We will not go too much more into trading hours because I am sure the Police Association would have touched on this earlier, but in relation to a 3.00 a.m. closure and outlet density, there are over 2,000 licensed premises in the city of Sydney. Six hundred and sixty-six of those trade beyond midnight and over 200 have 24-hour licences. We need to say at some point, "We've hit saturation. We can't have anymore licences."

Associate Professor SHAKESHAFT: We concur with those comments and probably the only thing I would add is that we have done some work looking at the whole of the community. There are characteristics of whole communities that predict higher rates of alcohol-related crime. There were two significant factors that came out of that analysis and the number of pubs and clubs per capita was the key one. That reinforces the idea that the more alcohol that is available, the more problems you will have with it.

The Hon. HELEN WESTWOOD: I am wondering about whether there is a difference in venue types. You would know that recently we passed legislation for small bar licences. I am from an area where there are quite a number of registered clubs and it is an older demographic as well. Is there evidence that different types of venues have different issues around abuse of alcohol, particularly as it relates to young people?

Associate Professor SHAKESHAFT: I am certainly not aware of any evidence that strongly associates different rates of problems or harms associated with particular types of venues. The short answer is no, I am not aware of evidence for that. But even if there was some evidence about minor differences between different types of outlets, that would be outweighed by the overall increased availability of alcohol. The more you increase the availability of alcohol, the more problems you are going to have. Whether that is by increasing the number of restaurants, the number of pubs and the number of alcohol outlets, such as bottle shops or whatever it might be, is much less of an issue than the problem of increasing the overall net availability of alcohol.

Ms GIORGI: An Australian researcher, Michael Livingston, looked into outlet density and found that for off-licence premises there is of an association between more with domestic violence, and for on-licence there is an association of more with violence that you see on the streets. I think at the moment one of the biggest myths going around is that things like small bars are associated with fewer harms, and there is no evidence to support that. It is quite concerning because it really does just increase the overall density of outlets. If you are taking away big nightclubs and potentially replacing them with a couple of small bars, then we are talking about a different issue, but you are adding just more and more to the density. As Anthony said, increased density results in increased harms.

The Hon. HELEN WESTWOOD: You mentioned that the New South Wales Government has not taken action that you think it should have and that perhaps sectors of the community are calling for. I note we are talking historically; we are not just talking about the current Government. Do you have a view about why? Is it because the evidence is not available? Is it because you think that the industry is a stronger voice, perhaps? Do you have a view on that?

Professor CONIGRAVE: Maybe I can comment that at the recent New South Wales Alcohol Summit, the reading of the retired or former Minister, John Della Bosca, was that the industry has an awful lot of influence behind the scenes because they have got much bigger resources with which to wine and dine people and get their point of view across. I am not the right person to comment on whether there are direct donations or anything, but they have a lot of money and they pour a huge amount into converting the public to their point of view so that whenever there is an attempt to rein in alcohol use, you see campaigns about the nanny state that sort of spring up—highly organised campaigns that spring up out of nowhere.

Professor FARRELL: It is probably fairer to say that there is not very clear evidence of the links in terms of industry and government, but one of the things is that industry is a very powerful vested interest in our society. People like drinking alcohol. We are not here as some anti-alcohol campaigners. We are here to see that the ill health and harms related to it are minimised. In that context, it is clear to understand that politicians are subject to substantial influences across the entire social spectrum in relation to having a fairly permissive approach to alcohol.

Ms GIORGI: If I could just add one thing. Our analysis, which looked at the outcomes of the 2003 New South Wales Alcohol Summit and whether those recommendations had been adopted and whether they were evidence-based, found there were three key areas we identified that add two reasons why these have not been adopted. The first is that governments were not adopting policies that were not evidence-based. That could be because they were not aware of the evidence base. It could be because we need to do a better job of promoting it.

The second is that there was no oversight or comprehensive strategy in relation to how different policies would be implemented. So, the approach is going to be ad hoc and people are just going to do what they think looks good, like an education campaign here or an awareness campaign there if there is no strategy that supports that, or oversight. The third one was industry influence, which has been mentioned here. In the Summit documents the first thing that was mentioned was the partnership between governments and the alcohol industry. At our summit that we held just recently here in New South Wales Parliament House, a current Minister said that they have a very good relationship with the Australian Hotels Association and stressed that in his speech. So, we are seeing examples of that throughout.

The Hon. HELEN WESTWOOD: Also in your submission you made recommendations about universities and their role. Do you want to expand on that? Again, it is not something that I am that familiar with. My partner is a lecturer at a western Sydney based university and it is not something she has mentioned either. So, I was not sure that that was an issue but I do not have kids at university.

Professor CONIGRAVE: If I can comment on that. I am associated with three different universities so I am not talking about any one and I also have contacts through friends and family, as do many others. The research is that young people at university drink in a more risky way than young people in the general population. From the American literature it is not only drinking on campus; it is often at the venues dotted around the campus. It is a bit like vultures coming in to the prey. If you walk around, say, Sydney University or the University of Technology, Sydney, the number of pubs between the two of them is striking. There is risky behaviour. You have a demographic that likes risk-taking. I think someone from the Centre for Adolescent Health was saying that adolescents in every mammalian species take risks. They are more prone to want to take risks; they are more prone to think they will not have the adverse effects of those risks. So, you have the risky demographic, you have a lot of people who know young people want to drink and you have this built-up culture of heavy drinking.

The harms are quite significant, as the report sets out. I think many of the young people tend to embrace the culture. There is also the finding from the alcohol research from a few years back, 2007, saying, for example, drinking games—some 74 per cent of university students engage in drinking games and about 60 per cent of them report significant pressure to take part and about half report harms from it. The young people tend to laugh the harms off but you see some really disturbing harms and long-lasting disability afterwards or major sexual assaults and all the mental, physical and social things that go along for both the victim and sometimes perpetrator.

Professor FARRELL: There is one other fairly new development in the past five years or so which is young persons' brain development with the new neuro-imaging and neuroscience. Our understanding previously was that brains were about mature at around age 20. It has become clear to us now that the young person's brain continues to mature up until the late twenties and the maturation process is the frontal lobe, which is the bit that is most affected by alcohol, and we are interested to do quite a lot of work because we are particularly concerned that the period of maximum exposure to alcohol is from around 18 to 26 and this may have some significant impact for some people in relation to the basically forward planning function of the brain that may get slightly impaired. I am not saying it is totally knocked off but it may have consequences. So it is an important area for us to learn more about.

Professor CONIGRAVE: One recent paper is saying that even just weekly heavy drinking can affect the visual memory of young people. We were also talking about sponsorship and so on. I have skimmed Facebook pages from university clubs and you find advertisements for booze cruises and advertisements for pub crawls. Often there is alcohol sponsorship, three or four alcohol companies are sponsoring some clubs.

Ms GIORGI: We have set out in our plan that there is scope for university administrations to look at what they can do to ensure responsible service of alcohol and ensure there is no irresponsible promotion of alcohol.

The Hon. HELEN WESTWOOD: Has there been any approach to any of the universities in New South Wales or is this proposal just recently that universities are active around policies that reduce alcohol abuse?

Professor CONIGRAVE: I know at least one of the universities I am associated with had been acting on this for nearly two years. I think they did something many years ago, they were doing things well before the recent highly publicised events. I think the concern has been ongoing.

Ms GIORGI: The McCusker Centre for Action on Alcohol and Youth in Western Australia has recently convened a group of senior people from universities across Australia. They are trying to work with universities to improve the situation. As Kate said, a really important thing is having an alcohol policy that everyone is aware of and everyone is signed up to. If you look at universities, it is just an amplified example of what is happening in the broader environment. What is happening is that all of the events involve alcohol, so alcohol is very readily available. It is promoted through different clubs and sponsorship agreements. So there is that promotion aspect. Sometimes the drinks are free, sometimes they are very cheap so there is that price aspect

and when you have all those things in the one situation you have this drinking to excess which we are seeing quite extensively.

Professor FARRELL: Just to add one extra bit to that, one of the things very clear to us about young people and drinking is you might think is less well-off people drink more but in practice what we see is teenagers with disposable income drink the most and it is teenagers from families with more disposable income who drink more and it is also parents with disposable income who drink more, and at the moment we are doing a particular study looking at the influence of parental supply of alcohol on teenagers' drinking from the non-legal into the adult legal drinking age to look at different influences on that.

The Hon. HELEN WESTWOOD: Are there other jurisdictions that you think have got it right or we could look to—and I do not mean just in Australia but also overseas jurisdictions—that have implemented policies that have reduced alcohol abuse, particularly amongst young people?

Ms GIORGI: There are some examples of good policies that have been applied. I am not aware of examples where all of the different areas have been targeted but, for example, in the Australian Capital Territory there is a new risk-based licensing regime which means that people who are trading later pay more for their licences. The point is there is more mess associated with the harms later on and therefore your licences should be worth more or should cost more. There is some indication from police that that is having an effect and we are currently doing an evaluation of that to see whether it is being effective. There are some provinces in Canada that have introduced a minimum price—which State and Territory governments can do, in case you were interested—and that has shown that it has an effect on alcohol consumption and harms. So, there are examples like that from across Australia and also internationally but I am certainly not aware of one jurisdiction that is doing it comprehensively at the moment.

Professor FARRELL: There are variations in countries' readiness to use taxation, and some countries are more prepared to be a bit braver with making alcohol more expensive, and the findings of it are very consistent where it has been made more expensive.

The Hon. HELEN WESTWOOD: In respect to recommendations regarding promotion, would you be critical if government actually brought in those restrictions incrementally or should all of them be banned as a first step?

Professor CONIGRAVE: I would endorse what Caterina said earlier: it would be great to see a systematic policy where the whole spectrum of where we wanted to go was set out. Some things take staged introduction, as long as there was a clear timetable. Am I naive?

Ms GIORGI: I agree. When we are talking about promotions policies, and we would have to look specifically at what it is, you are talking about everything from making sure that existing guidelines, which clearly need to be strengthened, extend to off-licence up to looking at bans in particular environments or situations. Some actions can be undertaken immediately and it would be good to see those immediately, but we understand, as Kate said, that a staged project is necessary for some circumstances.

Professor FARRELL: Just to add, whatever you do, one thing we would recommend is far better monitoring and evaluation of what you do. Do the things that work and do not do the things that do not work. Actually, that is probably a lot easier to do than has been done to date.

Associate Professor SHAKESHAFT: To pick up particularly on the evaluation component, I am a researcher, of course, but one of the beauties of the staggered introduction, as well as being practical, is that it gives you an opportunity to look at the benefits from each stage. In future we can say, "If you do this part of the banning sponsorship, you get this much effect. When we did the next bit it increased by more or less than the first." It kind of gives you an opportunity. Instead of having a model where we do evaluation and research over here and we have government policy over here, it gives you an opportunity to bring the two together, which benefits both policy making and researchers and, of course, better policy, better research. Obviously, more researched evidence has better outcomes for the public.

Professor CONIGRAVE: Obviously, guidelines without any teeth attached historically have proven pretty useless. We actually need to enforce things that are there. For example, if the guidelines on promotions are enforced for on-licence premises, they need to be extended to off-licence premises and enforced in both spots.

The Hon. JAN BARHAM: Thank you for holding the forum examining the Summit because in a decade we have seen things get worse. When we look back, if those recommendations had been implemented, we would be in a very different position today. You highlighted that beautifully. When you talk about what can be done, it seems that you are saying that government can do something that will not cost anything and that is just to put some controls on advertising. Is changing advertising the top of the range in things to do that will be most effective?

Professor CONIGRAVE: As we said earlier, probably supply control in any shape or form, or supply regulation: bringing opening hours back to 3.00 a.m., for example.

The Hon. JAN BARHAM: We are not actually talking about government investing huge amounts of money?

Ms GIORGI: No.

The Hon. JAN BARHAM: It is just taking some decisive action against an industry that is causing great harm?

Professor CONIGRAVE: Just putting some conditions on licences, yes. I think it is low cost and based on the Newcastle experience, potentially has very significant gains.

Professor FARRELL: The only thing I will say is that government underinvests in the problem of alcohol in relation to the revenue that comes into government from it in actually providing help for people with harms and help the families and communities that suffer as a result. There is an underinvestment in the development of treatment services for people with alcohol-related problems. It is not one or the other. These things need to be done hand in glove.

Associate Professor SHAKESHAFT: The only thing I would add to that is to point out that there was a 2009 study by Linda Cobiac and her colleagues looking at the cost effectiveness of different types of approaches to things that are likely to reduce alcohol consumption across the whole population. Certainly, a volumetric tax and advertising: Tightening up on those two things were by far the most cost-effective strategies the government could do and for exactly the reasons you said. They are relatively cheap to implement and they impact people across the whole population. So you get a relatively small impact across the whole population, which has big health benefits.

The Hon. JAN BARHAM: You have been producing some great documents and I am particularly interested in CALD (Culturally and Linguistically Diverse) communities and Aboriginal communities about specific effects and impacts happening intergenerationally and dynamically. Can you add anything extra?

Professor CONIGRAVE: I will comment on Aboriginal communities. I should say that I pay my respects to the Gadigal people of the Eora nation and their Elders past and present. There are many Elders and health professionals within the Aboriginal community doing very good work in this sphere.

I was recently at a meeting of senior Aboriginal clinicians from around New South Wales who pointed out that they noticed all the promotion for alcohol going out the day before Centrelink payments were due. The signs were going out in front of the bottle shops. So a lot of these same issues affect those Aboriginal communities. If you look at the density of licensed premises and their profits, often there will be a bit of a clustering in any community that is prone to experiencing disadvantage. Global things are very important. Our submission has not covered other things, but we did some community consultation with the local Aboriginal community in the region basically between Redfern and Campbelltown. It was only a small study but we found there was a lot of motivation within communities to tackle these issues. I think there is a readiness if support is available. Generally in the broader community, as FARE has shown from past research and within the Aboriginal community, there are low levels of awareness of what are safe levels of consumption.

Even if I ask medical students what are the current recommended limits for drinking, in their first year a lot are not that clear. If you go to communities that maybe have less access to the Internet and other education, there are very low levels of awareness of what is risky drinking. There is some role for education but, again, also looking at regulating supply and regulating licensed premises density. Many Aboriginal communities have no idea that they can have a say in licensed premises being put in their area. If they decide to challenge, it is extremely difficult because the industry has wealthy lawyers and the community just does not have those

resources. I think communities who want to place challenges we need to make user friendly ways for them to be supported. Obviously, you would be best talking to people like the Aboriginal Health and Medical Research Council on those issues.

The Hon. JAN BARHAM: Another parliamentary committee is examining drug and alcohol treatments. Helen and I are on both committees, so we are trying to see where they work together.

Associate Professor SHAKESHAFT: The only thing I would add about the Indigenous issue from the research we have done at NDARC is that we have been doing work with Aboriginal communities out near Orange in western New South Wales. The clear message we are getting from them is not all that different to what everyone is worried about: young people and how we make sure the next generation does not just come into this idea that this level of drinking is the norm. What you do about that can be quite complicated but, certainly, the focus on young people is true of Indigenous as well as non-Indigenous.

Professor CONIGRAVE: Maybe I can add to that because your comment reminded me that the big thing, whether it is in Arnhem Land or in New South Wales, is more opportunities for the kids. So often we hear about boredom as a driver to drinking—boredom and lack of opportunity of advancement in career and socially are tough—and early support for families where there might be problems in the older generation. The mention of treatment reminds me of course of the huge lack of youth treatment services. If you add to that the lack of culturally sensitive treatment services, there are big problems if people run into problems early. Where do they get help?

The Hon. JAN BARHAM: Rather than them being able to seek help and then not spiral through into a worsening problem?

Professor CONIGRAVE: If they come to the attention of a health service or a criminal justice service there is a lack of options and there is horrifying number of young people in juvenile detention. It is disturbing that the youth alcohol and drug court is being defunded because I think anything to keep kids out of criminal justice system and moving towards a constructive way of life is important.

The Hon. JAN BARHAM: You referred to the fact that you believe the eligibility criteria should include alcohol in the drug court and you want to see that expanded.

Ms GIORGI: There are two courts that we talk about in our submission, one is the youth drug and alcohol court and the other is the drug court. The youth drug and alcohol court was disbanded. The drug court does not cover alcohol at the moment and that picks up people over 18 who are still young and we know that is the group that consumes the most alcohol. We would like that group included in the criteria.

The Hon. JAN BARHAM: The evidence for zero blood concentration to the age of 22, are there any international jurisdictions that have looked at doing that and found that there is another problem that results such as those people will go to other forms of drug or risk taking?

Professor FARRELL: Do you mean drinking and driving?

The Hon. JAN BARHAM: Yes.

Professor FARRELL: I am not sure.

Professor CONIGRAVE: I am not aware of that.

The Hon. JAN BARHAM: Is it your submission that talked about raising the level of drinking to age 21?

Ms GIORGI: Twenty-five.

Professor CONIGRAVE: In relation to the level of drinking when you are driving.

Ms GIORGI: So not raising the age at which you can drink but making it a zero blood alcohol concentration. It is about inexperience in driving being associated with increased risk of harms. There are other jurisdictions that do this and I would have to have a look and get that information to you.

The Hon. JAN BARHAM: I put that on notice.

Associate Professor SHAKESHAFT: In Victoria they have zero alcohol concentration up to age 22 and there has been a study by Wayne Hall and his colleagues showing that if a policy of zero alcohol concentration up to age 21 had been implemented nationally in 2003, it would have saved an estimated 17 lives among young people as they aged from 18 to 21 years, and would have prevented many more serious crash injuries.

The Hon. JAN BARHAM: And raising the age for drinking in general, are there any known negatives of doing that?

Professor FARRELL: It is clear in the United States and some places that is the age. Kypry has done quite a bit of work in Newcastle on this. The question really is how socially and politically acceptable it is. It is a complex issue. It is clear that there would be harm reduction associated with it but it is a question of balance of opportunities and costs around it.

The Hon. NATASHA MACLAREN-JONES: Following on from the question with regard to raising the age to 21, is there any evidence to say if they are going down the path of risk taking they would turn to other forms of drugs rather than alcohol?

Professor FARRELL: It is one of the big concerns. It is stated in the United States that people have access to and are using cannabis and other illegal drugs. I do not know how good the evidence is. It is definitely a case made about the age limitation.

Professor CONIGRAVE: I am not aware of the evidence and we will go on to Ms Giorgi and see if she is aware. Clinically when a lot of people drink alcohol their inhibitions are reduced and they are more prepared to try something. For people who use cocaine or ice one of the first things you do is try to get the alcohol under control so they have control over other things. It sometimes facilitates the use of other drugs. We agree.

The Hon. NATASHA MACLAREN-JONES: In relation to the age of 22 or 25 for having the zero tolerance, is there any reason why the Foundation said 25 and the centre said 22: Is there any evidence to say there is a difference between the two ages?

Ms GIORGI: We both support increasing the age around risk taking. This is a question that would be interesting to ask of insurance companies who have a higher premium for people up to 25 and up to 30 and they are most aware of the harms that result from someone's drinking. That anecdotally in itself tells us that there are higher harms associated with driving from those people let alone drinking and driving. Also it is really good to start to have people thinking about drinking or driving as opposed to trying to figure out as early as you can how much you can have before you get into the car. That helps people to start seeing alternatives and getting that into train in terms of behaviour later on in life.

The Hon. NATASHA MACLAREN-JONES: In relation to a drug and alcohol policy in the work place: both of your submissions say that we need to adopt tougher policies. Does that mean you feel there is currently an issue in relation to drug and alcohol use in the work force or is it something else; the submissions do not go into detail?

Ms GIORGI: We think it is important for work places to have a drug and alcohol policy so people with drug and alcohol problems can be identified and supported and so that harms do not occur in the work place because of that. If you think about places where people regularly come into contact with areas where interventions might be implemented, one of those, as Professor Conigrave said, is hospitals. If someone comes into an emergency department on a Friday night with acute alcohol intoxication it is a good opportunity to engage in a brief intervention. Work places are places where people go to all the time. We know that young people drink at risky levels and we know from our data that they are more likely to take a day off because they are hung over or drinking or report drinking at work. It is a good opportunity, if work places have an alcohol policy, to help to support people who may have alcohol problems.

The Hon. NATASHA MACLAREN-JONES: Do you have any evidence to say it is a problem or is it more a nice thing to do to say that a company should look at that?

Ms GIORGI: In relation to young people there is evidence in our National Drug Strategy Household Survey to say that young people are more likely to be away from work because of alcohol or drink at work, so there is evidence in that respect.

Professor FARRELL: The evidence we have is the prevalence of alcohol problems in the general population and the small percentage of young people with serious alcohol problems. One of the issues is that we have this notion that alcohol problems develop after years of drinking but we have clear evidence that many young people get into problems very quickly and within that context the whole issue is the earlier the interventions we can provide the shorter the history people should have and we can actually turn off problems earlier. There is a huge missed opportunity in that domain across accident and emergency departments, to work places, to schools, to every part of society to have far greater awareness. That is not to victimise people but to provide them with support and help them to live healthier lives.

The Hon. NATASHA MACLAREN-JONES: You made a comment about the research you are doing into the role of parents. Have you or are you looking at the impact of parents' attitudes towards alcohol and the impact that has on children and have you got any findings at the moment?

Professor FARRELL: My colleague, Professor Richard Mattick, is following 2,000 young people across a number of years. We are particularly interested to look at the influences from the point of view of many parents believing it is probably good to have some alcohol with the meal and to model the practice of what they call moderate drinking behaviour. That is not an uncommon belief but we do not know what the impact of that is. One of the questions is does that result in moderate drinking behaviour? The hypothesis is that it does not, it results in more binge drinking behaviour. They are following these kids and looking at the characteristics to see if we can address some of those things and provide some substantial evidence in one direction or another. The guess is that we are moving towards a situation of suggesting parents delay the onset of drinking behaviour in kids and bring it up rather than bring it down.

The Hon. NATASHA MACLAREN-JONES: Is there any other evidence or studies that you are aware of that have been done overseas in relation to this?

Professor FARRELL: I think it is unique. It is a large scale study that is unique. There is a lot of evidence about the parental influence on a teenager's drinking behaviour. A pattern of parental drinking shapes adolescent drinking behaviour; that is beyond question. There is a whole range of factors in that but it is a very strong influence.

Professor CONIGRAVE: Can I just add to that? I am aware of evidence suggesting that the earlier a person starts regular drinking the more likely they are to run into problems and if the parents are heavy drinkers, I think it is modelling heavy drinking behaviour to the kids. I think all of us know many, many families where the parents are very moderate drinkers and the kids, through peer pressure and other reasons—and those other reasons are worth thinking about—become binge drinkers when they reach 16, 18 or whenever. I think it is worth thinking about the reasons because I think it is partly because people enjoy it, they like the disinhibition, they feel the compulsion but I think also there is the social anxiety: how do I get on with people of the other sex (or whatever sex they are attracted to) when they are out of their single sex schools. But that is probably going a bit more broadly than is practical for this hearing.

CHAIR: We have had evidence from the Australian Association of National Advertisers that states binge drinking and some of those attitudes towards alcohol abuse are not as a result of campaigns or advertising but more from the parental influence or peer group pressure. That is what it states in its evidence and that advertising does nothing more than provide brand choice.

Professor CONIGRAVE: Before I hand over to Ms Giorgi, I would say that would make 60 per cent of the parents of Australia heavy drinkers because 60 per cent of 18 to 19-year-old men drink six or more drinks when they drink.

CHAIR: Sure. I just wanted to clarify that because on the one hand we are saying that at risk behaviour or introduction to alcohol may be something that leads towards binge drinking. They claim that as a defence to their industry with the advertising. I just wanted to clarify it.

Ms GIORGI: There is evidence to show that exposure to alcohol promotions and advertising is related to younger onset of drinking and more drinking, and this is among young people. We have in our report an example of young people who are able to identify with 75 per cent of people aged under 12 who are able to identify who the Bundy Bear was and what product he was associated with. So kids are able to interpret these messages and it is associated with their behaviours. It is really important to point out that the only consistent messages out in the Australian public are those that are provided by different members of the alcohol industry at the moment. There is not a comprehensive public education campaign. People are not broadly aware of the alcohol guidelines and what our low-risk drinking levels are. That is contributing to shaping our drinking culture, along with the price of alcohol and the availability of alcohol.

CHAIR: Did you want to add to that?

Associate Professor SHAKESHAFT: No.

CHAIR: You did nominate those three things earlier—price, availability and promotion. Out of those three, are price and availability the two biggest drivers towards the large consumption and the binge drinking because every witness so far today has said we are not about banning alcohol; it is about the abuse of alcohol, particularly with young people. We are trying to get our heads around where we can get the biggest bang for our buck. The Police Association has said that at Aldi we can get 80¢ cans of beer and it also advocates restrictions around availability. Are price and availability the two key factors there and does promotion link the three together? Is that how it works?

Professor CONIGRAVE: My understanding is that the strongest evidence is around pricing and availability; in terms of interventions to reduce drinking problems the strongest evidence is there but the other, as we have said earlier, would be easy to do to address the promotion. Did you want to comment any more on that?

Ms GIORGI: Associate Professor Shakeshaft was talking earlier on about the cost-effectiveness study and that the two biggest things are around price and advertising restrictions. It would be ideal to be developing a strategy which targets over time each of those three areas. One of the issues we have is we say: "What is the one thing that is going to fix it?" We implement that one thing. We say, "The problem is not fixed, therefore we need to try something different." So we get rid of that thing and move on to something else. Sitting here and saying, "You should implement this one thing but not these three other things" would be me just picking something specific and it would be you then going, "Well, we haven't had the results that we wanted." We need to look at this comprehensively and we need a plan around alcohol and at the moment New South Wales does not have a plan around alcohol.

We would say that alcohol consumption is a population-wide issue. I understand that this Inquiry is looking specifically at young people, which is why we are talking about young people and we are talking about things like drinking to get drunk but different generations incur different harms around alcohol. We know that older people, for example, are more likely to drink a couple of drinks but daily and that is associated more with chronic diseases. The different drinking that we are doing results in different harms and that is regardless of whether you are young, old or whatever it may be.

Associate Professor SHAKESHAFT: The only other thing I would add about that is an analysis we have done shows that in Australia we live in a binge-drinking culture. Of all the people who drink in a problematic way the majority of that is binge drinking on the weekends. The analysis we did looked at what people do over time when the price of alcohol goes up or when they have less money to spend on alcohol. Given that binge drinking culture, what you would expect to happen is what happens. What people do in response to a price increase is have more days where they do not drink at all or increase the number of days where they just drink a little bit in order to preserve their ability to go out and get drunk on the weekends.

That is just one study but based on that sort of evidence my gut feeling, if what you want to do is reduce the number of young people who go to pubs and get drunk on the weekends, then price might not be the best mechanism for that because as soon as the price goes up people will just have another day during the week where they do not drink. I absolutely agree with Ms Giorgi that it is a mistake to pull one thing out and not do anything about the others but if I was pushed, I would probably argue that restricting the availability of alcohol, especially late at night and on the weekends, is the thing that is most likely to reduce violence, accidents and injuries. If what you want to do is reduce how much people drink all the time, then that is a different question but certainly with young people and accidents and injuries, restricting availability late at night.

Professor CONIGRAVE: I do not know if we have data on young people and pricing, but certainly young people often have a bit less disposable income so I think this cheap beer from Aldi, the cheap goon bags, is a concern, and they will often shop around and find whatever is cheapest for their pre-drinking before they go out.

Professor FARRELL: Yes. The challenge for all of us is youngsters buying very cheap alcohol and frontloading before they go out. I think we could probably unfortunately talk about seeing our own kids do the same thing.

CHAIR: Did you not also say there were some statistics to show that it is usually the ones who have access to disposable income who are more likely to be displaying this behaviour?

Professor FARRELL: Sure, they are not inconsistent.

CHAIR: What about the alcohol content? Has there been any research on that? It must be just the age group I am in now but a lot of my peers have turned to mid-strength beer, for example. One cannot go to a sporting event these days and get access to full strength beer in a lot of locations. Is there any research on that?

Professor CONIGRAVE: Anecdotally I cannot remember seeing many young people drinking the low strength stuff.

Ms GIORGI: Our annual alcohol poll certainly shows that for young people higher alcohol content is a factor when they are purchasing alcohol to consume. It is true that recently—and this was just reversed the other day—a mid-strength beer was the most popular beer in Australia. Now we are back to a full strength beer but that is one product we are looking at. We also need to look at spirits and wine, and wine can be purchased for as cheap as 25¢ a standard drink at the moment and there are obviously a lot more standard drinks in a cheap bottle of wine than there are in a beer.

Professor CONIGRAVE: The potential for alcohol harm generally—you might get minor variations by what product - it is but generally it is by volume of pure alcohol. The harm correlates like the graphs of Swedish Army recruits and their risk of dying according to their alcohol consumption; it is just linear. The more you drink the more your risk of dying in the next few years.

CHAIR: Just going back to the promotion, again the alcohol companies will say that they do not promote to under-18s and they also do not promote excessive drinking; they will argue that they promote drinking within moderation, et cetera, et cetera. Any ideas around where the parameter should be? Should it be restrictions on sporting events? Should it be restrictions on activities or clubs that have minors? Any thoughts as to, if there were to be a change, where it should start and end?

Professor CONIGRAVE: Are you saying they do not promote to young people or they do not promote to minors?

CHAIR: Some of the evidence that we have seen is that they do not promote their products to under-18s.

Professor CONIGRAVE: It is very tricky. Sandra Jones was presenting at an alcohol policy forum the other night and showing some of the websites that are set up to promote alcohol by the alcohol industry and they have this "Do you want to party? Are you over 18?", but even if you are not you can just keep trying and you can get in; it is very easy to get through. So I think there are very limited efforts to stop the promotion going to under-18s and the events like sporting events that are on the TV during the daytime, and the caps, the promotions on the field, everywhere, is alcohol promotion. So without a doubt young people are getting very regular access and there has been limited effort to stop it.

Ms GIORGI: In addition to young people being exposed to alcohol advertising, and our submission talks about how now there is an average of 30 point-of-sale promotions in each liquor store in New South Wales, young people are seeing that more particularly because you now have alcohol available in supermarkets or at the liquor store right next to a supermarket or at the liquor store in a shopping mall, and young people are walking through these areas. They are not walking through these areas with blinkers; they can see what is happening, and we know what happens when they see these ads.

In addition to this though there are regulations, as I have mentioned, or guidelines around the consumption of alcohol on licensed premises and we think that these can be strengthened. We think that these should go further to stop the excessive discounting or promotions of alcohol in different environments and it should be extended to off-licence as well. So that is what we see as a really simple first step to strengthening the way that the New South Wales Government regulates alcohol promotions.

Associate Professor SHAKESHAFT: I think it is probably also worth mentioning that there is a fairly unclear distinction between what is advertising and what is sponsorship. I think with hand on heart you can say "We do not promote to a certain group", but if the sponsorship is there it goes hand in hand with advertising and it is hard to see a meaningful difference between sponsorship and advertising sometimes. So I think that is an issue as well.

CHAIR: Thank you very much for your detailed submissions and also your time this afternoon. Ms Giorgi, would you like to table some documents? Are they for us?

Ms GIORGI: Yes, they are for you. I have got two documents: the first is the FARE Annual Alcohol Poll for 2013 and the second is an analysis of the progress made in preventing alcohol-related harm since the 2003 Summit.

Documents tabled.

CHAIR: I note some questions were taken on notice. The Committee has resolved that the answers to those questions be returned within 21 days. The secretariat will liaise with you for the response to those questions. Again, on behalf of the Committee, thank you for your time.

(The witnesses withdrew)

(Short adjournment)

NADINE EZARD, Clinical Director, St Vincent's Hospital, Inner City Health Program, Alcohol and Drug Service, affirmed and examined:

ROBERT GRAHAM, Chair, Addiction Medicine Policy and Advocacy Committee, New South Wales Branch, Chapter of Addiction Medicine, Royal Australasian College of Physicians, sworn and examined:

CHAIR: If you would like to start with your opening address and then we will proceed to questions.

Dr GRAHAM: I am a staff specialist in addiction medicine employed by the Western Sydney Local Health District [LHD] but I am here today representing the Policy and Advocacy Committee within the chapter of addiction medicine at the Royal Australasian College of Physicians. You have got our submission but I wanted to make a few general comments which I think touch on the issues raised in that in my own words. I guess the bottom line and the overall principle of what we are talking about in our submission is that we think that policy regarding young people and alcohol should be evidence based and seen as a public health issue as well as an economic issue. Much of the policies surrounding alcohol, its marketing, its sale, its consumption, have been driven largely by laissez faire capitalism and demands of supply and demand. There is nothing wrong with those principles, but they have not been balanced against the issues of public health.

There has been a steady increase in the last 15 to 20 years since I was a young person back in the 1980s in the supply and availability of alcohol, and a decrease in the price. This has not been due to any groundswell of community support. People have not been marching down the streets for this. It has happened primarily because of profitability issues in ways that have benefitted shareholders rather than the population of New South Wales. I think we need to avoid debates that are brought up by the alcohol industry, which are a form of air cover or diversionary tactics. A lot of these debates surround issues about personal responsibility for drinking or culture change. These are diversionary tactics, I believe, by the alcohol industry, which are designed to stop evidence-based public health measures to decrease problems with alcohol.

We should remember that 17 per cent of drinkers in New South Wales society consume 51 per cent of the alcohol, so even a modest reduction in the amount of alcohol that small minority of drinkers consume, and many of them are young drinkers, would act against the interests of the alcohol industry. Not to get rid of it, we are not talking about prohibition, but it would have an effect upon it. I think that would be in the interests of public health. There are many other arguments that the alcohol industry raises, such as a lot of the problems we are describing are related to illicit drug use on licensed premises rather than alcohol itself. There is no evidence for a lot of these arguments. In many ways the debate at this stage is mired to a degree where we were with tobacco control 30 to 40 years ago. Alcohol and tobacco are very different drugs. Obviously there is no safe level of tobacco consumption, whereas there is with alcohol. But in many ways the role of the industry and alcohol is sitting where tobacco was 30 years ago.

I want to make it clear that the college is not arguing for prohibition or a return to wowsersism. We are simply arguing for a reintroduction of moderate regulation of alcohol marketing, supply and pricing through taxation. We believe that all these things will help young people who have got alcohol problems or may have alcohol problems. If you go through the literature about young people and alcohol, in general any measure which delays or minimises the consumption of alcohol by young people tends to have an effect. My job is largely dealing with the other end of the spectrum many years later. My job is to deal largely with people who have severe alcohol dependency—the pointy end of the spectrum. We acknowledge that this is really only the tip of the iceberg and it does not represent a large part of the harm from alcohol. That is largely with people who binge drink and have alcohol abuse, not full-blown alcohol dependency. But a very common story among my patients is that they all started drinking early, almost without exception.

I want to finish my closing comments with an anecdote, which I think illustrates some of this. I recently had a patient who is dealing with alcohol dependency. She started when she was very young. She has been battling it ever since. Recently she relapsed to drinking again and she was very specific about why she relapsed. She was walking past the bottle shop and saw a certain brand of platinum beer. Now, I do not know much about platinum beer or who it is made by; it must be good because it is platinum. It was half price, and that was the trigger for her on this particular occasion to relapse and drink. Those marketing signs, pricing signs and availability are all rolled up into that one anecdote, and illustrate some of the things that we are trying to get at. Thank you for listening to my opening comments.

Associate Professor EZARD: Thank you once again for inviting me to join you here—in the dark, in the afternoon. Thank you for staying here in the afternoon. I will not take up your time. We have presented much of what we believe. I will just draw your attention to a paper that is just out that actually echoes much of what Dr Graham presented. It highlights the international consensus on the three measures to reduce alcohol-related harm at a population level, which is raising the price of alcohol, controlling its availability, and restricting marketing. There is consensus globally on those three population approaches to reducing the harm due to alcohol in our community.

What is interesting about this paper is that it analyses submissions to the Scottish Government, when it made a similar consultation with community, from the alcohol industry and the kind of emphasis that the alcohol industry put on individual choice, undermining strong evidence for population health and promoting much weaker evidence that supports the alcohol industry. We need to be very careful as a community and as representatives of our community that we take a population health approach rather than an industry commercially led approach. We need to be very careful at looking at the source of the evidence upon which we base those decisions.

CHAIR: Would you like to table that paper?

Associate Professor EZARD: Sure.

Document tabled.

The Hon. HELEN WESTWOOD: Thank you, Dr Graham and Professor Ezard. It is good to see you again.

Associate Professor EZARD: Thank you.

The Hon. HELEN WESTWOOD: It is a slightly different orientation this time—young people. In particular I really want to know whether young people are disproportionately represented in the health impacts of alcohol abuse. I heard the point you made, Dr Graham, which I had not heard before about the younger that you begin to drink, the more likely perhaps you are to have an alcohol problem.

Dr GRAHAM: Yes. The earlier the initiation, the more likely you are to develop more problematic alcohol use later in life.

The Hon. HELEN WESTWOOD: Okay.

Dr GRAHAM: That is true of alcohol and illicit drugs.

The Hon. HELEN WESTWOOD: Are there any other aspects of health impacts for young people that are disproportionate to the general population?

Dr GRAHAM: The majority of the patients that we see with drug and alcohol problems are over the age of 18, but that is not to say that a lot of those problems did not begin a lot earlier. In clinical practice and busy hospital emergency departments, we do tend to see a lot of young people with binge drinking. As time goes on and the patients get older, the pattern becomes more that of regular drinking alcohol dependency, but the binge drinking phenomenon extends well beyond the age of 18. It is that gradual change in pattern. It is rare to find people before the age of 18, for instance, with significant liver disease or chronic health complications from alcohol. It is more the acute things, such as fights and injuries and so forth.

The Hon. HELEN WESTWOOD: We have had quite a bit of evidence about binge drinking. When we talk about binge drinking, there are health impacts that are very specific to binge drinking. You just mentioned fights and injuries.

Dr GRAHAM: Yes.

The Hon. HELEN WESTWOOD: Is that primarily what it is?

Dr GRAHAM: In young people, yes I think it is. There is a saying within Europe that the Finnish kill their lovers and the French kill their livers. There is a Mediterranean pattern of drinking; people in southern

Europe very rarely get drunk, but they have very high rates of sclerosis of the liver. People in northern Europe binge drink at all ages and have problems with violence, such as fights and motor vehicle accidents and so forth. I guess you could say that in the population of Australia we have a lot of both, but we tend to start with the northern Europe pattern when young and then move down south. We have both.

The Hon. HELEN WESTWOOD: I am pretty sure you are aware of the Newcastle model.

Dr GRAHAM: Yes.

The Hon. HELEN WESTWOOD: That has been recommended to us by a number of witnesses and in a number of submissions. Is there any particular component of that you would like to recommend to us, or reasons why you think it actually was so effective? Could we transfer that into, say, an environment like Kings Cross? Do you think it would be as successful?

Dr GRAHAM: I think there is every reason to think it would be just as successful. I know the alcohol industry has tried to argue that there are specific local factors that make it successful in the Newcastle area only, but once again it goes back to those basic questions of availability and opening hours, outlet density and so forth. Considering how mild the change was in Newcastle in terms of the opening hour restrictions, it had an enormous reduction in problems—violence and so forth. There is every reason to think that you would see a similar and widespread change if those policies are rolled out across the State. Of course we need a mechanism to measure those things, which is contained in the submission.

CHAIR: I would like to follow that up with a question directed to Associate Professor Ezard because that was in the St Vincent's submission where it referred to the Newcastle model. Do you know if the health service or the hospital up there, John Hunter Hospital, has some statistics to show that the number of hospital admissions from alcohol-related violence, et cetera, were tracked when the Newcastle model began? The police were able to give us crime statistics and incident statistics, but is there an equivalent on health statistics?

Associate Professor EZARD: My understanding was that that did form part of the evaluation, but if you like we can take that question on notice and get back to you.

CHAIR: That would be great, thanks.

Associate Professor EZARD: I think that is probably the safest answer.

The Hon. HELEN WESTWOOD: One of the other areas in relation to which we heard evidence from the police and our last witnesses was around the issue of preloading and young people loading before they go out for the evening. They thought that was also related to such long hours and that, if we reduce the hours say to midnight, young people are much more likely to go out earlier in the night and not get loaded beforehand. Does either of you have a view on that?

Associate Professor EZARD: This is conjecture now. It is a good question, but certainly we do not have any evidence on that, one way or another. What we do know though is that if you reduce the hours, you reduce the duration of consumption time, so therefore you reduce total volume consumption and all the problems that follow on from that. The question of preloading or not is less important, I think, than, as you say, the actual duration of the consumption period.

Dr GRAHAM: One way to respond to that question, although it is slightly off cue, is to look at the experience from another way in which young people used to drink large amounts of alcohol very quickly, and that was through alcopops. When alcopops were cut down with specifically aimed taxation on those drinks, it is true there was a response from drinking and people drank more spirits and combined bottles of soft drink with bottles of spirits and so forth. But the point is that that compensatory increase in other forms of drinking was significantly less than the decrease in alcopop consumption. As long as you focus on those central tenets—price, availability and marketing, especially in the case of alcopops—you might see ways that drinkers try to get around those things, but the overall point is this: What is their overall net effect on alcohol consumption and alcohol-related harm in response to any policy?

The Hon. HELEN WESTWOOD: In your submission, under any other related matters, one of your recommendations is for the Government to collect and publish alcohol sales data and also improve the process of the link of alcohol-related harm. Is that not currently available? Does that not currently happen?

Dr GRAHAM: Not well enough. Much of the data I have recently seen is from the NSW Police Force, which attempts to collect health-related data and it roughly tries to look at the risk in any particular local government area. I can be more specific to take on notice, but in summary a lot of that data and the way it is collected is incomplete and unsatisfactory. It is very interesting that the area I work in out west, Blacktown and Mt Druitt, is seen as a low-risk area according to this data. So, I think it can be done better. There are some measures but it is incomplete and coming from the Police Force, although they are attempting to do it under the health model, clearly it is going to be biased towards law and order and those sources of data.

The Hon. JAN BARHAM: If I can ask you to explain a bit on some of the other health issues that arise from binge drinking. What are the other risks we are seeing in young people from binge drinking?

Associate Professor EZARD: The major problem that we see in the hospitals is alcohol-related injury. I think in my submission here one in five hospitalisations of young people is alcohol-related. Given that not many hospitals hospitalise young people, it is a very important cause of hospitalisation among young people, mainly injury related. It can be accidental or deliberate, self-harm or harm to others.

The Hon. JAN BARHAM: Victim or perpetrator?

Associate Professor EZARD: That is the main problem with alcohol.

The Hon. JAN BARHAM: Do they go through court if it is the victim?

Associate Professor EZARD: The data is quite poor. We have looked at our own hospital data and tried to measure the proportion of alcohol-related presentations. We know we are grossly underrepresenting the real presentation. It is worthy of some more resources for data collection statewide. The New South Wales health statistics present data on emergency department presentations amongst young people but I suspect that is an underrepresentation.

The Hon. JAN BARHAM: There has been a bit in the media recently about the consequences of binge drinking—sexual assault, unwanted pregnancies, sexually transmitted diseases, those sorts of things. Do you see that is something that is not properly captured in the data, those sorts of impacts and whether or not they are a flow-on effect from the alcohol?

Associate Professor EZARD: Absolutely, and it is something even globally we are just starting to look at, for example, the relationship between HIV transmission and alcohol use. We are starting to see that statistical relationship being shown globally. We know in Australia that is going on as well but again it is not captured in the data.

Dr GRAHAM: I might just add that alcohol is known as the great enabler. People do things when they are inebriated that they would not otherwise do. A huge proportion of our cases of overdose are initiated by alcohol use. One thing I learned when I started working at St Vincent's many years ago in toxicology, more than half of the overdoses were in the context of alcohol intoxication.

Associate Professor EZARD: Similarly, the presentations for suicide and deliberate self-harm are very frequently in the context of intoxication with alcohol.

The Hon. JAN BARHAM: So you are saying this is about people engaging in risk-taking behaviour because they are under the influence of alcohol, whether they are experimenting or taking other drugs or doing other things that they would not normally do?

Dr GRAHAM: They will do things they would only think about.

Associate Professor EZARD: We know that alcohol interferes with judgement considerably, and in a young person the judgement is already oriented towards risk-taking. It can be the decisive factor in tipping someone over.

The Hon. JAN BARHAM: Can you explain a bit more about the motivational interventions that can be taken advantage of?

Associate Professor EZARD: I think this is where we are really dropping the ball in this State. As Dr Graham said, adolescence or youth is usually before anyone has developed any kind of dependence or much higher frequency, higher volume, alcohol use. That is a moment when early intervention can actually happen, and we are not doing it. We know that screening before high-risk alcohol use and intervention is an effective strategy, and we are not getting it out at scale to the population.

The Hon. JAN BARHAM: Because you are not training enough people?

Associate Professor EZARD: We are not training enough people. We are not doing it opportunistically through hospitals, during presentations, for example, or during any other presentation to the general practitioner or out in more community oriented services. We are just not looking at how we can structure that into online services, how people can go online and do some sort of self-administered intervention. We are not being creative in that way. We have not set our minds at trying to get that out, at scale, to the population. It is quite different to population-based education strategies, which we know do not work. It is very tempting for policymakers and the public. It looks on first inspection to be quite a palatable and effective measure, population measures or general education in schools, but at the evidence level that does not work to change the culture of drinking.

The Hon. JAN BARHAM: Do you have much evidence that you can show that these interventions work and the cost of government doing it? I suppose it is just a change in the way training happens and communication works?

Associate Professor EZARD: There is a resource cost. It requires some additional resources, which is one of the bigger reasons why it has not been done at scale because it requires not just training but time of whichever professional is trying to do it.

The Hon. JAN BARHAM: But the value—

Associate Professor EZARD: Yes, the cost benefit analysis stands up.

The Hon. JAN BARHAM: Has research on that become available, if I put the question on notice?

Dr GRAHAM: Absolutely.

The Hon. NATASHA MACLAREN-JONES: Are you aware of any specific programs, and not the population-based programs that you were just talking about?

Associate Professor EZARD: Screening and brief intervention would not be considered a population-based approach because it acts at an individual level. Getting it out at scale may change the population level of harmful drinking, but it is targeting individuals.

The Hon. JAN BARHAM: My question is, are you aware of where it is operating overseas or any other jurisdiction where they have that screening occurring?

Associate Professor EZARD: The evidence is there from many settings that it does work. Not many countries have yet got it to the point where it is at a population level, but certainly the evidence at an individual level is there.

The Hon. JAN BARHAM: What is the data saying? How many people has it helped or are there significant numbers?

Associate Professor EZARD: I think you will see in my submission it is significant enough that it is recommended, for example, by the United States, the preventative health task force, to be incorporated into health care settings. So, the evidence is there enough for policymakers to encourage its use. It just needs probably some more resources or some more harmonised effort from all the actors.

CHAIR: We have had evidence from other witnesses, in their submissions and also today, about brain development and a relationship with alcohol and that being a motivation for the increase in drinking age or a reduction in blood alcohol limits—an increase in blood alcohol limits but a reduction to a higher age, if that

makes sense. Say, zero blood alcohol until the age of 22, and another option was increasing the drinking age to 21 or someone even said 25. Have you any views on that?

Dr GRAHAM: I think increasing the drinking age to 21 or even 25 based upon the idea that the brain is quite plastic until that age. There is some evidence that those things will help, although there is also some contrary evidence to show that you will get more harmful binge drinking. There is some good evidence from the United States when Ronald Reagan forced each State to increase the drinking age from 18 to 21. As each State reluctantly did so to get their highway funding there was a stepwise decrease in road trauma secondary to that. However, it is going to be very difficult to argue that at a political level.

If you are old enough to vote, if you are old enough to serve your country in war and perhaps be killed overseas and not yet have a beer, that is going to be a hard one for you to get through, to be frank. As we have said before, although there is some evidence to support it, the ones we tend to agree in this field are the most valuable are those three main ones that Professor Ezard mentioned initially. There has been some experience so far with decreasing the blood alcohol limit for drivers with P plates from 0.05 to 0.02. I am not sure of any data. Hopefully there should be some to see whether that was effective at the time. It is worth exploring some of these issues, but I am not familiar with any particular data around P-plates and so forth.

CHAIR: Professor Ezard, do you have anything to add?

Associate Professor EZARD: I agree with Dr Graham. Looking at raising the drinking age will bring more problems than it solves probably and will represent a diversion of resources away from perhaps more effective measures. On the other hand, drink driving has been very successful. Australia can be proud of its drink driving measures. I am from Victoria and we have zero blood alcohol for P-plates. Again, I am not familiar enough with the evidence on that.

Dr GRAHAM: I would like to make one point about drink driving and so forth, and that is that it is a combination of policy change, enforcement and targeted education at the same time. One could argue that that has indeed led to a change in drinking culture. There used to be a culture of drinking and driving: one for the road, the traveller. That culture has changed. But my point is that that culture change has been secondary to sensible regulation and legislation, not the other way round.

Associate Professor EZARD: There was one point in our submission about drink driving. We recommended that it is linked to some kind of intervention. Perhaps initially for repeat offenders but, certainly, it could be linked to interventions.

Dr GRAHAM: Ours too.

CHAIR: Your submission states:

In Australia alcohol is a key factor in the three leading causes of death among adolescents; unintentional injury, homicide and suicide.

Is that commonly known and accepted? Does the general public understand that each of those leading causes of adolescent deaths is linked in with alcohol, particularly suicide, and even overdoses?

Associate Professor EZARD: I think we still do not have a good understanding of the full range of harms that are linked with alcohol use amongst young people. I do not know. That is just my impression.

The Hon. HELEN WESTWOOD: An earlier witness talked in their submission about university culture. Do either of you have an opinion on that? They recommended that universities actually bring in policies and practices on their campuses that aim to reduce alcohol abuse and not allow sponsorship or promotions and those sorts of things. Do you have a view on that, given that both of you probably spend a bit of time around academic circles?

Associate Professor EZARD: I just want to say that I am not a wowser, by the way. We are not saying that people should not drink at all. I will just get that on record. I agree that all forms of alcohol sponsorship should be banned. We are talking here about young people. That is where you get young people: sporting events, club events and universities. Campus sponsorship by the alcohol industry should be prevented. I certainly would support that as an initiative. Campuses can develop alcohol harm reduction policies. That is not

to say they should introduce abstinent universities; but introduce some kind of harm reduction policy on campus. Engaging in the exercise as an academic community, not just introducing laws, would be of benefit.

Dr GRAHAM: I suspect it is an area that has largely been unregulated and left to student bodies and councils and so forth to deal directly with their alcohol suppliers. Universities should have policies in this area, not aiming toward prohibition but just damping down some of the worst excesses, including sponsorship. Some research by Kyp Kypri has shown a very strong relationship between sponsorship and supply of free alcohol to members of sporting organisations. The higher the level of professionals within the sport—and some sports in universities are very highly professionalised now—the higher the risk of alcohol consumption amongst those sports people who are provided with free alcohol, not the other way round, which is interesting.

Associate Professor EZARD: This is a deliberate marketing strategy because it is successful. Just as an aside, I did some research in a refugee camp on the Thai-Burma border. The local soccer team in the refugee camp had their sporting team uniform sponsored by one of the big alcohol companies. The penetration of those marketing strategies is quite wide-reaching and well thought out.

CHAIR: On behalf of the Committee, thank you for your submission and also for your evidence this afternoon. The Committee has resolved that responses to the questions you have taken on notice be returned within 21 days. The secretariat will liaise with you to facilitate that response. Thank you for your time.

Dr GRAHAM: My pleasure.

Associate Professor EZARD: Thank you.

(The witnesses withdrew)

CHRISTOPHER DOMINIC SIDOTI, Chairperson, Independent Liquor and Gaming Authority, sworn and examined, and

DAVID JOHN GREENHOUSE, Chief Executive, Independent Liquor and Gaming Authority, affirmed and examined:

CHAIR: Would you like to give an opening address before we open up for questions?

Mr SIDOTI: Just a couple of comments rather than an opening address. I have been chair of the Independent Liquor and Gaming Authority and its predecessor for five years. This is the first time we have been invited to come to a parliamentary committee, we are pleased to receive the invitation and grateful. The authority is a statutory authority, as you know. We were established by the Parliament to perform certain functions contained in the legislation and they relate to liquor, gaming and regulation of the casino. We have a licencing role, some compliance roles and disciplinary roles but not policy roles. The policy advice to government and the Parliament lies with the government and the department. There are limits to our capacity to be able to provide policy advice to the Committee.

Certainly we are happy, willing and able to speak about our experience in licencing and regulation of the existing legislation which we have now been responsible for since the establishment of the current authority on 1 July 2008. Our predecessor, the Casino Control Authority, only had responsibility for the casino. That authority was abolished and replaced by us. We have had casino control for 15 or more years but in terms of gaming and liquor licencing only for the last five years. In commenting and assisting the Committee we are happy to deal with such questions as you wish to ask about the experience we have in the role we play.

The Hon. JAN BARHAM: Could I get an indication of any trends or changes in the authority's approval of licences since the changes in the legislation in 2007 and particularly I am interested in the increase in the ease of access to licences with the change overs that happened then.

Mr SIDOTI: The 2007 Liquor Act that commenced on 1 July 2008—at the same time we did—certainly represented a more expansive or more liberal approach to liquor licencing than existed under the prior Liquor Act. The two biggest areas of liberalisation concerned, first, licencing of bottle shops or more formally known as package liquor licencing, which has seen an expansion in the number of those outlets particularly into supermarkets not just since 2008 but principally since 2008. The second is the introduction of the, formal title, hotel licence general bar or if you like bar licence, which did not exist prior to the 2007 legislation. We have gone from zero in terms of these general bars to a significant number of them.

The Hon. JAN BARHAM: Was that also when restaurants and cafes could for a small fee of \$500 transfer and gain an actual licence?

Mr SIDOTI: Restaurants and cafes have always had the capacity to have an on-premises licence and that still exists. They could be transferred into a bar licence but the capacity to partly operate as a bar through the primary service authorisation predated the 2007 Act.

The Hon. JAN BARHAM: I thought it was made easier with a simple application.

Mr SIDOTI: It was made cheaper and it was made simpler.

The Hon. JAN BARHAM: Simpler and easier.

Mr SIDOTI: The process itself predated the current legislation.

The Hon. JAN BARHAM: Is part of the increased density issue is the change in the 2007 Act and regulations?

Mr SIDOTI: The number of liquor licences has increased so it has impacted on density. It is a more liberal regime than existed prior to those dates and, as you say, it is cheaper and easier than it was previously.

The Hon. JAN BARHAM: The Office of Liquor, Gaming and Racing announced a report and study into the density issue but that has not been released yet, is that right? Do you have an understanding of whether that report has been finalised?

Mr SIDOTI: My understanding is the report has been finalised. Our authority has received a copy of the report but the department which commissioned the report—we contributed to its cost—have not yet released it. I am aware that there was a statement at some stage that at the end of a 12 month trial period of an instrument that was developed as part of this report the report itself would be released and I understand that has not yet occurred.

The Hon. JAN BARHAM: Are you supportive of the idea of restriction of licences in terms of lock-outs, drink restrictions and those last drinks campaign issues being applied for a trial statewide?

Mr SIDOTI: Being applied for a trial statewide is not an issue the authority has addressed simply because under the legislation we cannot do it that way. We have and can impose those restrictions on a case-by-case basis either in relation to the grant of a licence and imposing conditions or because of a disciplinary matter that has come before us. The current legislation enables the director-general of the department to impose those kinds of conditions on a precinct-wide basis but the authority does not have any precinct-wide powers, only powers in relation to individual licences.

The Hon. JAN BARHAM: You would not be consulted or have any authority in relation to that?

Mr SIDOTI: No.

The Hon. JAN BARHAM: It is with the director-general?

Mr SIDOTI: Correct.

The Hon. JAN BARHAM: Evidence that identifies an area with a particular problem should correlate to make it possible to apply restrictions?

Mr SIDOTI: It is a matter that the director-general can consider under his precinct powers. It can come before us as a disciplinary matter naming specific venues. To take an example, there was a disciplinary complaint that named a number of venues in Hamilton, part of Newcastle and because it was about disciplinary application of conditions to the licences of specific venues resulting from specific experiences we had jurisdiction to deal with it. We were not able to deal with the entirety of the licensed premises in Hamilton. That was one of the arguments put to us by these premises: Why should they be subject to licences when it was a Hamilton-wide problem and we were not imposing conditions on the rest? It is a good question but for us a legal question. We had no power to impose conditions on the rest.

The Hon. JAN BARHAM: In relation to licences, my experience in working in local government was some of the approvals that exist are historical in terms of the development application requirements so the only opportunity available to local government was to do a submission when they applied for a licence. It is difficult for local government to provide the necessary evidence and documentation to mount a case against an alcohol licence. Do you think the community impact statements and those tools are strong enough for communities and local government to respond?

Mr SIDOTI: In my opinion, yes, but they need to be used. I can give you a couple of examples. One would be well known to you and that is the Byron Bay example. The community impact statements generated an enormous amount of what I consider to be valuable material for our decision making. Our role is to make decisions and we make decisions according to fact and law. The law is clear. The facts are sometimes available to us and sometimes not. In Byron Bay we were given good evidence by community groups, members of the council—not by the council as a whole—and others, including the police, that enabled us to make a decision there that refused the application for a licence.

Another similar but also somewhat different example is an application for a bottle shop licence, package liquor licence, in Katoomba. There the city council felt compelled because of the Local Government Act or land and environment act, whatever it is, to grant the approval. At the same time as doing that they responded to the community impact statement saying that they did not want the bottle shop licence granted. They felt constrained by their understanding of the law, which I am not expert in so I do not know whether they

were right or wrong, to give approval to the development application and at the same time felt free, properly, to express a view on the social merits of the application to the authority and again we rejected the application.

The Hon. JAN BARHAM: What about the situation with Shoalhaven where the council rejected—

Mr SIDOTI: —it does not come to us. We cannot consider an application—

The Hon. JAN BARHAM: —it and it was taken to the court and the court overturned it?

Mr SIDOTI: Then it can come to us. We cannot consider an application until the development approval is in place. If that goes from the council to the court there is development approval and we are able to consider but again the council has the capacity to express its views to the authority. If I may make a subjective comment: where I sometimes do become concerned is that sometimes the Land and Environment Court matters are settled by consent and the councils feel constrained not to make negative comments to the authority. We would like to have their views.

The Hon. JAN BARHAM: That is encouraging.

The Hon. HELEN WESTWOOD: Thank you, gentlemen, for appearing before us this afternoon. I want to deal a little more with local government approval. Like many here I, too, started my career in local government and was faced with applications. The Office of Liquor, Gaming and Racing told us earlier that it was developing a new environmental assessment tool for decision-makers in local government—and that will be welcomed—that looks at densities, saturation public transport and so on. To your knowledge has there ever been an attempt to have local government, those two consent authorities, actually come together to talk about the development application process or the approval process for liquor outlets, be they take away or on premise, and ways that the process can be improved and recommendations about legislation that would reduce the risk of alcohol-related harm in the community?

Mr SIDOTI: Compared to Mr Greenhouse I am a new boy; I have only been here for 5½ years. Can I defer to him?

Mr GREENHOUSE: I have been in the role for three years.

Mr SIDOTI: But you have been in the office for longer than I have. I know during the consultation process on the Liquor Act, there were a series of consultations and information seminars that occurred in 2008 across the State where local government representatives were involved in an education process about what the new laws meant and the implications of it for them—I suppose the short answer to your question is no. The simple numbers of these things make it very difficult. For that joint process to occur there is one of us and 140-plus councils.

We did have a session with the Sydney Council not so long ago, the authority members and the police looking generally at small bars or general bars in the Sydney LGA and got some understanding of their processes and they of ours but, no, as a routine process in decision-making exercises, no, they run, not like ships in the night but they are on different courses and they run separately.

The Hon. HELEN WESTWOOD: I do wonder whether or not there is room for that because as a decision-maker—and perhaps other members who have had that role share my experience—there is confusion about the role of local government as the consent authority for the development application and, in the old days, the board, which had the responsibility for granting the licence. We were often faced with decisions. I can recall a case about extending the hours. The argument was that at one o'clock they all spew out onto the footpath, create problems and as there are no taxis, it creates real problems and violence in the local community so we should extend the hours—

The Hon. JAN BARHAM: Stagger them.

The Hon. HELEN WESTWOOD: Yes, we would stagger them. It seemed a reasonable argument at that time. I was fairly new in local government at that time but with the knowledge I have gained and from what we have seen with alcohol consumption I would say that we were poorly advised at that time; that it was not smart to extend those hours. I wonder why local government and the authority have not had the opportunity to

get together to talk about ways in which they can work together in that approval process to ensure we are not increasing the risk of alcohol-related harm in local communities.

Mr SIDOTI: It is a valid question. We certainly endeavour to the extent that we are able to encourage local government to make solid fact-based submissions, but we are a small body. The authority is made up of five people of whom four are part time. The chief executive is the only full-time member. Up until recently we have not had direct responsibility for our staff. We have been serviced by the department so our capacity to do things beyond the fairly narrow scope of the legislation itself has been very limited. But we have started a process just in the last six months of speaking regularly with many of the stakeholders and, as Mr Greenhouse said, one example of that is meeting with the Sydney City Council, police and the office to deal with the issue of small bars in the Sydney City Council area. I think we can do much more.

The Hon. HELEN WESTWOOD: Do you also collect data or even commission your own research on issues relating to alcohol consumption and licences that assist you or inform your decision-making?

Mr SIDOTI: We do not commission research except with a couple of rare exceptions. As I mentioned, we did contribute some money from our budget to that study that was done about density. That was research commissioned by the office rather than by us but we did make a contribution to it. Basically we do not commission research. Across all of the areas of which we have responsibility we have one person who is a researcher. He tries to keep an eye for our benefit on research that is being done elsewhere and to draw it to our attention. We certainly do stay on top of data such as BOCSAR data, demographic data, census data and so forth. Whenever we make a decision on a licence we take into account both demographic and crime statistics, not just for the local government area but for the particular precinct or district to the extent that these statistics exist to enable us to do that. We try to keep on top of research and data but it is a bit of a struggle and we do not commission it ourselves.

The Hon. HELEN WESTWOOD: You have set criteria upon which you assess an application. What is the process if an application comes to you for a licence, say, for a hotel, and is it different for a packaged alcohol outlet?

Mr SIDOTI: In many respects yes, but the most fundamental criterion is set out in the legislation, which is the social impact criterion. Section 48 (5) of the Liquor Act basically says we have to be satisfied that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the wellbeing of the local or broader community. That is a very broad criterion but it is the most fundamental one. We have ourselves issued guidelines which I can make available to you or leave with you that spell out our understanding of that. Our understanding of course is subject to judicial determination that might be different in one way or another but one thing that I feel quite pleased about is that in the time that I have been chair we have only had one matter go to the Supreme Court for judicial review—only one. So we do not get reviewed very much and our guidelines, which I can leave with you, set out the basis upon which we consider the application of that section 48 (5) test particularly, as well as the other criteria in the legislation.

The Hon. HELEN WESTWOOD: So those guidelines would be used for the assessment of every application?

Mr SIDOTI: Of every significant application. By that I mean full hotel licence, bar licence, packaged liquor licence, on-premises licence, primary service authorisation, some things such as change to the name of the licensee, for example, and within limits boundary changes. There are some less significant, smaller impact matters that are not subject to that test.

Mr GREENHOUSE: Section 48 (2) identifies what applications section 48 (5) replies to and it is a higher impact application—higher trading and the new premises matters. They are listed in section 48 (2) of the Act.

The Hon. HELEN WESTWOOD: Would you look particularly at a cohort such as we are, like young people?

Mr SIDOTI: Yes.

The Hon. HELEN WESTWOOD: That is within your guidelines to look at the impact on?

Mr SIDOTI: We have to look at social impact generally but our guidelines that we have adopted refer to particular groups that are vulnerable, and they certainly include young people. There are a number of demographic factors identified by research of particular groups in the community that are more susceptible to alcohol or alcohol abuse or the consequences of alcohol abuse and we look at that. For example, the presence of a large number of Indigenous people in communities that are vulnerable to alcohol abuse will be a relevant factor that we take into account. But the Byron Bay package liquor licence I referred to was one where clearly the situation with young people was one of the most significant factors in our refusal of the application.

The Hon. HELEN WESTWOOD: Could you put conditions on a licence?

Mr SIDOTI: Yes.

The Hon. HELEN WESTWOOD: So you can do that.

Mr SIDOTI: They must be reasonable, based on evidence, but yes.

The Hon. HELEN WESTWOOD: One recommendation we are consistently getting to date is around promotion, about banning certain types of promotion or marketing. Is it within your remit that you could place those types of conditions on a licence?

Mr SIDOTI: My hesitation is that the director general under the legislation has the power to make directives or—it is not regulations but to deal with promotions. We have therefore tended not to, although there are one or two instances where we have taken up a promotional issue but we have tended to see a division in the Act between our responsibilities here and those of the director general.

The Hon. HELEN WESTWOOD: What sort of conditions would you put on a licence?

Mr SIDOTI: Some that related to the containers, plastic containers and so forth that have been used, but we have not addressed issues like—one matter that we have discussed several times but not addressed because we saw it as more promotional and therefore the director general's responsibility is the question of placards on the outside of bottle stores and the A-frame advertising stands. We do not have in New South Wales any external advertising of poker machines, which in some States they do, but we do have external advertising of alcohol but that is not something we have addressed and acted upon. I suspect, to go back to your question and answer it more directly, we probably do have power I think but because there is a specific provision allocating this to the director general we have tended not to look at that.

Mr GREENHOUSE: I should add that we also have the capacity in our review function to review decisions of the director general under that section, I think it is 102, the promotions aspect. We have not yet encountered a case where we have had to review a decision made by a disgruntled applicant or respondent, but we do have a role, to some extent.

The Hon. HELEN WESTWOOD: Another area that people have raised with us, and this is particularly relevant the further away you get from the centre of Sydney and that is access to public transport and the risk of particularly young people who have consumed alcohol then making their way home safely. Is that also something that you would look at when you are assessing an application?

Mr SIDOTI: Yes, it is a factor that we can take into account. We have to take into account the social impact very broadly described so questions like access to transport to get home is one aspect that we can examine.

The Hon. HELEN WESTWOOD: Can you think of an example or an application that you may have refused on the basis of things like public transport?

Mr SIDOTI: As you have been talking I have been sitting here trying to think. I do not think we have.

Mr GREENHOUSE: But there was a submission made by I think the Roads and Maritime Services in the Byron Bay matter.

The Hon. JAN BARHAM: Part of ours is transport.

Mr SIDOTI: That is right, it was part of Byron Bay.

Mr GREENHOUSE: They had some quite significant drink-driving statistics that they presented to us which was all part of the decision we ended up making but that was one that jumps to my mind.

Mr SIDOTI: Not quite the same but there was an application on one occasion for a floating bottle shop on Sydney Harbour which we knocked back because of the water safety issues involved with that.

The Hon. NATASHA MACLAREN-JONES: I am interested in the social profile reports that you put out. They are based on the local government area, is that correct?

Mr SIDOTI: Yes.

The Hon. NATASHA MACLAREN-JONES: We have heard a lot about Newcastle and Byron Bay today. Are there any other areas that you can recall from the reports you have put together that are considered hot spots across the State and if there are any trends that correlate with that?

Mr SIDOTI: I will have to answer in two parts. The social profile reports were produced once and are now almost irrelevant they are so outdated. When the Act was introduced and our authority was established in 2008 both we and the Office of Liquor, Gaming and Racing saw the development of local government area social profiles as a high priority and at that stage there were the resources to do it. They were produced in 2009. They were enormously valuable but we have now got several years of data. If they are to be continued they need to be updated and there is not the resource availability to update them at the moment. So these days we essentially go to the raw data rather than to the social profile which exists on an LGA by LGA basis. The data we use is the latest census data, so-called SEFA data, socioeconomic indexes and BOCSAR crime data.

As to the second part of your question, yes, there are hot spots but not necessarily as local government area wide but rather within local government. One of the greatest challenges for us is that we constantly have to get below the local government area to look at what is actually going on in a neighbourhood or a district. Many LGAs are enormous in geographical size or enormous in population, and most of them are aggregations of a number of different communities. Often we can get LGA data but it is very difficult at times to get data for the community that will be affected by the bottle shop. It is sometimes very difficult but we try to be as specific as we can to the area where the licence will have an impact as part of our decision-making process.

The Hon. NATASHA MACLAREN-JONES: You mentioned bottle shops. Do you think there is a direct correlation between the number of bottle shops or hotels within a proximity or having a direct impact on the increase of alcohol abuse?

Mr SIDOTI: It is a complex question. The answer has to be yes but what is the impact? There are some areas where the density is very heavy and yet there is not a preponderance of alcohol-related violence. Density alone is not the determining factor, but density is a contributing factor. We have rejected applications on the basis that density combined with hot spots and sociodemographic data has not satisfied us that there would be no negative impact. So we take density into account. But at other times density is a relatively minor factor. Where there is a large number of outlets and there is no criminal data that goes with it and no particular socioeconomic indicators that would cause concern, we would be inclined to say, "Okay, we will licence." But it is the aggregation of a number of different indicators that we use. There is no doubt that density is an issue.

There is also no doubt that there is a tipping point even though no-one knows what it is. I personally get frustrated that often the argument that comes before us from an applicant is, "There are so many outlets in this area that one more will not make any difference". That is not a particularly helpful argument. There is a tipping point and one more can make a difference. If one more was not going to make a difference, then we would never say no. But we need to look not just at density but at the other relevant statistics around it in making that decision.

The Hon. NATASHA MACLAREN-JONES: What would you say are those other relevant factors that we need to consider?

Mr SIDOTI: The ones I have mentioned: crime statistics, particularly statistics related to alcohol-related crimes, especially violent crime but not only violent crime; other sorts of alcohol-related crime too; a preponderance or an over-representation of groups with known vulnerability either to alcohol abuse or to

immediate impact from alcohol abuse—there may be communities that have low consumption of alcohol but suffer badly because of others' use of alcohol—socioeconomic data, low income areas, for example. We need to be sensitive to the proportion of incomes that are being spent on alcohol.

Mr GREENHOUSE: But also qualitative material from submissions that are received from police and community groups and individuals who will have their own particular ideas or thoughts or views on what an application might mean in their local community.

The Hon. NATASHA MACLAREN-JONES: Is there anything you have seen come through that shows a trend that is a direct link to increase of alcohol abuse amongst young people?

Mr SIDOTI: My hesitation just means that nothing obviously jumps to mind as being a single factor. Entertainment areas—there are some obvious things but in terms of being able to assist you by saying that we have an enormous insight into this big problem, I do not think we can.

The Hon. JAN BARHAM: What about events, things like music festivals? Do you see the data from those?

Mr SIDOTI: We do see the data from those. We sometimes license and sometimes reject applications for those. It depends on how the festival is run and other things that are available. I would not say that all music festivals should have alcohol banned but they need to be carefully looked at. It does need to be restricted. Alcohol is a controlled substance and for good reason. So the question is, what level of restriction is justifiable and effective?

CHAIR: You mentioned that the Director General would have responsibility for promotion. Does the Director General, or do you, have any responsibility when it comes to pricing? For example, we have heard evidence today that outlets selling alcohol at below cost is potentially a contributing factor to alcohol abuse in some areas, hand in hand with that promotion area. What would that fall under, if that were something that needed to be—

Mr SIDOTI: I have to answer in three different parts. The first part is that there is national competition policy that affects how all parts of the alcohol regime in this State operate. So once upon a time there was a needs test in the legislation but a decade or more ago that was removed, in the interests of national competition policy, and pricing comes into that as well. So there is a national level of responsibility. Secondly, at the level of areas, again it could be handled under a precinct arrangement.

CHAIR: Which would be the Office?

Mr SIDOTI: It would be the Director General. Third, it is a matter that we have looked at when we have considered individual applications. At one stage a year and a half ago we, in fact, suspended the processing of packaged liquor licence applications for the major supermarket chains, in an attempt to examine what the impact of pricing was. We suspended those applications generally but we could only make our decisions on an application-by-application basis, because our responsibility is that. And what became apparent to us was that—and this was on the basis, I add, of commercial information given to us confidentially, which is fair enough, by the suppliers.

In spite of their advertising, the prices were around about the same across the major chains, even though they proclaim themselves to be different. They may be less at one chain for one product at one time, more for another product at another time and so forth. We did not see any evidence that there was a consistent under-pricing by any of the major chains that were marketing at that stage. But that is just looking at existing pricing. What that meant to me was that it was very difficult to reject an individual application, unless there was evidence that this licensee was going to start a cut-price war, in which case we could address the matter and reject it on that basis. But the price of alcohol, from our study, was a State-wide or nation-wide issue, rather than one that could be addressed on a licence-by-licence basis.

CHAIR: That is at the approval stage but if there was clear evidence of an outlet that was significantly discounting alcohol, would it be the authority that would then be able to take or implement some restrictions there? Or is that again something that needs to be done by someone else?

Mr SIDOTI: Again, it has not come to us. My view is that we could, provided that we could demonstrate a link with negative social impact, that is, social harm.

Mr GREENHOUSE: If it was already licensed, I think—

Mr SIDOTI: It would be by disciplinary order.

Mr GREENHOUSE: That's right and I think there is probably the scope of 102—I don't have it with me—it is probably wide enough to cover substantial predatory discounting that might occur. That is a matter for others.

CHAIR: Again, when we look at things like three strikes where the authority can implement some of those restrictions, we are mainly talking about licensed venues where the alcohol is being consumed on premises, not off-licence outlets. And again, we are hearing this evidence around this pre-fuelling or, you know, loading or however you want to term it, where unfortunately it is the licensed venue that ends up sometimes as the outlet that is dealing with the after-effects of potentially discounted alcohol earlier in the evening where they are loading up before they end up at the licensed venue. Is there any scope to be looking towards that other end or is it something that again, you do not set policy, you would need the Director General to start looking at that first and you are only really a reactive agency in that sense?

Mr SIDOTI: We can look at it on a licence-by-licence basis at the front end, so we are not quite reactive in that sense, if it can be demonstrated that, or if the circumstances within the area would suggest that. Again, the preloading was one of the issues in the Byron Bay case I have mentioned. It was a packaged liquor licence and the kids were going to get preloaded by getting grog from this outlet near the centre of town and then moving to the licensed venues. It is something that we can, in a situation like that, take into account and we can take it into account at the disciplinary end if it comes to us. But we haven't had any cases brought to us for discipline that are directed to the packaged liquor licence end of the market. They have all been licensed premises, on premises.

CHAIR: That is the key, isn't it? You have to actually have the complaint made before you can take that action.

Mr SIDOTI: Yes. We have been surprised that there have been so few complaints made in New South Wales. We have received far fewer over our five years than, say, Victoria and some other jurisdictions.

CHAIR: Once the complaint is made, the suite of restrictions that you can implement, talk us through how you determine which is going to be the most appropriate? Plastic cups is a simple solution to glassing, but some of the other restrictions, how do you determine which is going to be the most appropriate restriction and are you limited by what you can do?

Mr SIDOTI: Not really limited. The legislation provides that we can both penalise and regulate. So, on the one hand, we can censure, fine, remove a licence, disqualify a licensee and, on the other hand, impose conditions on licences such as those you describe. It will very much depend upon what the nature of the problem is from the evidence we receive. If it is a noise problem, we impose noise conditions; if it is a glassing problem, we impose glassing conditions; if it is an intoxication problem, we try to reduce the amount of alcohol that is being consumed.

CHAIR: How do you monitor the success of the restrictions that you implement on a venue?

Mr SIDOTI: That moves to the compliance area which is again the Office of Liquor, Gaming and Racing. We have compliance responsibilities for the casino but we don't have compliance responsibilities for alcohol.

CHAIR: So if it is the department that also sets the policy, once they are doing the compliance on the restrictions and monitoring that and having a look at the effectiveness, then that should feed into, I guess, whether they determine that a particular restriction maybe then could be applied to other venues within an area, or the effectiveness of such a restriction.

Mr SIDOTI: Yes.

CHAIR: So, would you agree then that the compliance and monitoring aspect of the department then sits comfortably in the same organisation and they can look at it and make proactive policy recommendations and changes?

Mr SIDOTI: Probably yes. There is no such thing as a perfect regulatory model but, on balance, I think there is a lot to commend that. It is not the model we had in relation to the casino because we do have compliance responsibilities there, but it is one venue and, given the broader questions about casinos, I think it is appropriate for us to have both regulation and compliance responsibilities there. It may be that compliance would fit well within the authority rather than the department but on balance my feeling is that it is probably better where it is at the moment. Mr Greenhouse might have a contrary view.

Mr GREENHOUSE: I think that is the model in Victoria. The Victorian commission encompasses both the licensing and the compliance functions of all liquor, gaming and racing matters. But these are matters for Government as to how these agencies are structured, and the Parliament ultimately as well. We do the best we can with what we have and we exercise our functions as we can. Every jurisdiction, I think, has a different approach; there is no uniform collection of one agency that collects all policy licensing compliance functions together, or very few of them.

CHAIR: Again, coming up with particular restrictions to implement, do you look to other agencies, other States, other jurisdictions? Let us say you come across a particular problem—a complaint that you have never had to deal with before, how do you then come up with the right restrictions or actions to put on a venue?

Mr SIDOTI: We do look elsewhere, and also there is a lot of exchange across the various State authorities and agencies—at a simple level, a national conference where topical issues like these are discussed and the research work that is being done by various people are brought into the common debates. But also we can deal with our colleagues, and do so quite regularly.

CHAIR: I do not know what the correct term for them is, temporary or one-off-event liquor licences—

Mr GREENHOUSE: Function licences.

CHAIR: How do they rate? Obviously you review those functions, particularly if they are going to apply again in the future, whether it is an annual picnic race meeting or something like that. What sort of a review process do you have to look at those after the event to ensure that they are not contributing to some of these problems in some of the areas?

Mr GREENHOUSE: If I could answer that? The authority gets a very large number of these single-function and multifunction licence applications, mainly from smaller community groups, football clubs and other groups. We rely significantly on the local police and the local council who make submissions in relation to each application. The applicant is required to notify each of those. Some of them will have imposed significant conditions, learning from what might have happened in the past year or years or so. Most of them tend to be for very short durations—only a period of hours once every week for multifunction events or one-off events for a few hours each year. In terms of our capacity to monitor and review these on an individual basis, it is quite limited—almost nil, effectively. But we rely a lot on the local police and the local councils to make their submissions as to why they believe additional conditions or otherwise should be imposed and seek the applicant's views about those and then make judgements accordingly.

Mr SIDOTI: Most of those are decided under delegation. Where there have been bad experiences—and there have been one or two examples of this—when there have been further applications in later years they have been elevated to the authority board itself for decision-making on the basis of police, local government and other submissions.

The Hon. JAN BARHAM: The issue of complaints, and you are surprised that so few complaints are made, do you think it is widely known that people can make complaints? I was trying to find how it is advertised and promoted that there is that power. My experience is that people complain to local government and I am not so sure that local government would advise people to redirect a complaint.

Mr SIDOTI: We both might have answers here, but in part let me take the top end of it and that is that the director general and the police certainly know about their power to lodge complaints and they are the ones that, in general, are not lodging complaints with us.

Mr GREENHOUSE: And they are the only ones the Act permits to make a disciplinary complaint.

Mr SIDOTI: Residents can make noise complaints and there are a small but significant number of those, but complaints that relate to misconduct or misconduct by a licensee can be made by the director general or the police, and there are not many of those that come forward.

The Hon. JAN BARHAM: Do you report on your decision-making, whether or not it aligns with either the police or local government recommendations? Do you have any way of reporting to see whether that alignment works?

Mr GREENHOUSE: Do we report on it?

The Hon. JAN BARHAM: Yes.

Mr GREENHOUSE: Publically, no. We publish decisions of significance and we make a large number of decisions. Generally, matters we refuse are the higher impact matters and we publish our decisions on our website.

The Hon. JAN BARHAM: But the correlation whether or not that aligns? Years ago before the authority there was the situation where the police and the council in my local area opposed an extension of hours for Sunday nights and it was approved—no justification and we could not understand why it happened. I just think that accountability to know whether that alignment is there with community sentiment and evidence from police is important.

Mr GREENHOUSE: If people ask we are under no obligation under the Act to provide reasons for decisions. We try to do so as much as we can and it is physically possible for us to do so in terms of what we need to right, et cetera, and oftentimes some people will come back to us and say, "What was the reason for this particular decision?" and we will give them a reason for it. Often though the police and the council might support an application which we will reject—not often but there are occasions when that occurs and vice versa as well, the director general as well. So there is not always an alignment between the submissions that we receive and the decisions that we make. They are all informative and useful and we have the data et cetera and we will make a judgement based on all that information. Because the police say this is what we will do that is not the way the authority works.

Mr SIDOTI: Just to pick up the last point, I would like to distinguish between local councils and police. Because local councils, as I said, have to give the DA consent in the first place they often feel that they have expressed their view through the DA and do not come to us, and although there has been a change recently the situation was more often the case that we had concerns when we were getting statements of no objection from the council and the police. To be perfectly frank with you, often we would be thrashing around trying to get the evidence ourselves because this just did not feel right and we were not getting objections being put to us. Over the last 12 months I think the police have become far more active and thorough in the material that we are receiving, and that has been of enormous assistance to us. We do not rely on the alignment. We might have a look—I do not know if we have got the resources to do it. But certainly over the years it would be more often than not that if there was not an alignment it is because we were taking a harder line than a softer line.

The Hon. NATASHA MACLAREN-JONES: Could I just ask about the complaints? You said that it is the police or the director general. Is that the same in all other jurisdictions or are there other bodies or individuals that can lodge complaints?

Mr GREENHOUSE: These are disciplinary complaints—so noise complaints and others people can lodge them with the director general of the department. But disciplinary complaints, it may well just be done for administrative purposes, because it is a matter of gathering evidence and it may be that the director general and the police were considered to be the key bodies.

The Hon. NATASHA MACLAREN-JONES: Could you take that on notice to look at it and see if it is all the same?

Mr GREENHOUSE: We can do that, yes.

CHAIR: Thank you very much for your time this afternoon. Thanks for looking after those country race meetings and things like that. Keep up your good work. There are some questions you have taken on notice. The Committee has resolved that the response to those questions be returned within 21 days and the secretariat will liaise with you for that response. Once again, on behalf of the Committee, thank you for your time this afternoon.

(The witnesses withdrew)

(The Committee adjourned at 5.08 p.m.)