

**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 17 June 2013**

---

**The Committee met at 9.30 a.m.**

---

**PRESENT**

The Hon. N. Blair (Chair)

The Hon. J. Barham

The Hon. G. J. Donnelly

The Hon. H. M. Westwood (Deputy Chair)

**CHAIR:** Good morning everyone and welcome to the third 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 acknowledge the Gadigal clan of the Eora nation, who are the traditional custodians of this land. I pay my respect to the elders, past and present, of Eora nations 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. As such, we look forward to developing recommendations to reduce the impact of alcohol abuse among young people. Community participation is an integral part of Committee inquiries. I express my thanks, on behalf of the Committee, to all of those who have taken the time to provide us with a written submission.

This morning we will hear from representatives of the Commission for children and young people, the Juvenile Justice programs branch of the Department of Attorney General and Justice, Youth Action, the Liquor Stores Association of New South Wales and Free TV Australia. We are pleased to hear from those stakeholders, who have volunteered their time to assist at the Committee, for which on behalf of the Committee I offer my thanks. Today's hearing is open to the public. A transcript of today's proceedings will be placed on the Committee's website when it becomes available. The Committee previously resolved to authorise the media to broadcast sound and video excerpts of its public hearings. Copies of guidelines governing broadcast of the proceedings are available from the table by the door. In accordance with *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 and for 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 attendance 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 yet 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 witnesses should consider and any stage during their 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 turn off their mobile phones throughout the duration of the hearing.

I welcome our first witnesses from the Commission for Children and Young People, Ms Kerry Boland, who is the Acting Commissioner of the Commission for Children and Young People and the Children's Guardian, and Mr Gregor Macfie, who is the director of research at the Commission for Children and Young People. All witnesses must be sworn prior to giving evidence. I ask that you each in turn state your full name and job title, and then swear either the oath or make an affirmation.

**KERRY ANN BOLAND**, Acting Commissioner, Commission for Children and Young People, sworn and examined:

**GREGOR MACFIE**, Director of Policy and Research, Commission for Children and Young People, affirmed and examined:

**CHAIR:** Before we open up for questions from the members, would you like to make an opening statement?

**Ms BOLAND:** I would appreciate the opportunity to do that. First of all, thank you for the opportunity to talk about this really important issue. You have received from us a very comprehensive submission so I will just give a short overview and highlight some specific issues arising out of that submission. The terms of reference for the inquiry are focused on young people in New South Wales. It is the Commission for Children and Young People who promotes and monitors the safety, welfare and wellbeing of children and young people from zero to 17 years. Clearly, the focus of the inquiry will be on the upper limit of our remit, but where relevant and available, we have considered information and evidence on young adults.

Our views are primarily based on a review of literature and data. However, we can also report directly from young people that use and abuse of alcohol remains an issue of considerable concern to them. In 2012 the commission sought the views of our consultative body, the Young People Advisory Group, on alcohol use among young people in the context of the Government's inquiry into the provision of alcohol to minors, which is in the process of formulating recommendations. The young people identified potential risks associated with alcohol use by young people, including binge drinking, engaging in violent behaviour, vulnerability to assault, having unwanted sex, and harming a brain development. The commission has not yet been able to seek the views of our current Young People Advisory Group, which is known as the YPAG, on the specific matters under consideration by the inquiry into strategies to reduce alcohol abuse among young people.

However, the 2013 Young People Advisory Group, who has met a few times this year, identified alcohol as the greatest issue for children and young people at their inaugural meeting. Their concerns included public areas being unsafe due to drinking and the inadequacy of alcohol education in some areas. They noted that alcohol advertising is shown during television programs that young people watch and thought that young viewers were attracted to the visual appeal of alcohol advertisements. On the basis of those concerns, the 2013 Young People Advisory Group will be conducting research with their peers over the coming months on the problems caused by alcohol and what can be done to help them feel safe in their communities. It is perhaps instructive that the concerns of young people about risky drinking are substantially unaltered since the commission canvassed issues with 150 young people in the lead-up to the 2003 alcohol summit.

Young people then noted alcohol problems not only among peers but family and community and nominated support for families and help for parents to help kids drink responsibly, along with continuing education on alcohol abuse, for young people. The commission's view is that it is in the best interests of children and young people that they not consume alcohol. Risky consumption of alcohol is a health and social issue for a significant minority of New South Wales children, particularly those who report drinking regularly to excess and those who start drinking early. Alcohol consumption can place children and young people at greater risk of a range of negative social and health outcomes. These consequences may include unsafe behaviour as a result of impaired decision-making, including injury and self-harm, impaired brain development, risk of alcohol dependence in later life, and poor physical and mental health.

In addition, antisocial behaviour in both adults and young people is associated with alcohol consumption. The commission's focus is primarily on the health and wellbeing impacts of alcohol abuse on young people themselves, though it is acknowledged that the antisocial behaviour of some young people has a negative effect on the community. The commission notes the complexity of the task of the Committee in devising strategies to reduce alcohol use among young people—a task which is complicated by the fact that young people are not an isolated group within the whole population. Young people are subject to multiple explicit and implicit messages about alcohol use. Some messages are directly targeted at them through advertising, peer behaviours, school education and parental advice. Other messages are gleaned from broader advertising, parental and social modelling.

In view of this, strategies aimed at young people cannot operate in isolation. Some targeted strategies may be beneficial; equally, benefits may accrue from more universal approaches. Ideally, harmful consumption

of alcohol by children and young people should be addressed by a multi-strand approach encompassing review of industry self-regulation to counter the demonstrable effect of alcohol advertising on young people, restriction of availability of alcohol through a reduction of outlet density and opening hours, and taxation on pricing measures which affect demand. Regulatory measures should be supported by effective family-based interventions, educative measures targeting parents and children where evidence exists that these are effective, and a range of early intervention, treatment and rehabilitation measures for children and young people who use alcohol harmfully. If I could have just a little more time, I would like to expand on the commission's position.

In relation to alcohol advertising and marketing—children and young people are widely exposed to alcohol marketing and promotion, and this can result in heavy drinking among adolescents who already consume alcohol and contribute to early drinking onset and binge drinking. International evidence suggests that self-regulation of alcohol advertising—the approach favoured by the Australian Government—has not yet had its desired impact on preventing marketing that encourages harmful drinking by children and young people. On this basis, industry self-regulation should be reassessed.

In relation to harm minimisation—targeted education measures are commonly considered a primary strategy for preventing and minimising alcohol-related harm to young people. However, it has also been observed, and we quote a study on page 18 of our submission, that education is a strategy that is unlikely to affect sales adversely and is strongly advocated by industry groups around the world. Education measures alone, targeted within the school context, appear to have minimal effect on drinking behaviour.

In relation to psychosocial and development prevention programs—to have some effectiveness on children and young people, screening and brief intervention are also effective for hazardous and harmful alcohol use for those who are not severely dependent. The most effective strategies for harm minimisation include taxation pricing measures, restrictions on availability and minimum purchase agent drink-driving counter measures coupled with enforcement. As a consequence, the commission favours taxation pricing measures and restriction of availability of alcohol. In addition, we consider that children and young people would benefit from access to effective universal and targeted prevention programs, further research on these programs to prevent harmful alcohol use and early onset of drinking, screening programs in primary medical care settings, and access to appropriate treatment for those with severe dependency.

In relation to work-related alcohol—young workers occupy industries such as retail and hospitality and lower-skilled occupations where work-related alcohol is problematic. There is little research on the effectiveness of employee assistance programs, which in any case may not be widely accessed by young people. The commission favours implementation of dedicated workforce strategies based on policies that both that prevent and respond to alcohol-related use in the workplace.

In relation to measures to reduce drink-driving—laws setting a low level of blood alcohol concentration, publicised enforcement, frequently highly visible non-selective testing such as random compulsory breath testing can reduce drink-driving and associated injuries and deaths. There is some evidence to support a zero blood alcohol level for young or novice drivers.

In relation to alcohol-related violence—alcohol-related violence is a significant factor in violent crime, with a third of alcohol-related assaults occurring in private residences followed by outdoor locations and inside licensed premises. The commission notes that the Government's response to alcohol-related violence is primarily targeted at entertainment precincts, licensed premises and liquor outlets. However, the prevalence of violence, including domestic, homicide and child abuse inside the family home, suggests that any government response aiming to reduce alcohol-related harm should include a focus on alcohol-related violence in private settings. Thank you.

**The Hon. HELEN WESTWOOD:** I am particularly interested in those programs you think have been successful in reducing alcohol consumption or risky behaviour around alcohol consumption in young people. The evidence the Committee has received to date is consistent with what you have said in your submission—namely, broad-based education campaigns are not really that effective. Firstly, I want to confirm that that is what you have said in your submission and, secondly, could you give us a bit more information on the evidence-based programs that you think are successful?

**Ms BOLAND:** By way of introduction, the thrust of our submission is in relation to a multipronged approach. What we are saying is that no single strategy has been seen to be successful in isolation. Broad-based universal education programs need to be coupled with other initiatives and targeted towards particular types of

behaviour and different stratus of children and young people. I will ask Gregor Macfie to address some of the research issues, in particular some of the studies mentioned in our submission.

**Mr MACFIE:** I introduce my comments by saying that the latest student health behaviour survey, which is run through New South Wales schools and had a very substantial number of respondents, has found over the last couple of decades a reduction in drinking among children aged 12 to 17 but there has not really been any trend either upwards or downwards in terms of risky drinking—namely, four or more drinks in the last seven days. In terms of that being the study that we are most familiar with, we have not seen the sort of effects of risky drinking that we might have expected to have seen given the level of interest in this issue. In terms of some of the studies that have been done the other difficulty is that we might see some of the effects around the community as a whole—for example, some of the interventions in Newcastle where there have been restrictions in terms of opening hours and supply of alcohol have had a demonstrable effect. But the study is not there about what has been the effect on young people specifically; it has been community-wide.

Some of the consumer-based longitudinal studies that we quote in our submission, which actually follow specific groups of consumers, have shown not what is effective but what can contribute to risky drinking—for example, some of the marketing of alcohol to young people can lead to much longer term drinking into adulthood. As Kerry was saying, that is one strand of what we might be looking at in terms of reducing it but clearly the zero alcohol content for young drivers has been shown to be successful. In other countries around the world things around restrictions—for example, children and young people are sensitive to price and even though they are not supposed to be buying the alcohol themselves if they have got friends or older friends who are buying it then an increase in the price is another strategy that has been shown to be effective in terms of prevention.

**The Hon. HELEN WESTWOOD:** You talked about the Young People Advisory Group [YPAG]. Is that the group of young people with whom you consult?

**Ms BOLAND:** Yes, it is.

**The Hon. HELEN WESTWOOD:** As the Committee responsible for this inquiry we have been examining ways in which to hear the voices of young people—indeed that is the aim of today's hearing. But do you think there are more effective ways in which the Committee could directly consult with young people about what types of strategies young people think will work to reduce risk-taking behaviour around alcohol consumption?

**Mr MACFIE:** That has certainly been one of the questions we have asked ourselves with our Young People Advisory Group—namely, a group of 12 young people drawn from six schools across New South Wales representing the different sectors, but they are by no means representative. One of the difficulties with these things is that you could ask any group and it is very difficult to get a clear answer across such a diverse group. There are a couple of things that our Young People Advisory Group have come up with that are particular issues—namely, what they are doing in the evenings and on weekends and the supply or availability of alcohol when there are parties on a weekend or when people are turning up to youth events where there might be older children who are there drinking alcohol or supplying alcohol. A common theme that we are finding across a number of pieces of our work is the quality of adult support and intervention at these times is identified as really critical and it seems that on occasions the adults are not particularly stepping in and the kids themselves do not always know how to ask for help. I suppose we cannot really say much more than that but that seems to be a promising area for digging a bit further. That is the point of this particular piece of research that we are doing. The young people we have talked to are concerned about the impacts of violence particularly after a party is finished and people are spilling onto the street. We are asking them what they think the different roles of the adults in the community are to step in.

**Ms BOLAND:** May I make one further comment about the access to the views of children and young people?

**CHAIR:** Yes.

**Ms BOLAND:** Obviously we use a number of mechanisms; the YPAG is one. I notice from the agenda that the Committee will be talking to other people today who have access to the views of children and young people, in particular Youth Action. For the information of the Committee, the commission is currently looking

at how we can work with other non-government agencies and within government to listen to the voices of children and young people and we are looking at the best way of advocating on their behalf.

**The Hon. GREG DONNELLY:** In your opening statement you commented that some work is currently being done to assess the views of young people in regard to this issue?

**Ms BOLAND:** Yes.

**The Hon. GREG DONNELLY:** Could you explain to the Committee who is doing that work and the timeline for the conclusion of that particular work and the likely publication of that research.

**Ms BOLAND:** The reference I made was in relation to the YPAG, which Gregor also referred to. The commission has long had a Young People Advisory Group drawn from the school sector, both public and private-independent sector. At the beginning of each year we have a new YPAG. This year the project they are working on is in relation to alcohol and particular issues of concern to them. They meet on a bimonthly basis—we are moving them about a bit at the moment—and they will be talking to their peers. So it is kids on the YPAG going out more broadly into their peer environment seeking views on alcohol consumption and the particular issues for their age cohort. It is expected that that project will be finished by the end of this year.

**The Hon. GREG DONNELLY:** Did the advisory group initiate the idea of the identification of alcohol and alcohol-related matters as a theme for discussion this year or did the Commission invite them to consider it?

**Mr MACFIE:** At the beginning of each year we open up the discussion for them and one of the key issues was around drugs and alcohol. When we were looking at the methodology of how we were going to do a piece of research on it we decided to focus particularly on alcohol because it was much more a widespread issue across the different communities represented in the schools.

**The Hon. GREG DONNELLY:** And they, as young people drawn from different schools, concurred with your assessment about alcohol being quite a serious issue in these communities?

**Mr MACFIE:** Absolutely, they did.

**Ms BOLAND:** Just to reiterate what Gregor said, they did initiate drug and alcohol. Obviously given the logistics of a year project and the spread of the issues that arise in relation to drugs and alcohol we went to them and said because of its pervasiveness that we would focus on refining the area to alcohol.

**The Hon. GREG DONNELLY:** It is very interesting and reassuring that young people are talking about this and are also expressing concern. Is there any sort of dichotomy between the views of young women and young men over this issue or is it of equal concern across the genders?

**Mr MACFIE:** We have equal numbers of males and females on the group and there did not appear to be any, but we did not divide it up that way either as part of the discussion.

**The Hon. GREG DONNELLY:** But both groups expressed concern?

**Mr MACFIE:** Yes, they did. We were both part of the discussions in smaller groups and it appeared to be a shared concern between the sexes.

**The Hon. GREG DONNELLY:** If we were to rate the level of concern as very concerned at 10 and not concerned at zero or one, where would they put alcohol on the scale as an issue for young people in New South Wales in 2013? Are they expressing serious concern about the impact of alcohol on them and those young people they associate with or is that but one of a range of issues that as young people they confront in New South Wales in 2013?

**Ms BOLAND:** That is obviously a hard question to answer. The way the YPAG is run is really to listen very carefully as to what the issues are for young people and it is largely driven by the young people. I think we can make an assumption or at least glean from that that a number of issues of concern were raised but this is the one they chose to pursue this year. All you can say from that is it is obviously high on their radar when they had a multiplicity of other issues to choose from.

**The Hon. GREG DONNELLY:** From my point of view that is pleasing to hear. In talking about the issue and all its dimensions, are they looking at this as something that they believe is very hard to tackle because it is so multifaceted or, alternatively, do they see some particular areas that they hope some attention can be given to it to help address what they see as a problem area?

**Ms BOLAND:** My observation of the group and its operation, and I had just been at one of the meetings which was the last young people advisory group, generally in my other role in consulting with children and young people they very much see it from their own individual perspective and they look at it from the perspective of what can we do, how can we manage these issues? They are very much in the issue, in the experience. Some of the things that children and young people will talk about are how they can manage peer pressure, where can they get information, who is there to support them? When they require information or there is peer pressure, to whom do they feel they can turn to talk to? What is the proper environment for that? They are the sorts of things that they see—it is really about how they manage within their peer group and wider—as their response to what are considerable peer pressures and considerable wider community issues.

**Mr MACFIE:** I am not sure I can add very much more to that. Another area they are interested in is what are the other alternatives to socialising that do not involve alcohol. That is another aspect. Their work will be focusing on their own experience and in their local community around the harm, not necessarily to themselves; I would have to say it is concerns about the harm to others who might be drinking in a risky manner and the violence and assaults and what have you that may happen as a result of that. Also safety in moving around the community, which is not just young people drinking but it is about drinking in the community more generally. It is those issues that they are particularly looking at.

**The Hon. JAN BARHAM:** I attended one of those briefings last year and I was pleased that young people saw it as a major issue. I come from Byron Bay on the North Coast where I have dealt with young people a lot. The thing that surprised me about this issue is what works. I learned over time that peer education works. It is often shocking what they present to each other. Will there be a move by the commission or do you think there needs to be a broader the Government move, to allow young people to educate to their peers rather than adult-based marketing or do you think it does already happen?

**Ms BOLAND:** I am sorry, it is always difficult to answer these questions conclusively but I think one of the general issues, if you like, that the commission is looking at, although it might not be described like this, is children as consumers and the way the community and the advertising marketing of particular products, not just alcohol, really targets children as consumers. We know from our previous research, as you say, peer education is the best form of influence. Arising out of the work we are doing with the young people advisory group now I am sure we will glean that issue again. The answer to your question is yes, I think that should be an area of considerably more investment by the commission, looking at ways in which peer education can have a major impact on particular issues in a general scope of kids as consumers.

**Mr MACFIE:** If I can just add to that, a very clear message we get from the young people is that when they get education in schools they would like young people who have experienced, maybe, trouble with alcohol to be presenting in a real-world way about what the implications are, what has happened to them and what the positive messages are. They consistently tell us that is more effective than the standard education around alcohol that they will get at schools, and the ones who have brought people in who are talking from experience has been effective. The other area where we have looked and done a little bit of work is around social marketing, social media. We know young people, very much through their use of social media, are playing a peer education role in whatever area, and the content of that education is a really important consideration, how to tap into that.

**The Hon. JAN BARHAM:** Do you have some research that in their identification that is a more effective tool for them to be able to do that, whether it is brief intervention? Have you had any feedback on whether or not things like that work?

**Mr MACFIE:** We have not. What I am referring to more is the way they communicate with each other through social media, so what are they passing on to their friends and what are their friends passing on to them?

**The Hon. JAN BARHAM:** My other interest is whether or not research is being done or if you have anything about what it is that takes young people to that level of risk-taking. Do we have good research on social determinants for young people being willing to go to that, and the violence we have had in recent times?

**The Hon. HELEN WESTWOOD:** Particularly girls. That is one of the issues the Hon. Jan Barham has been talking about quite a bit. We are seeing an increase in this risk-taking behaviour and alcohol-related violence in young women.

**Mr MACFIE:** I do not think we have specific references in the paper about that. I cannot bring any to mind. We could certainly follow up on that. As I said before, the risky drinking, at least at the school age, does not appear to have changed a great deal. I do not know whether we can delve into that survey data to see whether there have been changes in risky drinking among girls. Some of the other factors, socio-economic disadvantage does not appear to be particularly related to risky drinking, at least across the student health behaviour surveys, that is kids 12 to 17. But certainly children and young people in rural areas have much higher levels of risky drinking in those areas, which may go to issues around boredom or not having other opportunities to socialise in a healthy way.

**CHAIR:** That relates back to the statement you made earlier in relation to that survey, that in the last 10 years the number of kids drinking has gone down, is that right?

**Mr MACFIE:** That is right.

**CHAIR:** However, the pattern of that risky type behaviour and the binge drinking has remained the same?

**Mr MACFIE:** That is the broad conclusion you can draw from that survey, although 2008 is the last survey data we have for that. We do not know what has happened since.

**CHAIR:** I guess a lot of this and a lot of the evidence from the previous hearing we had, we hear a lot about the restrictions on the service of alcohol in licensed venues, and I know this only touches the top end of the people your commission represents, as far as licensed premises. But the issue of preloading and the supply of that alcohol in the home or in a park for supply to minors seem to be sticking out and that is what kids are telling you, is that right?

**Mr MACFIE:** They are certainly telling us about the supply of alcohol at parties where underage children are frequenting those parties. It seems to be common practice to supply to people who should not be drinking. It continues to be an issue.

**CHAIR:** Again, the issue you raised is one of the matters that needs to be addressed around pricing. Are you specifically talking about pricing of alcohol in off-licence premises?

**Mr MACFIE:** Both, I think. Volumetric taxation according to the density of alcohol per drink.

**CHAIR:** But again it seems to be appearing that the supply of the alcohol at the licensed venue—and again we look at the Newcastle example with the restriction of those drinks and when—again a lot of the clubs and pubs are telling us that people are turning up already with a skinful of the cheaper off-licence alcohol, or supplied at home or at the parties. Once they get there, there are the identification requirements to get in, there is responsible service of alcohol, and there are limits on drinks and some of those restrictions we have seen. Once they are there it becomes much more difficult. Is that a fair assumption as well of what we are hearing?

**Mr MACFIE:** I think the minimum age requirements are essential, clearly, and people under the age of 18 should not be in these venues in the first place. I think those issues relate to actual safety and feelings of safety in the street when young people are socialising. That is not to say they are not coming already inebriated, but controls around the supply or the density of outlets, a lot of that is to do with public safety, perceptions of safety and the real risk of violence seem to be the issues around licensed venues.

**Ms BOLAND:** If I can I will take up your issue about young people drinking before they go to licensed premises. While we do not have any hard evidence on that, certainly anecdotally across the groups of people we speak to, clearly that is one way of approaching the price point, to drink in private premises and then go to a public one. If it would be useful to the Committee we could raise that with our young people advisory group and seek its views and see whether this is a common trend, something that seems to be a good thing to do, if that is going to be useful?



**CHAIR:** Absolutely. But again, from some of those statistics, it shows well and truly 30 per cent to 40 per cent of children from 12 to 17 have had a full serving of alcohol, in the survey they came back with. There has to be a supply issue. We heard earlier as well there is even confusion around the laws among adults. Are you allowed to supply alcohol to your children in your home? Is the European model we have heard a good model, that kids should be introduced to alcohol earlier? There is that confusion there as well as the price point issue. It seems a lot of the same things are pointing towards the alcohol that is being consumed in those unsupervised and unregulated areas. I will hand back to the Hon. Jan Barham, but you made mention in your submission and in your opening statement of the blood alcohol level for restricted drivers. I am not up to date with this, but I thought for learners and P1 and P2 drivers there was a zero alcohol limit. Is that right?

**Mr MACFIE:** That is correct. We were just reiterating that the literature around it is that it is shown to be effective, and that is indeed the position in New South Wales.

**CHAIR:** I just wanted to confirm that that was not something we had missed.

**Ms BOLAND:** No.

**The Hon. JAN BARHAM:** With regard to opportunities for young people who are aware that they have a problem in terms of rehabilitation, detoxification or any of those interventions, do you think enough is being done to support young people who recognise that they have a problem with drinking? Are there enough facilities available specifically for young people?

**Ms BOLAND:** Can I perhaps split that up because the first thing obviously is recognition of a problem, and as you know that is one of the key issues that the Young People Advisory Group [YPAG] will look at. It will look at not only the environment and safety, but obviously when their peers are experiencing difficulties and they see that, how then do they raise those issues, to whom do they go instead of just directly confronting, which is not always the most effective. How do they seek to get some sort of support system around a young person who is experiencing problems? That is precisely what the Young People Advisory Group is looking at at the moment. In relation to the number of facilities available, I do not feel I am in a position to comment except to say that obviously the earlier that intervention can happen in relation to early problem drinking, the better the outcomes will be. If it would be useful to the Committee, I did notice that there is probably a little more information and research that we can give you in relation to United States studies about the impact of delay of first consumption of alcohol and its trajectory on patterns of drinking. There are some studies in the United States that we will refer to you that are quite interesting about how effective the delay of first consumption of alcohol is, and you have referred to the home environment and all of the mixed messages that seem to be coming forward. Some of those studies might be useful to have a look at.

**CHAIR:** Thank you. Unfortunately, we have run out of time. On behalf of the Committee, thank you very much for your detailed submission and for coming along today, particularly Ms Boland, who is acting in her role. The Committee may choose to ask questions on notice and, if that happens, the secretariat will facilitate the response to those.

**(The witnesses withdrew)**

**SUELLEN PEARL LEMBKE**, Director of Programs, Juvenile Justice NSW, Department of Attorney General and Justice, and

**GEOFFREY MARK WILKINSON**, Program Manager, Alcohol and Other Drug Services, Juvenile Justice NSW, Department of Attorney General and Justice, sworn and examined:

**CHAIR:** Do you have an opening statement that you would like to deliver?

**Ms LEMBKE:** Yes, to give some context to what we do. The programs branch of Juvenile Justice NSW is responsible for the setting of standards for, and guiding, the overall development, implementation, monitoring and evaluation of a range of offending-focused and related programs for juvenile offenders. We are also responsible for maintaining best practice and quality control in both the centre based psychological program and the forensic mental health program. The professional development, clinical supervision and ongoing support of psychologists and counsellors is also an integral part of the programs branch work. Research-based evidence has demonstrated that programs which focus on offending behaviour and which are based on effective practice principles have the greatest impact on reducing reoffending, and to that end we provide a range of program initiatives including an alcohol and other drug [AOD] treatment pathway, which is a suite of programs that perhaps you might like to know about in due course.

The importance of our efforts to address alcohol and drug use is underscored by the following: In 2009 Juvenile Justice, with research and clinical support provided by the Justice and Forensic Mental Health Network—previously Justice Health—conducted a young people in custody health survey. This included a health questionnaire, physical health examination, offending behaviour and psychological assessment, and 361 young people out of a possible 452 were interviewed. I thought it perhaps provided some data of interest, given that we work with a very specific client group and they represent obviously only a small proportion of young people in New South Wales, but of the top 10 reasons for first offending, number one was needing money for drugs and number nine was needing money to buy alcohol. Eighty-seven per cent of these young people were found to have any psychological disorder with substance use at 49 per cent and alcohol use at 44 per cent. Some would have both and some would have either, so it is not just a simple matter of saying 93 per cent of the sample, but it is quite significant. I do have some other data around alcohol and drug use, if that would be useful?

**CHAIR:** Yes, I think so.

**Ms LEMBKE:** Ninety-three per cent had ever been drunk, with an average age of first being drunk of 13 years. Sixty-six per cent reported being drunk at least weekly in the year prior to custody. Sixty-one per cent of young people identified that their alcohol consumption had caused them problems in the past year with school, friends, health, police or parents. Seventy-eight per cent were found to be risky drinkers. Eighty-nine per cent had tried illicit drugs, with cannabis at 87 per cent the most common used, followed by ecstasy at 41 per cent and methamphetamines at 29 per cent. Sixty-five per cent had used an illicit drug at least weekly in the year prior to custody. Sixty-five per cent reported committing crime to obtain alcohol or drugs and 20 per cent were intoxicated on alcohol, drugs or both at the time of their offence. I have some breakdowns; that is all young people, but we have young women and Aboriginal and Torres Strait Islander young people as well, and there is also information around social determinants, mental health and physical health, if that is of interest in terms of perhaps not causation but correlation between some of those determinants and offending and drinking.

**CHAIR:** If we do not get to those during questions, you may wish to table that information at the end of your evidence.

**Ms LEMBKE:** Absolutely, and the full report is also available on our website and we can forward the link if that were required.

**CHAIR:** Thank you.

**The Hon. HELEN WESTWOOD:** Is there a reason why the department did not make a submission? Normally we would receive one, and it is helpful for us to be able to gain an understanding or a picture of the issues from the department's perspective and experience.

**Ms LEMBKE:** I cannot answer that, I am sorry. I can take that question on notice, if you would like?

**The Hon. HELEN WESTWOOD:** Yes, because it would be very helpful, particularly the information that you just gave us verbally. You said that is on your website?

**Ms LEMBKE:** Yes.

**The Hon. HELEN WESTWOOD:** If the department could provide a submission, the Committee would find that very helpful. I have a couple of questions which may relate to some of the data that you just gave us, but I am sorry, I was not able to absorb all of the complexities of that. Do you have an understanding of what proportion of young people in Juvenile Justice facilities, those that have actually been charged, found guilty and are now in your facilities, have a problem or have risk-taking behaviour associated with alcohol consumption? Is it possible to get that sort of data?

**Ms LEMBKE:** Yes. We would say that it is about—

**Mr WILKINSON:** Seventy-eight per cent.

**Ms LEMBKE:** And in terms of having a psychological disorder, that is dependency and so forth, for alcohol abuse it was 44 per cent.

**The Hon. HELEN WESTWOOD:** How does that compare to risk taking behaviour associated with illicit drugs? Are they similar numbers?

**Ms LEMBKE:** I do not have that data. I can say that in terms of a psychological disorder it is 49 per cent of substance, so 49 per cent of those young people would have a significant difficulty or fall within DSM-IV diagnosable.

**The Hon. HELEN WESTWOOD:** Are there also significant numbers of the 78 per cent where violence is a consequence of alcohol consumption? Are you able to determine that from the survey that you did, or even from your own experience of young people in detention facilities?

**Ms LEMBKE:** No, I am not able to determine that. I could go back and have a look and see where there is a correlation with violence in terms of offending, but at this point I could not answer that.

**The Hon. HELEN WESTWOOD:** One of the things we have been looking at is which programs provided within the Juvenile Justice setting are more successful. We have talked about broad-based education programs versus tailored programs targeting individuals or smaller groups. Do you have any experience with those programs that you could share with the Committee?

**Ms LEMBKE:** Yes, we do. We have a treatment pathway. I have brought a diagram and some explanatory material, and Geoffrey is our content expert so I will get him to respond to that, but we start with education and harm minimisation. Every young person will be provided with that intervention. A lot of our kids drop out of school—some of them have not even started high school, but by year 8 it is looking pretty thin—so they have missed out perhaps on the education they might receive at school, so we do skills development.

We then have two motivational programs, so it is those young people where we perceive that there is a drug or alcohol problem but they do not see it, and then we have a fairly significant treatment intervention that was co-written with the National Drug and Alcohol Research Centre [NDARC] for us specifically—we call that stages one, two and three—and our Aboriginal program, Dthina Yuwali, is both an educational and motivational program. So in terms of the terms of reference, we are looking at harm minimisation. I have copies of other programs as an indicator. We can send soft copies at any point if you find that helpful. That is the treatment pathway. Would you like Mr Wilkinson to talk about stage one?

**The Hon. HELEN WESTWOOD:** Yes.

**Mr WILKINSON:** The alcohol and other drugs treatment pathway is something that embraces everybody within the juvenile justice system. The booklet that is being passed around at the moment is what we refer to as stage one in the alcohol and other drugs treatment pathway. This is educational. This is blanket information for everyone who comes into contact with the criminal justice system and ends up in juvenile justice, they will be exposed to this information. Some of this information is partly what a young person may

receive in high school such as standard drinks, smoking and pregnancy, drinking and pregnancy, things like this, but there is another element added into it that is at the beginning of the book. It is a story, it is the journey of uptake. Along that journey is the introduction of crime, either to support the habit or how it is linked and involved; drugs and crime, alcohol and crime generally go hand in hand with our client group. This is information that all young people get. This is delivered by juvenile justice officers, counsellors, psychologists or whoever is intervening with the young person. Beyond that the assumption is that most young people we deal with do not recognise they have a problem, they do not seek help, they do not want us intervening, or meddling as they would put it, with their lives.

Therefore, our second type of program is motivational. This is an example of one of those programs. It is called Profile. This is five sessions. The programs are built along the stages of change. We start with what we term pre-contemplation. This is a group of people that does not recognise they have a problem and do not want help. This is a program aimed at talking about the negative things that you will attract to your life by persisting in doing what you are doing and then flipping the coin and the positive things you will attract to your life by desisting. It is five sessions. The aim is that by the end of those five sessions they will put their own hand up and say, "I will give change a chance and try something new." There is no guarantee they will do that by the end of the sessions but we find that many young people do opt for entering a collaborative treatment approach. It is very hard—I would say impossible—to help a young person build skills around resisting urges and cravings if they are not part of the process, if they are forced to do it. They can mimic the words but we want them to put their hand up and say, "I will give this a go for my own best interests."

That is where the third program comes in. It is an intensive program. The next program is 44 sessions and it is a skill-building program. I will pass the information around. It is called X-Roads. In this program they learn skills not just about drugs and alcohol, such as how to cope with urges and cravings, but honing in on antisocial thinking patterns, the thoughts and beliefs that they have around criminogenic behaviour around offending and family life. We also teach them assertiveness and communication skills, how to manage anger, manage emotions and victim empathy. A broad range of topics are covered but in a skill-building way. We have people in all of these programs throughout the system at the moment.

All of the programs have been developed with young people in mind. Before I pass it around I will give you a quick look. Inside this book you will see that they are very user-friendly from a young person's perspective and a facilitator's perspective. Many of our young people struggle with literacy so handing them a textbook does not work. These programs are designed so they can absorb the information, particularly with Aboriginal clients who do not like writing we will sit around, put the topic on the floor, talk about the topic and use illustrations. They can draw. You do not need to be able to read and write to complete one of these programs, there are worksheets and so on.

**Ms LEMBKE:** I would add in relation to stage one that it looks quite wordy but it is something you work through with the young person. Even from there you are looking at skill building around that uptake journey, looking at what alternatives you may have if you are in that situation. For us it is tying it in with the antisocial and criminal behaviour. In all our programs there is that strong link, it is not just about the alcohol and other drugs issue itself, it is about the relationship with offending behaviour. That is what we are aiming to address. We recognise that for many of our young people, as we have established, there is a very strong relationship between alcohol, drug use and offending.

**The Hon. GREG DONNELLY:** I concur with the Deputy Chair that I think it would be helpful and important for the Committee to receive a contribution or submission from Juvenile Justice NSW, Department of Attorney General and Justice. The department is interfacing with the issue day in and day out. What you have presented this morning I found very interesting. If you could take that on notice it would be appreciated. My questions concern the issue of supply of alcohol to minors. I am interested in your insights into that issue through the work you do in the department.

It has come through in evidence from other contributors to the inquiry that the issues of supply of alcohol to young people and the channels in which the alcohol is supplied in one way or another to young people are matters that we should be concerned about. In dealing with young offenders what have you gleaned about the issue of supply from those discussions formally and informally in programs that they are attached to? Any insights that you can provide to us will assist us in our understanding of the whole issue. The Committee is greatly concerned that it appears people below the age of 18 in New South Wales are getting access to alcohol one way or another. Any information you can provide to the Committee to help our understanding would be appreciated.

**Mr WILKINSON:** These kids operate in antisocial circles and sadly in antisocial families. Many of the clients that I see around the State will tell you that they are first given not just alcohol but cannabis and methamphetamines from mum and dad. It would be easy within the neighbourhoods that they live, the circles within which they operate, to find someone over the age of 18 who would readily go in and buy them alcohol over the counter and give it to them. Young people, our client group, do not have a drug of choice. If you ask an adult what they drink they will be particular about drinking red wine and a particular type of red wine, but our clients do not work like that. If they can get their hands on beer, wine, bourbon, whatever it looks like, they will drink that. They are not choosy. They will raid a liquor cabinet or they will steal it. Most of them are able to get it from their family or friends. We often see that it is the older ones, the 18- 19- and 20-year-olds, who are recruiting and selling to the younger ones because they are vulnerable, they are easier to use as runners taking drugs from one place to another, knowing that they will get a lesser penalty than someone over the age of 18. They operate within those circles.

**The Hon. GREG DONNELLY:** Is alcohol in some instances provided as a reward or remuneration for acts associated with illegal activities?

**Mr WILKINSON:** Yes. They view speed limits as suggested speed limits not as enforceable laws. They view the selling of alcohol to someone under the age of 18 with no respect for the fact that it is a black and white issue.

**The Hon. GREG DONNELLY:** That is part of a broader attitude towards laws per se as opposed specifically to attitudes towards alcohol?

**Mr WILKINSON:** Yes.

**The Hon. GREG DONNELLY:** On one reading of your evidence one can conclude that it sounds almost a hopeless situation in the access to alcohol by this cohort you are dealing with but would you see it in that way in relation to supply? Is there anything that can be done? Is it the case of dealing with the clients once they are in the system and trying to rehabilitate and form their thinking about alcohol once they have come into the system?

**Mr WILKINSON:** From our perspective it is very much about dealing with the young person's perspective and perception of the issue and how the young person thinks. If we can modify how they think we can modify their behaviour. Because alcohol is legal in Australia it is readily accessible. I think they will always be able to find it illegally in some way or another.

**The Hon. GREG DONNELLY:** Beyond that circle or cohort that you deal with which are the ones that come to your attention, interface with the criminal justice system and are formally dealt with through the courts? Those that may not be immediately brought to your attention, are on the fringes of that core group, or are a further ring out—young people in general—or the issue of the supply of alcohol and availability of alcohol to young people in general? Do you have any observations, thoughts or reflections about that issue?

**Ms LEMBKE:** I have a comment to make. One of the programs we run is called the "Intensive supervision program." It is a multisystemic therapy model which focuses on working with the family of the young person. What you are trying to do is capacity build in the family and sometimes that leads to recognition that their own alcohol or drug use is problematic in terms of their parenting.

**The Hon. GREG DONNELLY:** The family?

**Ms LEMBKE:** Yes. Increasingly we are looking at the family focus. The literature is very clear that family intervention, early intervention, is where it needs to happen. You may be aware that Attorney General and Justice have launched the Youth on Track program, which is an early intervention program for youths 10 to 17 years of age. They are working very closely with the police at this stage. It has only just started this month but what that does is identify young people who have had some contact with the justice system, perhaps by way of warnings or cautions and it seeks then, via an assessment, to look at whether we can address any emerging, I suppose, criminogenic needs there—and clearly alcohol and drug is one; it is an indicator.

Part of that response can be a more family-focused response. So in terms of getting in early perhaps and looking at some of those issues with families, that may well be a good and positive pathway in terms of early

intervention for those people because I think the 8- to 15-year-olds have fallen through the gaps a little bit in terms of interventions that are available and I think Youth on Track, certainly for those young people who are indicating that they may well enter the justice system—and they could well enter the child protection system as well at the age of 10—the indicators are probably fairly much the same, but we are seeking to intervene earlier and I do think that is an opportunity.

**The Hon. GREG DONNELLY:** It sounds like one for the submission?

**Ms LEMBKE:** Yes, I will note that.

**The Hon. JAN BARHAM:** Yes. Thank you for raising that. I wanted to go to the point about it being broader rather just the individual, the family and the indeed community. If all the work you do was put in earlier, at a societal level would it be more beneficial to have a broader communication and education program? I know that the Institute of Criminology in its April 2013 paper "Societal Costs of Alcohol" notes that we could do better by spending money, doing diversion and early intervention and education programs much earlier rather than waiting until incarceration where the costs are greater?

**Ms LEMBKE:** We would not disagree with that. We can tell you that of the 27 per cent of young people placed in care before the age of 16, 45 per cent would have a parent in prison and only 38 per cent were attending school prior to being in custody so there are a whole lot of social determinants that our young people present with. There is a fair amount of work happening in what we call the missing middle space. There has been a lot of emphasis on the younger cohort but perhaps not so much on the emerging adolescent and so on, so we would have no doubt about early intervention.

**The Hon. JAN BARHAM:** Is there an isolated part of your budget particularly for these sorts of programs or is it part of your whole-of-organisation approach?

**Ms LEMBKE:** We use an actuarial tool to look at criminogenic need and it is based on the eight domains that we know are correlated with offending behaviour, of which alcohol and drug use is one. So we do a comprehensive assessment and we then use this tool. What it helps us do is identify where the needs are. If we address these we are likely to impact on reoffending behaviour and because we do that, we then try and provide the resources to actually address those behaviours. If alcohol and drug has come up, we have this treatment pathway provided by a range of staff that we can offer. We will sometimes look to the community more broadly and we have a small funding program to be able to provide that and the same with the other criminogenic needs, and we are required to make these interventions, not just have a kid report in and have a chat.

**The Hon. JAN BARHAM:** Do you then report on the success of that intervention? Do you have a tool for measuring that success as well?

**Mr WILKINSON:** Yes, we pre- and post-test every program and hence for the motivational one, for example, we use an instrument to determine their level of motivation. If they present as being unmotivated, we say, "Perfect, we have got just the program for you". If it comes back as indicating that they are motivated, we say, "Perfect, we have got a program for you too" and slot them either way.

**The Hon. JAN BARHAM:** I was delighted to hear you talk about the different cultural needs and you referred to the Aboriginal ones. I imagine you have things for other cultures as well. Are they defined?

**Ms LEMBKE:** What we look at is the responsiveness, so we feel that most of our programs are suitable; it is the way they are presented. In fact, we are looking very closely at our programs from the perspective of Pacific Islanders at present because they have a very high overrepresentation in the Sydney metropolitan area of all our core groups.

**The Hon. JAN BARHAM:** So you can marry your trends and your approaches according to what is happening?

**Ms LEMBKE:** That is right and that, I think, is a challenge for us to be responsive. We are reviewing at the moment as to how we do it and the skills we need as practitioners to be able to actually do that.

**The Hon. JAN BARHAM:** I will probably put on notice some questions around trying to get the figures, unless you have them already, of the breakdown of offenders into different areas that are alcohol-related

in terms of whether it is violence, vehicles, accidents, sexual assault, self-harm, all those aspects. Could you provide a breakdown on the impact?

**Ms LEMBKE:** Yes, we do have that information through JusticeLink and the Bureau of Crime Statistics and Research as to sexual assault. Sometimes it is hard because you might think something is a domestic and family violence and assault but it is actually only an assault. You have issues around those sometimes.

**The Hon. JAN BARHAM:** How much are you seeing alcohol mixed with either misuse of prescription drugs or, as we have unfortunately seen recently, the use of synthetic drugs and the additional complications that arise from polydrug use?

**Ms LEMBKE:** We certainly have some data around polydrug use. We probably cannot give you specific detail there. We do a screen with young people where we get them to articulate what they are using. Could you repeat the question as I have lost my train of thought?

**The Hon. JAN BARHAM:** My interest was the mixing of drugs and the abuse of prescription drugs, whether it was Xanax or OxyContin, the sorts of categories that are not normally dissected in terms of illicit drugs or alcohol. I am reading or hearing about the mixing. Someone from St Vincent's Hospital said that 10 years ago people would present with three types of drug use; now they present with seven.

**Ms LEMBKE:** Certainly the synthetic drugs are causing us concern. We are doing quite a lot of work at the moment with our staff around it because they cannot be detected readily and that is an issue for us in our detention centres. It is about upskilling staff on what is available. In terms of polydrug use, we know that young people are using numerous drugs. I do not know that I can give you the breakdown of what that might look like as it is not easily accessible.

**Mr WILKINSON:** It is random. It is what is available for them but amongst that, in relation to alcohol specifically, mixing benzodiazepams with alcohol is extremely dangerous on the blood and expanding the cells and so on which can cause stroke, heart attacks and so on. But this is something that I hear a lot from young people, who say, "I want the alcohol and then I want to use Valium" or whatever and mix that and not in any way understanding the dangers they are putting themselves into. Other mixes of drugs will not do that as dangerously as that combination but that is the combination of choice, so that is part of the education program. Along with this is a slide presentation containing discussion around polydrug use, mixing pills with this and that and so on, but it is certainly going on.

**CHAIR:** I imagine you have done some review of the success of the stages within the programs you have been working with. Do you have any statistics on that? Do you have any statistics of the people who are off alcohol and drugs or statistics around reoffending? Have reviews been undertaken on those matters?

**Ms LEMBKE:** With our Aboriginal program Dthina Yuwali it has been recognised at a Federal level as a promising program, bearing in mind it is a motivational program. We are waiting for the evaluation of that report to be released so I cannot comment there, but we have worked very hard to get our electronic database up and running but we have not been able to benchmark with any great degree of accuracy. That was launched at the back end of last year, November, so we are currently benchmarking our data so that we will be able to report on outcomes and effectiveness, kids who complete programs and do not complete programs and why they do not complete programs, so that we can actually review our programs. We can give you some pre-post scores but we are waiting for that evaluation to be undertaken, but we probably cannot give you any effectiveness outcomes at this stage. We are too early into these, particularly with Crossroads; it is a fairly new program.

**Mr WILKINSON:** These are all very new programs. This has all come about in the last couple of years and so we are actively in the implementation process which involves training staff across the State.

**CHAIR:** Sure. What consultation and collaboration do you have with other government agencies? I look at stage one in the education stage and I think you have developed a very simple, easy-to-understand tool that is educating people about where you do not want them to be. I would have thought that with something like this it would be worthwhile working in consultation with the education department. Has there been consultation with any other agencies to try to stop them before they become your clients?

**Mr WILKINSON:** I have made approaches and had discussions. The drug and alcohol section team that was working with the Department of Education has been disbanded; it no longer exists as far as I know and it has been incorporated into—

**The Hon. JAN BARHAM:** Personal development, whatever?

**Mr WILKINSON:** Yes, and that sort of fell through but prior to developing these programs I had a lot of consultation not just with Education but with Health, Justice Health and community organisations as well because some of the links are from the receiving end and some are once they exit us. We want them as far away from us as possible, hopefully on their own two feet, without having need for the criminal justice system to be involved in their life but we are certainly open to any of those links.

**CHAIR:** I am the parent of a nine-year-old and we are having interesting discussions about a whole range of areas at the moment. I think this would be an excellent tool for me to use when I sit down with my nine-year-old or for the school to use. I get asked, "What's wrong with drugs" or "What's wrong with alcohol" or "Can I have a sip of alcohol?" those types of things. There is some good, easy-to-understand information there and I assume that would be a good tool for others to utilise?

**Mr WILKINSON:** Absolutely.

**CHAIR:** I do not know whether you can answer this question or you can take it on notice but there definitely seems to be some confusion around the law when it comes to the supply of alcohol in the home. I know that another parliamentary inquiry has been looking at the supply of alcohol but for the benefit of the Committee is this something that the Attorney General's Department has been looking at or do you have any information on this issue?

**Ms LEMBKE:** I am happy to take that on notice.

**CHAIR:** We are all from different cultures and some have the Mediterranean view of the world that we should be giving our children alcohol earlier but we are definitely hearing some counter evidence to that. We are out of time. You have taken a number of questions on notice and the secretariat will liaise with you to return the answers within 21 days. That may include some further information. You also had some statistics that you wanted to table.

**Ms LEMBKE:** Yes. I have only one copy and they are just fact sheets.

**CHAIR:** Would you like to table those so we can provide a copy to members of the Committee?

**Ms LEMBKE:** Certainly.

**CHAIR:** Thank you for your time and your hard work.

**(The witnesses withdrew)**

**(Short adjournment)**



**EAMON WATERFORD.** Director of Policy and Advocacy, Youth Action New South Wales, affirmed and examined:

**CHAIR:** Would you like to make an opening statement?

**Mr WATERFORD:** Yes. Thank you for having me. First, a little about my organisation, Youth Action. Until recently we were called the Youth Action and Policy Association, or YAPA. We are the peak body representing the 1.25 million young people aged 12 to 25 in New South Wales and the youth services that support them. These youth services are a diverse bunch, ranging from adolescent family counsellors, intensive case management, youth homelessness support work, drug and alcohol counsellors to drop-in and sport-related services and police and citizens youth clubs. We have services from the Bondi Community Street Project to the Broken Hill Youth Accommodation and Support Service, and from Albury to Lismore.

The young people we represent also are a diverse group. In fact, one would be hard pressed to categorise them together in anything other than age. Naturally, alcohol-related issues for young people in Sydney differ from those for young people in Dubbo. Through our networks of youth workers we have contact with these diverse groups of young people. As a result we have an extensive knowledge of the issues vulnerable and disadvantaged young people specifically are facing across the State.

There is no doubt that alcohol abuse is a significant issue for young people and we as a community and you as a Parliament can do more to reduce the harm related to it. Unfortunately, I believe I will present some fairly depressing evidence to this Committee, but the fact remains that young people are one of the hardest groups in our community to engage in behavioural change campaigns. While they are increasingly connected through social media and technology they are regularly isolated in their geographical communities, meaning that much of the social interaction and peer information sharing occurs outside areas where older people have access. One would hope that they would be more open to accessing information and education through these online spaces but what we know about adolescent brain development tells us that young people often up to the age of 25 have tremendous physiological difficulty with risk assessment, so we see plenty of risk-taking behaviour amongst young people that we do not see in other groups. This obviously expresses itself primarily through alcohol as it is the most readily available and socially acceptable method of risk taking.

Our experience with promotional campaigns to reduce alcohol abuse has been mixed at best. I note the excellent work done by the Byron Youth Service in Byron Bay with its Cringe the Binge campaign that targets binge drinking, but other than that there are very few campaigns I would point to as successful in making a marked impact on young people's intake of alcohol. The biggest impact Youth Action believes can be made on reducing alcohol abuse by young people is a cultural one. Alcohol and drinking to excess are so utterly culturally enshrined in our community that any strategies to reduce harmful drinking will fail if they do not tackle the cultural issue. Many have their first drink long before they are 18. Many prominent events in growing up are associated with alcohol—turning 18, turning 21, et cetera. Indeed, the fact that this Parliament has its own brand of wine speaks to the prevalence of alcohol at all levels in our community.

It is for this reason that I believe we need to take a harm minimisation approach to alcohol abuse even for those who are 18 and who should not be drinking at all. Interestingly, many young people have their first drinks with their parents and their families and these people have an important role to play in safer alcohol consumption. We know that many parents say they do not have the information they need to support their children to consume alcohol safely and how to support their children's friends when they get into trouble. We believe we should be targeting not only young people about safe practices but their parents, providing information on practical ways to introduce alcohol to their children that highlight appropriate and safe consumption rather than hold a less realistic expectation that young people under 18 will never drink because it is illegal.

One of the key issues in alcohol-fuelled violence is when people leave licensed venues. I note that is one of the specific issues being looked at in this inquiry. It is often difficult to disperse crowds when they are leaving licensed venues and that is primarily one of the reasons there is a lot of violence around those venues. One of the big problems is that there is a lack of transport options for people leaving the pub on a Saturday night and that can lead to tension and violence. Public transport, particularly in rural and regional areas, leaves many young people stuck for hours with no way to get home after they leave a venue.

The final point I want to raise is that if we are really serious about reducing alcohol abuse by young people it is vital that we also ask the young people themselves how they see the issue and what methods they think would work rather than run a more top-down campaign that treats young people as the clients rather than as the stakeholders in this conversation.

**The Hon. HELEN WESTWOOD:** With regard to the last point you raised about hearing young people's voices on this issue, can you recommend any ways that our inquiry could do that? Obviously we have set today aside to hear primarily from young people's representatives and advocates. I accept that is not the same as hearing from young people themselves. Is there something we could do to enable us to hear directly from young people?

**Mr WATERFORD:** I always say about youth consultation that there are no shortcuts you can take. You will get out what you put in to talking to young people. That said, there are some fairly simple and practical ways that you can engage with young people. Certainly, sitting down with young people and having a chat would be a great step for this Committee to take, but it is important that you go to where the young people are rather than expect them to come to Parliament and present evidence. We find young people are often very resistant to the idea of coming to something like this in quite a formal adult setting. That is particularly the case for disadvantaged and vulnerable young people who are really the ones you want to talk to.

The other thing to bear in mind is that while young people share age they do not share much else, so you can hear different perspectives from young people living in the CBD and young people living in Newcastle or Dubbo. There are a number of groups that are quite representative of a cross-section of young people in the State, notably the Youth Advisory Council that is run out of the Office of Communities. It is made up of 12 young people from across the State. That is fairly diverse and it would be a great place to start to have a chat with people. They meet fairly regularly in the city. I am not sure how much time you have left but if you have the time and it lines up with a meeting they are having you could certainly put it on their agenda.

**The Hon. HELEN WESTWOOD:** You mentioned Newcastle. Are you familiar with the Newcastle model of reducing hours of alcohol sales at licensed venues through having earlier closing times? If you are familiar with that, what is your view of its appropriateness in other locations because much of the evidence the Committee has heard—clearly you would have heard it over the weekend from the Police Association and others—is that we need to look at reducing supply and consumption of alcohol? The Newcastle model is pointed to as an appropriate one that should be adopted across the State. Do you have a view and do you know what young people's response to that is in Newcastle?

**Mr WATERFORD:** I have to be honest and say that I am unfamiliar with the specific model. Am I right in understanding it is primarily about reducing the hours of sale?

**The Hon. HELEN WESTWOOD:** Yes, they close at one o'clock and they reduce the amount of alcohol people can consume. Certain drinks are not available after certain times.

**Mr WATERFORD:** That is not a bad start. However, we know that young people under 18 do not drink in pubs and yet alcohol abuse still happens. About 80 per cent of drinking by underage young people happens either in their own house with their parents or at a friend's house at a party. The reality is people under 18 are getting access to alcohol despite the fact there are heavy restrictions, and that is certainly true in Newcastle more so than in other areas. That suggests to me that if you are limiting young people's access to licensed venues it is not necessarily going to result in less consumption; it might just change the places they are consuming alcohol. There are certainly types of drinks and types of promotions and inducements for young people to drink to excess and licensed venues definitely should be looking at reducing that.

**The Hon. HELEN WESTWOOD:** You mentioned the Byron model experience as an effective one. Can you describe the elements that you think are successful? We have had mixed views about those broad-based education campaigns. Some people say they are not very effective, others say they are effective in conjunction with other types of harm minimisation programs. I am interested in why you think the Byron program is one that we should look at.

**Mr WATERFORD:** There are a couple of elements that make it more successful than others. I would probably match the scepticism that other people have expressed in that often broad-based awareness raising campaigns are quite ineffectual. In Byron they have taken the approach of using young people to create the campaign, so all the campaign materials are produced by young people. I believe they have engaged with the

design classes at the TAFE there, but in any case they have fantastic materials that have been produced that look like a flier for a gig, for a music concert, but are actually information about reducing alcohol use. The other element that has been quite effective is that it has not come from traditional authority figures that young people are generally sceptical of. It has been produced by a youth service that has quite good relationships with young people. Because that trust relationship has already been built up they are more likely to listen to them. The final element that I think has been quite successful is they have engaged with local celebrities that people think are cool, for want of a better word. There are quite a number of local people that are not necessarily the mayor, although they have the mayor on board, and people like Kevin Rudd have signed up to it. They also have local musicians, local film makers and more youth-friendly advocates for the campaign.

**The Hon. HELEN WESTWOOD:** We heard earlier from the Attorney General's department, particularly in relation to juvenile justice. Is that also an area that Youth Action has looked at—young people finding themselves part of the criminal justice system particularly because of alcohol consumption? Does Youth Action have an overall view of the risk of young people becoming part of the criminal justice system?

**Mr WATERFORD:** Yes, absolutely. There is very high correlation. I would not say that alcohol automatically causes criminal behaviour, but I will say that there is very little criminal behaviour done by young people that does not have alcohol somewhere in the past in that young person's life. Young people entering the juvenile justice system enter, on average, at age 14. We are talking about an extremely young cohort of people. By definition, they are under age and they should not be able to access alcohol. I believe it is about 93 per cent of young people in juvenile justice have been drunk at least once. That is much, much higher than the average for the community of people that age.

Certainly alcohol is prevalent in a large number of crimes—so crimes committed while they are drunk—but I will also note, although not resulting in them ending up in the juvenile justice system there is a large number of offences committed by young people, particularly when alcohol is involved. The classic one is that they are asked to move along by a police officer. They refuse and they start swearing at the cop. All of a sudden they have been arrested for resisting arrest, abusing an officer and failure to move along.

That is a totally appropriate response by the police officer, but you then have a young person who has been taken to the cells for the night, has been hit with a \$800 fine and has to appear in court at a later date. For a young person who is disadvantaged and vulnerable and may not have family connections and may not have the money to pay a fine like that, that can be the first step in really bringing them further and further along.

They fail to arrive at their court date, which means that there is all of a sudden a more serious offence involved. They get refused bail for failure to show up at court and then they are put into a juvenile justice remand centre for three months, potentially. Then you have all of a sudden a huge amount of money we are spending on a young person for what was a stupid drunken mistake. I am not suggesting by any means that the young people should not be held accountable for these sorts of things, but it can spiral out of control very quickly.

**The Hon. GREG DONNELLY:** Thank you for coming along this morning, Mr Waterford. Can I just take you to part of your opening statement? I do not have it in front of me but it was towards the end. I do not wish to paraphrase you so I would like you to just sort of go back and revisit it.

**Mr WATERFORD:** Sure.

**The Hon. GREG DONNELLY:** It was words to the effect that there is some inevitability about young people drinking, and therefore the appropriate approach is one of harm minimisation. Can you just go to the words in your statement? It is towards the end of it.

**Mr WATERFORD:** Yes.

**CHAIR:** A safe way to introduce alcohol was one of the statements, I think, around that as well.

**Mr WATERFORD:** I will lead into it. I said that alcohol and drinking are utterly culturally enshrined in our community; that any strategies to reduce harmful drinking will fail if they do not tackle this issue. Many have their first drink long before they are 18. Indeed, the fact that this Parliament has its own brand of wine speaks to the prevalence of alcohol in our society. It is for this reason that we believe we need to take a harm minimisation approach to alcohol abuse, even for those under 18 who should not be drinking at all. I suppose it

is certainly true that not all young people will drink and it is only, I believe, 40 per cent of young people who will drink before they are 18. But that percentage has stayed fairly static over the last couple of decades. We have not really been able to reduce that number substantially. I certainly appreciate that harm minimisation is challenging in many ways, but there is a certain inevitability that says that these young people are drinking one way or another. It is important that we ensure that that drinking does not lead to dangerous behaviour or to death.

**The Hon. GREG DONNELLY:** But surely the counter argument to that is that the harm minimisation orthodoxy has essentially prevailed for the period of time you have just described. Therefore there has got to be an argument that it has not been a successful strategy.

**Mr WATERFORD:** That is probably true. I think many of our approaches to harm minimisation have been unsuccessful. I suppose one of the reasons I would point to is not necessarily that harm minimisation per se has been a failure but that we have sort of decided what works on young people rather than asking young people what works on them.

**The Hon. GREG DONNELLY:** I am sorry, I do not follow that argument that you have just presented. I mean, if we had a position which has essentially been in place over a period of time while a harm minimisation orthodoxy has prevailed and people have been pushing it and pulling it in all sorts of directions over that period of time, you cannot be seriously arguing that the opportunity to utilise that as an approach has not been given a fair go.

**Mr WATERFORD:** I suppose I am not arguing that it has not been given a fair go. I suppose what I am arguing is that other alternatives also have been given a fair go and have not been proven to be necessarily any more successful.

**The Hon. GREG DONNELLY:** Like what?

**Mr WATERFORD:** I think the idea that we can expect young people to not drink before they are 18 ever is unrealistic.

**The Hon. GREG DONNELLY:** Why do you say that?

**Mr WATERFORD:** About 80 per cent of young people that drink before they are 18 have their first drink with their parents. Currently I am aware that legislation is being reviewed around the secondary supply of alcohol by parents and by other people's parents. But that to me suggests a cultural thing—that it is acceptable in our society for a parent to give the kid a beer when they are 16 and to give them a glass of wine with dinner. I think it is unlikely that we will be able to shift that cultural phenomenon any time soon.

**The Hon. GREG DONNELLY:** Why do you say that?

**Mr WATERFORD:** I think—

**The Hon. GREG DONNELLY:** I am sorry. I am not in interrogating you here.

**Mr WATERFORD:** No, no.

**The Hon. GREG DONNELLY:** I am pushing you to justify your position because I have to say that the whole issue of supply and secondary supply I consider very, very troubling. We have had witnesses come in one after the other after the other, even this morning, talking about what on any fair assessment is appalling behaviour by adults and supervising parties with respect to what is in effect either directly providing the grog or a nudge and a wink to the people either bringing it in or drinking it. That is just used as an example.

**Mr WATERFORD:** Yes.

**The Hon. GREG DONNELLY:** That is embedded in the culture that you are talking about.

**Mr WATERFORD:** Sure.

**The Hon. GREG DONNELLY:** Surely, if from a societal point of view we are not speaking out against that and saying, "Listen, do you realise how dangerous this practice is?", and saying that from the rooftops very loudly as a society, there will not be a commencement of this cultural re-evaluation of the consumption of alcohol by young people if we do not speak out very openly and condemn that in the strongest possible terms.

**Mr WATERFORD:** Absolutely. Look, I absolutely agree and unfortunately I do not have any evidence to back up my following statement but I am happy to go away and present some to the panel at a later date: My expectation is that if we were to completely criminalise the supply of alcohol by parents to their children or indeed the supervision of consumption of alcohol by under 18s—

**The Hon. GREG DONNELLY:** And I am not sure that that is what I am proposing.

**Mr WATERFORD:** Sure.

**The Hon. GREG DONNELLY:** But for argument's sake—

**Mr WATERFORD:** I appreciate that. If we were to, say, make it a criminal offence for parents—

**The Hon. GREG DONNELLY:** Sure, for argument's sake.

**Mr WATERFORD:** Yes, for argument's sake—I do not think we would see a reduction in alcohol. What I think we would see is a change in where young people would consume alcohol. Rather than being in the family home with their parents supervising the party, it would move to a park or it would move to somewhere else where there is no supervision at all. I am not suggesting necessarily that there are not issues with parents supervising a party, but I would take that any day over young people drinking in a park with no supervision whatsoever.

**The Hon. GREG DONNELLY:** That is if your assertion applies. If you have some evidence that in fact there would be a movement from one scenario to another, I would be very keen to see where the evidence is, if that is the case.

**Mr WATERFORD:** I would be happy to go away and have a look and bring some to the Committee, definitely.

**The Hon. GREG DONNELLY:** That is fine.

**Mr WATERFORD:** Yes.

**The Hon. GREG DONNELLY:** The whole harm minimisation approach to both alcohol consumption and indeed illicit drugs in my view has been given a pretty fair go over a period of time. There still does not seem to be, after having been given that fair go, the matters of concern being sort of mitigated or minimised. Part of the challenge about this is the language. You would appreciate the significance of the language in the term "harm minimisation" and the word "minimisation".

**Mr WATERFORD:** Yes.

**The Hon. GREG DONNELLY:** By definition, "minimisation" accepts that it is okay as opposed to the language "harm prevention", which is the alternative approach. The issue of minimisation accepts that there is an element of either taking drugs or consuming alcohol and that is the de facto position that applies across the whole domain of young people. But the truth of the matter is that a long of young people do not consume alcohol and a lot of young people do not consume drugs. Taking out the message of "minimisation" not only in the minds of the people who are taking drugs and alcohol reaffirmed that, well, it is minimal use. It is the maximum use which is the issue, but minimal use is okay. Worse still for those who are not consuming alcohol and drugs is the message that minimal consumption is okay and we only have to be worried about maximum consumption. That is why there is always this double-edge sword with a message of harm minimisation because implicit in the term is an acceptance of it. There is no doubt that the consumption of alcohol has a deleterious effect on the development of the adolescent brain.

**Mr WATERFORD:** Look, you are absolutely right. Harm minimisation is a challenging space because you are accepting defeat, essentially, that we cannot solve a problem outright and the best we can hope for is to reduce that issue. I guess I would point to if we take young people at the broader spectrum of 12 to 25, there is only 17 per cent of those who do not drink in any case. That is a substantial number. Even that is probably 300,000 young people in New South Wales. That still leaves about 900,000 that are drinking. I would posit from that that we have failed, if what we are looking for is to stop young people drinking.

**The Hon. GREG DONNELLY:** I appreciate support of those figures. When you say they are drinking, are they drinking weekly or irregularly?

**Mr WATERFORD:** I will just check. I have a note on that.

**The Hon. GREG DONNELLY:** It is a very significant statistic.

**Mr WATERFORD:** I am sorry, it is here.

**The Hon. GREG DONNELLY:** Perhaps if you take it on notice that might be easier.

**Mr WATERFORD:** Yes, that would be. I would be happy to.

**CHAIR:** Mr Waterford, we did not receive a submission from your organisation. Do you have one? The notes that you have there, are they something that you would like to table to the Committee?

**Mr WATERFORD:** I would be happy to table if I could go away and amend some spelling errors in it.

**CHAIR:** Sure. That is fine.

**The Hon. JAN BARHAM:** I love the "DRAFT" on it.

**Mr WATERFORD:** Yes. A big fat "DRAFT" is on it.

**CHAIR:** That is fine. We will talk about that at the conclusion of your evidence.

**Mr WATERFORD:** Definitely.

**The Hon. JAN BARHAM:** Thank you so much for coming in. It is really important. You may not be aware, but I was the mayor that first signed the Cringe the Binge and supported it.

**Mr WATERFORD:** Fantastic.

**CHAIR:** Lucky you did not bag the mayor out earlier.

**The Hon. JAN BARHAM:** Yes, I know. I was waiting for it.

**The Hon. HELEN WESTWOOD:** Yes, but he did not say you were cool, Jan.

**The Hon. JAN BARHAM:** No. You might want to take that up with him.

**Mr WATERFORD:** My apologies. I am happy to amend my statement.

**The Hon. JAN BARHAM:** It takes its toll. Thank you for putting forward those views because that is what I learnt, and that was only by sitting for a very long time with young people every week and just sitting there knitting and waiting for them to open up and to trust that they could say what they thought. I was quite shocked but I learnt from them their view of the world. If you say no, they are going to go, "Wow. Cool. Let's do it." The minimisation debate is important because it creates a space in which to raise other issues about caring for oneself or caring for others. The biggest thing that we found prior to Cringe the Binge was the message Your Night, Your Life, which was a program for which we gave them the funds to develop themselves. That was Your Night, Your Life, and they had wrist bands, stickers and posters. The essence was minimisation

and empowering a group of children, young people, to have the skills to be able to confront and communicate at that peer level.

**Mr WATERFORD:** Yes. Could I just say one thing? It cannot be overstated how much young people's brains are in development and that the real primary way that that exhibits itself in negative ways is a very, very poor understanding of risk-taking behaviour and what constitutes an acceptable risk reward sort of analysis. So many young people we talk to just do silly things. I think probably we can all think of things we did when we were young people that were not very smart, and that makes it very, very difficult to explain to them and break down to them in a factual way, "This is the problem, and this is why you need to not do this and act in these ways", because they just do not have that understanding of risk analysis.

**The Hon. JAN BARHAM:** But what I saw happening was the peer pressure that dissed another kid—and I will not repeat some of the conversations. It was a peer-to-peer interaction that said it was uncool to do what they were doing. It was far more effective than any messaging from an authority or an adult.

**Mr WATERFORD:** Absolutely.

**The Hon. JAN BARHAM:** That was great to watch because it worked.

**Mr WATERFORD:** Yes.

**The Hon. JAN BARHAM:** The way that young people are able to come together and care for each other is probably something we have all overlooked. They are far more resilient and powerful in those communications than we give them credit for. Transport is particularly important. Often young people are out at times when they probably should not be. Do you have much evidence about young people being on the streets or in situations where they are at risk from others as well as themselves?

**Mr WATERFORD:** Absolutely. We surveyed young people in the middle of last year during the development of the transport master plan for New South Wales and asked them when the toughest times to access transport for them were. Overwhelming Friday and Saturday nights were the largest times. That is not to say that young people are sitting in their houses on those nights. They are going out but they are struggling to get home. That can lead to risky behaviour because they walk long distances, particularly in rural and regional areas, and they might be drunk while walking on the side of the road. Certainly young people hop into cars when they have been drinking and decide to drive home. Although drink driving has dropped it has certainly not disappeared and still a very concerning number of young people drink drive.

The transport issue is twofold: part of it is around access to services, whether taxis, public transport or a designated driver; and the other is around having a decent relationship with a parent that allows them to call their parent and say, "I am drunk. It is 3 o'clock in the morning. Can I get a lift home? I am going to walk otherwise." That relationship between parent and child is really important, particularly for underage drinkers where they probably do not have a licence or there are no designated drivers because nobody they know has a car. Parents with a more realistic understanding of what their children are doing are able to say, "If you ever get into trouble please call me. I do not care what time it is. I want to hear from you." That is a much better outcome than a parent who says, "You have to be home by midnight" and if the young person is not home by midnight they are too scared to call their parent.

**The Hon. JAN BARHAM:** It is quite challenging for a parent who maybe in a position of knowing and accepting that their child might be engaging in that sort of risky behaviour.

**Mr WATERFORD:** Definitely. There is an underlying thing around the trusting relationship between parents and children. It is not simply a matter of a parent saying, "Look, I do not want you out but off you go. Please call me." It is about the larger conversation of what constitutes safe consumption of alcohol, what is appropriate behaviour and what is inappropriate behaviour. One thing we have found is that a lot of parents of young people really struggle to have those conversations. They feel like they do not have any information or facts they can use in those conversations. Programs to reduce the harm that young people can come to around alcohol should also be targeted at parents so that they can have those conversations with their kids.

**The Hon. JAN BARHAM:** Do you have any experience with some of the early intervention apps that are available? For example, some apps give a young person a tool to question why they are having another drink

or where they are going with it. Do you think it would effective to have something right in front of them? For example, if I want another drink I need to go through a process.

**Mr WATERFORD:** I would be really interested to see some evidence to suggest they work; my initial reaction is that they probably do not work. The type of young people who are going to have another drink probably will not download the app in the first place and will ignore it. A text coming up on the screen of your phone is not going to change your behaviour if you are not interested in having your behaviour changed—a lot of young people simply are not interested.

**The Hon. JAN BARHAM:** I have heard from young people that they resent being lectured about alcohol when the rest of society has it as a norm. The standard has been set that it is okay. Alcohol is all about having fun, enjoying life and celebrating. They see it as hypocrisy to impose that restriction on them. Do you have a sense of a young person's view of the rest of the world and the differentiation that it is okay for you but not for us?

**Mr WATERFORD:** Absolutely. I think that is hypocrisy for young people in any issue—namely, "Don't do as I do; do as I say." The classic thing we know is that young people do not want to listen to the advice their parents give and when they turn 27 or something they say, "Gee. that was such good advice. I wish I had followed it." I think that is part of the condition of being a young person. But if we are serious about reducing alcohol abuse by young people we have to look at alcohol abuse across the community. From speaking to any number of parents the fact that there is alcohol involved in celebrations around sport is a big one. Certainly in the recent State of Origin match the mighty New South Wales Blues were sponsored by VB and all the footage following the game was of them sitting in the locker room drinking beers. That makes it really hard to tell young people that it is not appropriate to mix sport and alcohol when their heroes are doing it. I think that is a real problem.

**CHAIR:** We do not let 12-year-olds drive cars for a number of different safety reasons and there is no argument about mum and dad can drive the car and the 12-year-old cannot. Is it not as simple as that? We now know the effects of alcohol on a young, developing brain and those you mentioned as sitting around having a beer were adults and they were drinking responsibly. I get your point about the advertising but surely this is a bigger argument than saying the kids are missing out so therefore they should be able to do it?

**Mr WATERFORD:** It is. We should not be reducing the drinking age or anything like that. I would not promote people under the age of 18 drinking at all; it is not a thing we should be supporting.

**CHAIR:** But your organisation is saying that you will not condemn it. It says that it is happening so we should therefore ensure that it happens in a safer manner.

**Mr WATERFORD:** Absolutely we would condemn it but we would also say realistically condemning it is not going to solve the problem. Just to provide the sort of nuance between those two perspectives, we can understand that a 16-year-old drinking is not appropriate but the 16-year-old does not necessarily understand that. So while we say the hypocrisy does not matter the young person says, "Yes, it does."

**CHAIR:** But the 16-year-old L-plater understands that they are not allowed to drive a car without a supervising adult. I acknowledge that we still have instances of it—

**Mr WATERFORD:** But very few. So that suggests there is a cultural issue there. If we have a system that says it is not okay for a 15-year-old to drive a car and by and large that works then both our legislation and our culture has embedded that so there is no 15-year-old saying, "This is so unfair. I can't believe it." That is not the case with alcohol. As a society many people drink before they are 18 and then go and tell their children that they are not allowed to drink, and for very good reasons. But because the young person does not see it that way it presents itself in a different light.

**CHAIR:** Does your organisation have its own reference panel or group of young people that it consults on its policy positions?

**Mr WATERFORD:** We do although we try as much as possible to receive information from across the State and that makes it quite difficult to have a couple of young people who we can use as a reference panel. Primarily we will receive our information from approximately 2,000 youth workers who we have as members and I believe roughly 1,200 young people who we talk to quite regularly. So one of the ways that we will



consult with young people is, for example, in online surveys we will ask questions. We will also run focus groups, not only in Sydney but also in places such as Dubbo—I am flying out to Orange tomorrow to talk to a bunch of young people. The concern I have about us having a reference panel would be basically that we would not be representative.

**CHAIR:** You represent 12- to 25-year-olds, is that correct?

**Mr WATERFORD:** Yes.

**CHAIR:** The Young People Advisory Group is 12 to 17-year-olds, is that correct?

**Mr WATERFORD:** I believe the Youth Advisory Council, Office of Communities, is 12- to 24-year-olds or 25 possibly.

**CHAIR:** But the commission is 12- to 17-year-olds?

**Mr WATERFORD:** The Commission for Children and Young People, that is correct.

**CHAIR:** Are the 18- to 25-year-olds or even the people you speak to saying that alcohol is a problem? The Committee is hearing from other witnesses that they are concerned about it. Are they concerned about it?

**Mr WATERFORD:** Absolutely, yes. The real risk group is the 18- to 19-year-olds. After you turn 20 or so—obviously there is bleeding each way—people start to get a clear understanding about alcohol. It is the category of 18 to 19 years that is really at risk. Then people a little bit older are saying, "I am really concerned about my younger brother because of the way I was acting for the last couple of years." Young people would like to see some changes. I am not quite sure how we fix that legislatively unfortunately—it is something that I have sort of racked my brains about.

**CHAIR:** We have heard from many witnesses during this inquiry that it is about price, promotion and availability. We have also heard that young people are concerned about it and people keep offering up those three solutions to it. You are the first witness, speaking on behalf of young people, who has said, "It is happening anyway. We need to start allowing it to happen safely in the home and supervised so it is not being done in parks." The Committee has heard that it is happening parks and public places—for example, in Byron Bay. You are the first witness to have offered the counter argument that we should be allowing it to occur in safe environments. On one of the Committee's first hearing days a medical practitioner spoke about the Scandinavian experience versus the Mediterranean experience—namely, you are either smashing the brain quickly or slowly between the two alternatives. I do not know what my question is at the moment. I am a little surprised that you are telling the Committee that young people are concerned about it, particularly the 18 to 19 year-olds. We know there is medical evidence about it but your organisation is saying maybe we need to be doing it more safely within the home.

**Mr WATERFORD:** I suppose what we are saying is that it is very hard for us to make young people listen. If there is some ray of sunshine or hope that we will come up with an advertising campaign that will stop underage people drinking or 18 to 19-year-olds drinking to excess, it is not going to happen.

**CHAIR:** You acknowledged earlier that the drink-driving rates have gone down.

**Mr WATERFORD:** Yes.

**CHAIR:** What has happened to make people listen or to change that culture?

**Mr WATERFORD:** It has been a cultural change. You influence parents through advertising better than you influence young people.

**CHAIR:** But the kids do not listen to the parents?

**Mr WATERFORD:** They listen to them a lot better than they listen to a government advertising campaign but probably below listening, say, to a youth worker, below listening to a peer. There are different levels of not listening I suppose.

**The Hon. GREG DONNELLY:** Do you actually believe that? You are asserting that children listen less to parents than they listen to a youth worker?

**Mr WATERFORD:** Not necessarily all young people.

**The Hon. GREG DONNELLY:** That is what you said.

**Mr WATERFORD:** Okay, I misspoke. What I mean is a young person who maybe disengaged from family, who is having family breakdown issues, will have a closer relationship with a youth worker than they would with their parents. Certainly for many young people who have a good relationship with their parents and a strong home environment a youth worker would not even be on the scene.

**CHAIR:** So where and how do we target? Do we target the parents? Do we target the kids? Do we target the advertisers? Do we target the alcohol suppliers? I know that is a million dollar question.

**Mr WATERFORD:** I would argue that there are two areas where I would like to see some targeting. The first one is around parents. They should be targeted to make them think seriously about what they are allowing their kids to do and whether it is appropriate. Going to a park is totally not appropriate behaviour but some parents would not necessarily agree. There was an extremely effectively advertising campaign where a parent was asking their kid to get them a beer from a fridge and as it pans around that kid becomes the parent. So we know those sorts of advertising campaigns that target—

**CHAIR:** That was in the home; that was not in the park.

**Mr WATERFORD:** Right. That sort of thing expanded out to a variety of other ways in which young people consume alcohol.

**CHAIR:** So can it be in my next-door neighbour's home?

**Mr WATERFORD:** That is a very good question. I do not know. Can it be in your next-door neighbour's home?

**CHAIR:** I am asking from your organisational point of view and what you said earlier about the harm minimisation. Where does that start and stop? You are talking about targeting the parents and targeting the culture but are we not just perpetuating the same culture by allowing it in the home? Does the young person not then say when they go to their neighbour's place, "Dad lets me have a beer at home so I am obviously allowed to have a beer here"? When the sporting team wins the grand final and the kid is 18 or 19, they have been having that beer at home—I am sorry if I am being picky—

**Mr WATERFORD:** No, I appreciate what you are saying.

**CHAIR:** You are challenging a lot of the evidence we have had today and I am really interested in how your organisation, after speaking with young people, has got to this point. I am just trying to see where it fits.

**Mr WATERFORD:** It comes down to the safe consumption of alcohol, which is the difference between a beer with dinner and 12 beers at the park.

**CHAIR:** What about a beer in the dressing room after you have just won the game?

**Mr WATERFORD:** It might be appropriate, depending on the age, depending on the parents. Some parents would say—

**CHAIR:** We could do this all day, could we not?

**Mr WATERFORD:** Yes, we could. Unfortunately it is a grey area and there is nothing definitive like four beers and they have to be midstream, or anything like that.

**CHAIR:** We would like it if you had a chance to look at the draft paper you have there and submit that. There were also some questions on notice. The Committee has resolved that responses to those questions on notice will be within 21 days.

**Mr WATERFORD:** Yes.

**(The witness withdrew)**

**TERRENCE DAVID MOTT**, Chief Executive Officer, Liquor Stores Association of New South Wales, affirmed and examined:

**CHAIR:** Would you like to give an opening statement before we move to questions?

**Mr MOTT:** The Liquor Stores Association of New South Wales represents takeaway packaged liquor stores across the State, both large and small. I was interested sitting and listening to the closing remarks of the previous witness. I think there are a lot of regulations and pieces of legislation that currently exist that are not being enforced. I think in an environment where the community, particularly parents, do not understand that they have a joint and several responsibility, and other adults do not have a joint responsibility, not to supply to underage people, we are fighting a losing battle.

At the moment in New South Wales there is an \$11,000 fine for secondary supply of alcohol, but secondary supply still occurs. If you look at the data, it demonstrates that around 0.4 per cent of underage people get their first alcohol supply from a licensed premise, which is very low. That increases to around 20 per cent but that means that 80 per cent of young people, approximately, are still getting their alcohol. Minors are getting their alcohol from parents or from older siblings of legal drinking age or from friends or other relatives. If there is a problem with underage drinking, the cultural change and acceptance has to be that with those people supplying alcohol to the young people, if they are not supervising them at the time, and that seems to be a gap. Do we need more legislation, more regulation? Probably not. Do we need to enforce what is already there and allow the community to understand that they have an obligation? I think yes.

**The Hon. HELEN WESTWOOD:** We have had quite a bit of evidence to date, both by way of submission and hearings, and we received evidence from Professor Sandra Jones from the University of Wollongong, who talked about the point of sale promotions—the 20 per cent off, or 30 per cent off for how many bottles it happens to be at the time. She argues that her research shows that that leads to an increase in the amount of alcohol young people purchase. Do you agree with that?

**Mr MOTT:** I think the Committee needs to be very careful about accepting that purchase equals consumption. There is a decided difference between purchasing a bulk purchase, whether it be toilet paper, whether it be cornflakes or whether it be alcohol. If you see a promotion for a dozen bottles of wine, do you go home and drink those straight away? The answer is no. Unfortunately the work you have described does not discern the difference between consumption and purchase.

**The Hon. HELEN WESTWOOD:** We have also had quite a bit of evidence, including from researchers and clinicians, about the cost of alcohol, its availability, the fact there are many more alcohol outlets—and that includes outlets you represent, the takeaway ones, as well as licensed premises. Also there is the cost of alcohol, that by comparison to a decade ago or two decades ago alcohol is much cheaper and that that is one of the things leading to greater consumption of alcohol, particularly amongst young people because they have limited income compared to the rest of the population. Does your association accept those arguments? Do you agree with those arguments?

**Mr MOTT:** If one was to stand back and look at the facts rather than some of those assertions, one would see that in the last five years in New South Wales the number of packaged liquor licences has increased from approximately 1,630 to these days around about 2,200. That is packaged liquor licences. Of that, about 200 of those are online licences only, no walk up sales. They order it over the Internet. That still leaves about 2,000. From 1,630 to around 2,000 in five years is a pretty dramatic increase. Concurrent with that there has been an increasing amount of price promotion, I am sure you will be aware. The facts say that overall alcohol consumption on a per capita consumption basis has been declining for the last five years in a row and the overall volume of alcohol sold, that is litres of pure alcohol, has also declined in the last measured cycle. The macro numbers suggest that alcohol consumption is not rising with availability, is not rising with advertising and price discounting.

**The Hon. HELEN WESTWOOD:** Where do you think that alcohol is being consumed, then? If we have increased numbers of outlets, they have to be viable or they would not be established?

**Mr MOTT:** It is a tough market; it is a very tough market. The overall sales volume is declining and the number of outlets has been increasing.

**The Hon. HELEN WESTWOOD:** Do you think that is because—again this is some of the evidence we are hearing—much more alcohol is consumed in private than in licensed premises? We heard quite a bit of evidence about the problem of young people drinking before they go out for an evening, so they have already consumed quite a bit of alcohol in the privacy of their own home or in someone else's home or in a park and not in licensed premises because they have purchased it from takeaway venues. Do you accept that?

**Mr MOTT:** I think we need to discern the difference between abusive or excessive consumption that causes harm versus having one or two pre-dinner drinks. It has been the cultural norm of Australians for many decades, probably for hundreds of years, to have a pre-dinner drink, either at your own home or at a friend's home, before you set out. The example you set for your children and for those around you is the cultural change that I think the previous witness was alluding to. As an industry we have become more and more focused on trying to encourage people to think about the examples that they set. The organisation DrinkWise, which is run by a panel or board that has community representatives as well as industry on it and is totally funded by industry, with some input by the Federal Government from time to time, has developed a campaign that you were listening to before, Kids Absorb Your Drinking.

With that, around one-third of adults who were interviewed in a post-campaign environment said that they had changed the way they were drinking in front of their children and in front of other children. Those sorts of messages can have a positive effect. Of those, around 40 per cent said the reason they had done it was to try to set a better role model for their children. If the community accepts there is a need for change—and that is not going to happen in one, two, three, four, or five years, it will probably be several generations—we have to start somewhere. We have to work collectively, and industry is up for it and has been trying to lead the way with that. On the other hand, a young person or any person who has 10 or 20 drinks before going out is not doing themselves any good at all or anyone around them. But we have to be careful that we do not just assume everybody is doing that.

**The Hon. HELEN WESTWOOD:** In your submission you talk about individual responsibility and also about the serving of alcohol and ensuring people who are purchasing alcohol are over age. I must say, I have witnessed that myself when I have been in liquor shops. I have seen the sales assistant require people to show proof of age. One of the things we are hearing is that alcohol is being provided to under-age people by adults. I am wondering whether or not your association would support there being information in liquor outlets about responsibility or the law around the provision of alcohol to young people, that just because you purchase it as an adult, if you go away and give it to a young person, these are the consequences?

**Mr MOTT:** Yes, and as pointed out in the submission, the industry—the Liquor Stores Association of New South Wales and the Australian Liquor Stores Association that I am also the chief executive of—initiated a campaign about five years ago called "ID 25" and concurrently another one called "Don't Buy It For Them". These are aimed at, in the case of ID 25, discouraging young people from coming into licensed premises and seeking to be served. That is a badge with "ID 25" on it and the catch line is: "Take it as a compliment. If you look under 25 you will be asked for ID." Nobody ever asks me that, unfortunately. However, that campaign is working very well and has certainly dissuaded a lot of young people from attempting to purchase. They come in and have a look at it and walk out.

The other one, Don't Buy It For Them, is designed to educate customers coming into the store, particularly parents and elder people, who are considering buying on behalf of a minor that they do have a responsibility and that it is illegal. That sign quite clearly says that in New South Wales there will be an \$11,000 fine if you are convicted of secondary supply. It serves to remind parents and relatives and older siblings who are purchasing on behalf of young people. It also serves as an aid to staff because there is absolutely a no win situation if I am on the other side of the counter when a parent or adult walks in with a teenager and I see that teenager go and pull a pack or a bottle of something off the shelf and hand it to the parent.

It is quite clear to me that it was not the parent's or adult's choice, so I have to refuse service. I have no way of knowing if in fact it is even your child who is with you, so I would say, "I am sorry, I can't serve you", and I have been on the receiving end of this behind the counter when an adult suddenly gets into a rage because, "How dare you tell me what is good for my child." It is simply illegal; there is the sign. We use those things already. We are very conscious about doing that. We have also disseminated materials for the Federal Government's campaigns with the National Health and Medical Research Council drinking guidelines in years gone by. We have disseminated materials from DrinkWise in stores. So we agree that that is certainly part of something that we can do to assist.

**The Hon. HELEN WESTWOOD:** I have seen the ID poster that you have described.

**Mr MOTT:** It is an A4 red and black poster.

**The Hon. HELEN WESTWOOD:** But I must say I have not noticed the other one.

**The Hon. GREG DONNELLY:** I have some questions arising from your submission. Could I ask you to go to page 9, if you have a copy of your submission handy?

**Mr MOTT:** Yes.

**The Hon. GREG DONNELLY:** In the second paragraph under the heading, "Changing the Australian Drinking Culture", you explain:

As a key stakeholder, LSA NSW was heavily involved in the development of this campaign—

and that is a reference to the drink driving campaign—

which was brought about not by restricting the availability of alcohol, but rather by a holistic combination of education, effective social marketing campaigns, and rigorous enforcement in the form of random breath testing.

Casting your mind back, were you involved in the work associated with the organisation's development of that campaign, or does that predate you?

**Mr MOTT:** In spite of my grey hair, it did pre-date me.

**The Hon. GREG DONNELLY:** Do you know much about the background associated with the work done by the organisation with respect to the campaign that was developed?

**Mr MOTT:** I can, on notice, get some further detail on that. As I understand, it was a campaign where the association actually worked very closely with the government of the day and the police on spreading the word and helping to promote the campaign. The drink driving message was a combination of education, enforcement and random breath testing, and clearly those things have worked together to reduce the rate down to the levels that they are today. I wish they could go further.

**The Hon. GREG DONNELLY:** If it were possible, it might involve asking somebody to go into the archives and dig it out, but for me and perhaps other Committee members it would be quite useful because it is seen as an iconic campaign that over time has produced some serious results in terms of downward pressure on the incidence of drink driving and I would be interested to know precisely what were the key aspects of the organisation's involvement in that campaign. Following on from that, you say that you think a campaign like that may have some utility in terms of trying to confront this issue and effect some change in the behaviour of young people in terms of abuse of alcohol.

**Mr MOTT:** If the Federal Government's surveys and the Australian Institute of Health and Welfare and the National Drug Strategy and the Department of Health household surveys are correct, and one would assume that they are pretty good because they are big sample sizes, they are still saying that around 80 per cent of alcohol is being supplied by someone else to minors. So the answer is we would wholeheartedly support the notion that there needs to be further education of the community, but there is already legislation there for secondary supply, and in those circumstances there have been very few cases where secondary supply has in fact been enforced.

**The Hon. GREG DONNELLY:** That leads to my next set of questions about the issue of secondary supply. Does the association have a view based on feedback from its members or even anecdotally from talking to members of the association about why it is not being enforced? The statement is that it is not being enforced. Given that an important part of your submission is that the law is there, surely it should be enforced. Do you have an explanation or would you hazard a guess as to why it is not being enforced?

**Mr MOTT:** You would have to ask the police that. It is an issue for police and it is part of the law of the land. We have said to liquor licensing, the Office of Liquor, Gaming and Racing, and we have also said to police that the legislation is there, but it needs to be enforced and it also needs to be publicised that people have been prosecuted under it, because unless I tell you that it is an offence to do it and unless you actually hear some

examples of people being prosecuted for it, like what happened with drink driving and what has happened in most other areas where there has been cultural change, people have to understand that there are some consequences and if those consequences are never demonstrated then it is very hard to get people to accept it. This is not only the current government, by the way; this has been the situation for many years.

**The Hon. GREG DONNELLY:** Is it your view based on evidence that you have that in fact the enforcement of this law is not taking place as much as it once was, or are you just making that assertion?

**Mr MOTT:** I do not believe it has ever really been enforced. There have been some notable exceptions to that when there has been an issue with, if you like, a youth party that has got out of control and a parent or an adult has been taken to task over that, but as a general rule, no, and I think it is probably difficult given police resources, but it certainly is not being enforced in a way that demonstrates to the community that there is any real consequence of doing this.

**The Hon. GREG DONNELLY:** In terms of the enforcement of that law, it can only fall to the police to do that. It falls within the purview of the police, you could only utilise the police and the police are the only appropriate agency to enforce this law.

**Mr MOTT:** On my understanding, yes, it is not something that a liquor store proprietor can do obviously. We can abide by the requirement and not sell in a case where we are aware or suspect that it is going to be a product that is going to be supplied by an adult to a young person who is accompanying them or we have seen them loitering around outside and taking money from a young person. You do observe those sorts of things and people take the appropriate action and say, "I can't serve you." The joint responsibility is our members abiding by their requirement not to serve where they suspect that it is going to happen, but certainly there needs to be some enforcement and publicity of enforcement.

**The Hon. GREG DONNELLY:** When you look at your records relating to the work done and the contribution made by the association in the development of the drink driving campaign, would you be able to also identify, if it is there, any financial contribution or payment or other commitment made by the association to that campaign, which obviously was done co-jointly with other stakeholder groups?

**Mr MOTT:** Yes.

**The Hon. JAN BARHAM:** On page 10 of your submission you refer to the fact that advertising is not a significant factor in influencing under-age drinking. What about of age drinking? This inquiry is looking at young people, not just minors, so would it be fair to say that advertising—promotion and marketing—is targeted at trying to encourage consumption and purchase, and therefore is all about it being attractive to people who might be of age consumers as well?

**Mr MOTT:** The brand advertising that you see is about trying to switch people to try your brand. It is not about increasing the consumption of that particular brand. Don't forget we are talking about my environment, and that is all I can comment on here, which is a takeaway environment, so it is about purchasing a particular brand of beer, wine or spirits to take home or to take to a restaurant or to take to a friend's place. It is not about sitting there and drinking it at that time.

**The Hon. JAN BARHAM:** I am trying to get to the point of whether there is a focus on enticement and direct marketing towards young people. I am not talking about minors but young people, 18 to 25 years of age. Is it fair to say that in the commercial world there is that space where advertising targets those people with a disposable income and of an age where they are probably out and about a lot more?

**Mr MOTT:** They are of legal drinking age and they are considered adults, so they should be in a position to make their own consideration about how much they drink. I mean they are legally entitled to do it. If someone was to target you for a particular style of clothing or hairstyle, or whatever it might be, they will do that because you are a legitimate audience for the product. It is not about increasing consumption; it is about the brands. It is not about buying three jumpers; it is about buying my particular brand.

**The Hon. JAN BARHAM:** Have we seen new brands focused on targeting that age group?

**Mr MOTT:** I suspect with the various codes of practice that currently exist with the Alcohol Beverages Advertising Code that has extended into the online space and packaging and promotion I suggest to

you it is probably less. I have been around the industry—not necessarily in this one—for 20 odd years and I would suspect it is less. I think it is more visible now and more people are commenting on it.

**The Hon. JAN BARHAM:** You do not think that social media has had a direct focus on marketing alcohol to young people?

**Mr MOTT:** If they are of legal drinking age then why not.

**The Hon. JAN BARHAM:** Does the point you are stressing about less alcohol being sold discount what seems to be the issue around binge drinking, young people's engagement in violent behaviour and the stuff we see on our televisions with incidents at Newcastle, George Street, Kings Cross and Byron Bay? How do you explain that element? Is it real that there is more risky behaviour and more abuse in a certain sector—let alone overall—or do you think that is hype? It is the focus of the inquiry to look at the abuse and risk sector.

**Mr MOTT:** Clearly there are some young people who drink to get drunk and that is unacceptable, we would all agree with that. How we target them is the challenge.

**The Hon. JAN BARHAM:** You have not mentioned that it even exists. It is weird that the alcohol industry does not own up to the fact that it is there. It does not seem to cut through.

**Mr MOTT:** I do not think we have denied anywhere that there is a problem. What we have tried to do is set out some balance to the debate. On page 6 it sets out some of the recent data on alcohol consumption for young people. The reality is that the best available data from the Australian Bureau of Statistics, the Australian Institute of Health and Welfare, National Drug Strategy surveys and the household survey are all saying that overall the proportion is actually coming down. However, it does say there is still a proportion that do consume at risky levels.

**The Hon. JAN BARHAM:** I suppose that is the point where we are trying to meet the industry and say, "We know all that. We are not talking about responsible consumption, the right of your body and people in your organisation to have a business." What we need is recognition of a problem and ideas and commitment to solve it.

**Mr MOTT:** I draw your attention to page 7 and to the first paragraph under the dot point which states:

Whilst the steady continued increase in abstinence from minors is encouraging, there are real and legitimate concerns about the consumption habits of certain risk groups being young people and especially younger women.

**The Hon. JAN BARHAM:** What are those risk groups?

**Mr MOTT:** According to the National Drug Household Survey statistics, 20 per cent of Australians aged 14 years overconsumed alcohol based on the national drinking guidelines at levels that put them at risk of harm.

**The Hon. JAN BARHAM:** What do you think we should do about that? Does your industry have a focus and accept that it is part of your group?

**Mr MOTT:** Absolutely.

**The Hon. JAN BARHAM:** Where is the good advice? It is an industry that you know and a product that you sell. Do you have some good advice as to how we can deal with that social problem and the impacts of it and how you can partner with the rest of society to do something about that problem? You have done some good work but it is that bit that is of concern that we need to focus on.

**Mr MOTT:** Legislating against young people more than what is already there is probably not needed. What is there is a need for them to understand what acceptable social norms are. That is why the campaigns that I referred to before such as Kids Absorb Your Drinking are very important. They are cultural change campaigns that are going to take decades to really bite. The very important thing is that the early evidence is that adults are taking note of this and changing their drinking habits in front of young people. It is only by those sorts of things—that was an initiative started by industry—that people will accept that they have to change the way that they can consume alcohol, particularly in front of young people, and set the right example.



**The Hon. JAN BARHAM:** You make the point in your submission on page 10 that advertising is not a significant factor and you refer to the Industry View on Beverage Alcohol Advertising and Marketing, with Special Reference to Young People, prepared for WHO by the International Center. Could you provide that to the Committee? It is the first time I have seen advertising not referred to as a significant factor and I would be interested to read that.

**Mr MOTT:** Yes.

**CHAIR:** I think one of the most amazing things I have read is the dot point in your submission on page 7, which states:

The largest increase in abstainers was seen among those aged 12–17.

It keeps playing through my mind that there are 12-year-olds that are saying, "I am not going to take it up at the moment." It is a worrying trend. I acknowledge that it is difficult for underage people to get their hands on those drinks from licensed premises and off licences and a good operator with all of the regulation and rules in place. I acknowledge the fact that it is the secondary supply that is a real issue. We are at a point where in this State and country—excuse me for falling into The Nationals stereotype here—a dodgy cow that goes through a saleyard with an infection can be traced back through its history to identify where that calf was born in order to identify where the problem existed in the first place and where other problems may exist. It is the person who is buying that liquor and then passing it on to someone else and not so much the point of sale that is the problem.

Is the industry—or anyone—working on a form of traceability so if police come across a party with underage drinkers they can find out where the problem is? Every bottle, stubby or case has a bar code on it—certainly every bottle of spirits would. Are we working on point of sale traceability? You are scanning it to sell it or people are using credit cards to buy it. Is that something the industry is looking at? Surely being able to point the finger at someone else would be helpful. The statistics you showed us stated underage drinkers got their first drink 49 per cent of the time from a friend and not by buying it from you guys. It has been bought legitimately and passed on. Would the industry not welcome that?

**Mr MOTT:** First of all you have to have someone that is willing to undertake the prosecution. Second, if they investigate it at the moment I would hazard a guess that every liquor store would have closed-circuit television as they are required to. They are inspected by the Office of Liquor Gaming and Racing and police licencing inspectors. I would assume they all have closed circuit television because it is one of their requirements. If someone tries to trace back who bought what where there is a closed-circuit television recording available for a time.

**CHAIR:** How do they know which premises to go to in the first place?

**Mr MOTT:** What tends to happen is if a young person is apprehended, has alcohol in their possession and is found to be underage the first question the enforcement officer will ask them is, "Where did you get it?" Nine times out of 10 they will say where or who they got it from because it absolves them of responsibility. If the minor says they bought it from an outlet or got it from their mother or father or someone else the police can then check the closed-circuit television footage to see if it was supplied at that outlet and to whom. The evidence given by the person who is apprehended, the minor, combined with the evidence on the closed circuit television presumably would be enough for the police to prosecute the person who supplied the alcohol to the minor.

**CHAIR:** Are the police not doing that at the moment; they are not bothering to follow it up?

**Mr MOTT:** I think it is probably difficult.

**CHAIR:** I can scan a bar code in a supermarket with my iPhone and I can tell you what is in the can. Should we not be looking at technology like that?

**Mr MOTT:** To trace every individual pack?

**CHAIR:** Let us start with the bottles. Surely you want to get rid of the rogue operators. Would it not be a deterrent knowing that if I buy a bottle and give it to an underage person that someone such as a police officer can scan that bottle, gather information and then come and have a chat to me? They can tell me what I have been doing in the last five years by sitting on the side of the road as I drive my car past and recognition software picks

up my numberplate. Surely there has to be someone with the technology, from your organisation's point of view, that can target the secondary suppliers: It should not be that difficult, should it?

**Mr MOTT:** I would think it would be very hard. We are talking about millions and millions of individual packs. You would need to identify each individual bottle, stubby, wine and soft drink that gets mixed with it, which is well beyond my capability.

**CHAIR:** When it gets scanned through your shop scanner surely you are picking up the bar code, how much it is and I would imagine your organisation is also taking a stocktake of how much you have left on the shelf in order to collect the data to automatically reorder the same product from the supplier: Does that not start to sound like each individual bottle or package is traceable?

**Mr MOTT:** You are then talking about unique identifiers for those millions and millions of individual packs and being able to trace it right back through to its origin. I think it is an interesting idea but I do not think it is feasible.

**CHAIR:** If a police officer turns up to a park and finds 20 young kids each with a bottle of bourbon and I was one of your members that owned the local bottle shop next to the park I would want to be able to prove that alcohol did not come from my bottle shop. I would love to be able to say, "It did not come from me. Scan it and you can see that bar code was never in my shop." That is the position I would want to be in. I wanted to ask about point of sale advertising and how that is covered in the codes of practice in relation to your industry. We hear from other industries and they say, "We are bound by codes of practice as to who we can advertise to and when we can advertise to them." Yet a bottle shop can be accessed directly from a supermarket and the access is coming from the lollies aisle or the toy aisle or close by and there can be advertising on the wall and A-frames advertising alcohol. Can you explain how that is covered in the code?

**Mr MOTT:** No. In New South Wales it has to be a separate cash register and it also has to be in a separate area, so the two things are never adjacent in the way you would describe.

**CHAIR:** So there is never access from a supermarket into a liquor outlet where you could see from the supermarket into the liquor outlet, for example from the toy aisle?

**Mr MOTT:** You could certainly see through in some instances.

**CHAIR:** But you cannot walk through. What about the advertising though; is the advertisement for the bottle of bourbon on the wall in the supermarket that leads into there?

**Mr MOTT:** Yes.

**CHAIR:** How is that covered by the code, I am just curious?

**Mr MOTT:** First of all, you have to ask the question: does that advertisement do anything to encourage misuse of the product?

**CHAIR:** Sure, I understand that. Again, the counterargument to the other people who are regulated say, "We are not even allowed to advertise that product to a television audience, for example, during the day when children may be watching. The same child who has not seen the VB advertisement at home can stand in the aisle of the supermarket, turn to the right and admittedly have to look past the cashier or a checkout but will see a VB advertisement on the wall when one enters the liquor outlet?"

**Mr MOTT:** In practice most people who go into a liquor store as a family take the kids with them as they go in.

**CHAIR:** I understand.

**Mr MOTT:** So you will never stop kids seeing that.

**CHAIR:** And I have no problems with that because I take my young bloke in with me. The counterargument is the people who are in the supermarket who choose not to go in there. Is the advertising of that package covered under the code in the supermarket? It is a pretty grey area. I know you have cited back to

advertising. It is almost like the local newspaper where you open up the newspaper and there will be a full-page advertisement by one of your members advertising 20 different types of alcohol. If the alcohol company wanted to take out a full-page advertisement to advertise beer, would that be covered differently to the supplier or seller of alcohol taking out the advertisement and covering their product in there?

**Mr MOTT:** No, the code is generic for the industry and the issue that you are referring to— and I am trying to think through examples myself but I do not believe I have seen an example where there is an opening going through into a liquor area from a supermarket.

**CHAIR:** At my local supermarket in Bowral, the Woolworths supermarket, the checkouts and the entrance into Liquorland—I am sure it is Liquorland if it is Woolworths—

**Mr MOTT:** No, it would be BWS.

**CHAIR:** Maybe it is Coles then. It goes directly from there into the shop. That is but one example; another example would be in the mall in Goulburn where I grew up where there is an entrance into Liquorland from Coles. I am sure there are examples but I am more curious not about individuals but about the inconsistencies in where the rules start and stop with advertising of the products. I accept the other arguments that it is about choice, brand selection and advertising to a legal market but I am sure that our friends from Free TV, who are our next witnesses, will say—and I am not trying to tell them what to say—"How come we are restricted from advertising our products during certain hours except during live broadcast of sporting events when the same child who cannot see the same advertisement today at home goes to the supermarket this afternoon can see the advertisements there?" That is the point I am making. You might take the question on notice and see if you have any suggestions or think you may have been harshly done by that statement.

**Mr MOTT:** I again would simply come back to it is price and availability.

**CHAIR:** I accept the statistics we have been given that the point-of-sale does not seem to be the issue for the under-aged; it seems to be more the secondary supply. We have run out of time. I appreciate your submission and your time here today. On behalf of the Committee I thank you for that. The Committee has resolved that responses to questions taken on notice must be within 21 days and the secretariat will liaise with you about that.

**(The witness withdrew)**

**JULIE FLYNN**, Chief Executive of Free TV Australia, sworn and examined, and

**CLARE O'NEIL**, Director of Legal and Broadcasting Policy, Free TV Australia, affirmed and examined:

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

**Ms FLYNN:** I will not say too much, but I would like to thank the Committee for the opportunity to appear today and to make a submission. Free TV Australia represents the commercial television networks of this country, that is the metropolitan and regional licensees, and we have a code of practice which is a co-regulatory document inasmuch as while it is developed by the industry, it has to be registered by the regulator, the Australian Communications and Media Authority [ACMA]. Under the Broadcasting Services Act they are required to only register codes if they are confident that they meet community standards. We take our responsibilities under the code very seriously and we are the most heavily regulated part of the media in relation to alcohol advertising and we are very happy to take any questions today.

**The Hon. HELEN WESTWOOD:** Thank you for joining us today and for your submission. I note you state in your submission that there is not any evidence of breaches of the code. The Committee has received quite a bit of evidence that talks about the way in which alcohol is promoted to young people and the increase in promotions of discounting, such as bottles of six attracting a 20 per cent discount, and so on. I accept that they may not breach the code.

**Ms FLYNN:** I am not sure. Most of the advertising on television is about brand loyalty; it is not about price. I once sat in front of another committee in Parliament House in Canberra where I held up two pages of that day's *Melbourne Age* and that is where you find that kind of advertising more than on television. We have very strict rules under the code and under the children's television standards, which are a condition of a licence on the broadcasters. We work very closely with the alcohol beverage advertising code [ABAC] people in terms of getting clearance and requesting that advertisers clear through the pre-vetting process, the AAPS process. This is a very vexed issue.

My children are now safely through the teenage years but like everybody—and I heard the Chairman referring to his children—we know that children are exposed to a variety of advertising platforms. No other platform is regulated like ours. If you go on to Pay TV, there are no restrictions in terms of hours. If you go online there are no restrictions, full stop. One of the things that we found is that if the regulations become too hard on free to air television, then the advertisers—as water finds its own level—find somewhere else to advertise. That is just a fact of life.

We made those arguments very strongly when the children's television standards were being reviewed a couple of years ago. We live in a media environment now which is what I want, when I want, on the device of my choice and the device of my choice is often times bringing you more than one platform. If you buy a television set today, you will be buying something called a connected TV, which will mean that it will have an internet connection. For instance, if you were to buy a Samsung television, they are promoting on television at the moment what they call Samsung Select where they have their own electronic program guide and they are choosing for you what you might want to watch but those things are not necessarily all coming to you over the air; some of it might be coming to you over the Net and different sets of regulations apply. The circumstances in which we operate have changed dramatically and I think for all people interested in public policy these are issues that we need to grapple with as best we can.

**The Hon. HELEN WESTWOOD:** I will come back to the issue around lack of restrictions for other mediums. How do the pre-vetting advertisements actually work? Do they actually see the content?

**Ms FLYNN:** We have an operation called Commercials Advice Delivery [CAD] and all advertisements, not just alcohol advertisements, have to be processed and classified through that. We are not responsible for the content of advertisements on television and that is not a code matter; that is handled because of the detailed history that I will not bore you with today. That is an Advertising Standards Boards issue but we are responsible for the time zones in which those advertisements appear and classifying them to make sure that they meet those time zones, so we have a special classification which is called "L" for liquor advertisements to ensure that when those advertisements are cleared through CAD and go to the schedulers at each of the networks, they have a very clear understanding of where those advertisements should be placed so that they do not appear inappropriately.

**The Hon. HELEN WESTWOOD:** So that is about the time zones?

**Ms FLYNN:** That is about the time zones. Ms O'Neil can probably talk to you a little bit about the process in relation to ABAC.

**Ms O'NEIL:** We have an agreement in place with ABAC for the Commercials Advice people so basically if an advertisement for a manufacturer or retailer is submitted for pre-check, which is basically if an advertisement has not been made yet but they want to send the script through to see what classification it is likely to get, CAD will direct the advertiser to the ABAC code and the AAPS. If an advertisement for an alcohol manufacturer is submitted for classification without AAPS approval, CAD will request AAPS approval.

Now we will not refuse to classify an advertisement if they do not have the approval but we obviously strongly recommend that they do and the Director of Commercials Advice advises us that upwards of 90 something per cent—I can take it on notice, if you like—of the manufacturers do pre-vet their advertisements so it would be very unusual for an advertisement to come in without pre-vetting. Finally, when an advertisement has been found to be in breach of the Alcohol Beverages Advertising Code we will withdraw the classification number. Basically that means the advertisement will not be cleared to be shown on television. If an advertisement is found to be in breach of the ABAC scheme the classification will be removed.

**The Hon. HELEN WESTWOOD:** So they need to have a classification to be screened?

**Ms O'NEIL:** Yes.

**The Hon. HELEN WESTWOOD:** I am interested in whether you have done any research or looked at research that assesses whether advertisements are attractive to young people.

**Ms FLYNN:** We have not done any research of that kind. If you look at how the code operates, the original rules were put in place in 1985 under the Australian Broadcasting Tribunal when they were black letter law, reviewed in 1989, and brought across into the co-regulatory system when the Broadcasting Services Act was implemented in 1992. Since that time they have been regularly subject to three-yearly reviews of the free-to-air Commercial Television Industry Code of Practice. Those codes, the ability to complain and awareness of them and the classification guidelines are advertised on television every day of the year—I think it is 360 days a year—on each channel across every time zone. We have an online complaints system and when we do a code review, which we are about to commence again shortly, we have to advertise the code review across the country so that people are aware and have an opportunity to contribute. The last time we had a code review was in 2009-10. The 2010 code was based on submissions from over 1,500 people, of which 10 were in relation to this matter.

I think we have had four complaints out of 7,500 over the past four years, none of which was upheld by the Australian Communications and Media Authority. The ACMA is very sensitive about these issues and it is not averse to upholding complaints when it believes the broadcasters have breached the code, but because there has been so much exposure to these issues over the years I think the code operates pretty well. We are not aware of a high level of dissatisfaction with either. Also, there are rules around what can be shown in those commercials under the Alcohol Beverages Advertising Code in relation to children. While the ABAC code is not referenced in our code the advertisers' code of ethics is.

**The Hon. HELEN WESTWOOD:** Were those four complaints related to alcohol advertising?

**Ms FLYNN:** Yes.

**The Hon. GREG DONNELLY:** In your submission you suggest that time zone restrictions on alcohol advertising should apply to other mediums—

**Ms FLYNN:** No, we have not said that. What we have said is that if you were minded to recommend further—

**The Hon. GREG DONNELLY:** I have not even finished the question.

**Ms FLYNN:** Sorry. I just wanted to correct that. We are not saying time zones should be applied anywhere else.

**The Hon. GREG DONNELLY:** Or online? You are not saying the time zone restriction arrangement should apply to pay TV or online?

**Ms FLYNN:** No.

**The Hon. GREG DONNELLY:** What precisely are you saying?

**Ms FLYNN:** We say on page 2 in the executive summary:

If further alcohol advertising restrictions were to be placed on free-to-air television 'regulatory bypass' will occur and advertisements will simply move to those platforms which are not subject to any regulation. Therefore, any alcohol advertising restrictions should apply equally across all media platforms.

Bear in mind that broadcasting is nationally legislated and regulated and we would be very concerned about anything that moves away from that approach. But we do think it is really important for us to be here and talk to you because we think these issues around how you regulate—this is just one subset—are really important for the whole body politic—the community, politicians, public servants, broadcasters, the media players—because we have moved into this really interesting transition where the old rules that worked in analogue are not necessarily going to work in the future in the "what I want, when I want, on the device of my choice" environment that we are already moving into. With the convergence review we have been at great pains to say the regulatory regime under which we operate now looks like this whereas it used to be balanced. We were looking for some regulatory balance that—

**The Hon. GREG DONNELLY:** On that point of trying to restore a degree of equilibrium or better balance, how might that be brought about?

**Ms FLYNN:** The most important thing is you have to look at what is there already and whether it is working or not. We would say in our case—I cannot speak for any other media platforms because I do not represent them; I only represent commercial free-to-air broadcasters—there needs to be much more scrutiny about how these things are working and whether people are finding other ways around the regulations. Then you have to have a serious think about how that can be accommodated in the future. I am not suggesting it is easy.

**The Hon. GREG DONNELLY:** Is there some circumvention taking place or is your position neutral in regard to that statement?

**Ms FLYNN:** I know in relation to other aspects, not specifically in this area, when the rules and regulations relating to children's television standards were tightened some of our advertisers just said, "Too hard; not too hard over there."

**The Hon. GREG DONNELLY:** "Over there" being the internet?

**Ms FLYNN:** And pay TV and all the other platforms. I do not want to single out a particular platform because there is no more "them and us" or "this or that"—

**The Hon. GREG DONNELLY:** You can say "other than free-to-air television".

**Ms FLYNN:** Other than free-to-air television, that is right. These are very difficult issues for everybody; we are the first to recognise that. It is not just the technology that has changed it is the consumer behaviour that has changed as well. As I like to say to people in other areas, it is not as if our children are being dragged kicking and screaming to this new environment, they have actually been leading the way.

**The Hon. GREG DONNELLY:** That is a debate for another day, perhaps, about who is leading and who is pulling. How is this idea of examining the other platforms to see whether what you say is the case and there is a serious argument for examining restoration of a better balance best done as an exercise?

**Ms FLYNN:** I guess that is what we hope the convergence review will achieve—something like that. You just need a much more high-level conversation about what are the "goods" we want to preserve and the

"harms" we want to prevent and how can we make them apply so that there is a set of high-level principles and people are expected to apply them. That is where I think it will all come out at the end of the day.

**The Hon. GREG DONNELLY:** Another code of principles—

**Ms FLYNN:** That the Australian Communications and Media Authority is currently looking at in relation to broadcasting. This is a bit of a hobby horse of mine because I am not sure we have actually got to that point yet. People just think, "Oh, television, we'll go and regulate television and the problem will go away" or "Oh, the internet, we'll go and regulate that". I do not think it will work like that. What we all need to do as a broad community is think about the goods we want to preserve and the harms we want to prevent. This obviously fits into a "harms we want to prevent" category, so what are the high-level principles we think should apply? First, children should not be exposed unnecessarily; second, whatever it is, and work from there. That is what I think would work.

**The Hon. GREG DONNELLY:** Elsewhere in our inquiry and the material we have looked at the Alcohol Working Group of the Australian Government's National Preventative Health Taskforce recommended phasing out alcohol advertising during live sports broadcasts. Do you have a view about that?

**Ms FLYNN:** Yes we do. Obviously that has been there since the mid-1980s, as I said, and it reflects the audience that those programs attract. Even with the most popular sports the under-17 audience is less than 12 per cent at its largest. Dare I say it again, it is not looking at how people are viewing. We have lost 3 per cent of our child audience in the past 12 months alone. When the ACMA did its research—

**The Hon. GREG DONNELLY:** When you say "lost", where have they gone? What are you saying has happened to them?

**Ms FLYNN:** They have gone to other platforms obviously. We have not done a count on who went here or there but we can tell you that the Federal Government has intervened to fund two children's channels on the ABC that are run ad free, and a lot of the audience has gone there. A lot of the child audience has gone to the ad-free channels.

**CHAIR:** That is all that is on in my house.

**Ms O'NEIL:** Mine too.

**Ms FLYNN:** We say that now in a digital environment people have new tools so they have more choice about what they are viewing. There are electronic program guidelines that give you the classifications and a parental lock, which we promote and which enables parents to say, "We are not going to watch any of those programs", and they are easily locked out. We are not a specialist children's channel and we are not a specialist pay TV channel; we are an all-comers channel. As you all probably are well aware sport is very expensive to keep live on free-to-air television and we need to balance the requirement to enable all Australians to see live sport for free with the need to be socially responsible about the advertising that is contained in those programs. As I said, there has been no level of complaint about this over the years, a very low level of complaint generally, and we think that reflects that we are meeting community expectations.

**The Hon. JAN BARHAM:** I think the idea you have presented to us about equity is a really important one. It is deeply important that standards are set across the board. Thank you for that; it is very clear. We have had lots of different submissions and some of them are at odds with each other in relation to the impact of advertising. One of them has referred to the fact that family values and peer pressure are greater forces in determining whether young people drink than the advertising of alcohol. Do you have any research or a point of view about this?

**Ms FLYNN:** No. We are basically commercial broadcasters so we rely on advertising. We do not have any other forms of revenue. We do not have a subscription base or anything additional and we are using the public airwaves, which is why there is a very tight set of rules around the code of practice and the children's television standards. We have all had teenage kids. I know what I think but that is my view as a parent. My 25-year-old daughter would tell you that when she was 15 she was sent to bed every night at 8.30 because mum would not let her watch television after that time and her brother, who is five years younger, got to stay up later than her when he was 15. That did not stop her from being exposed to alcohol advertising.

I think there is a whole array of advertising out there in the marketplace these days beyond what you see on television, but you would be silly if you did not agree that peer pressure is part of the picture, because it is. Then what you see in the home also has an impact. I have no doubt about that—no doubt at all. Look, I do not think it is and either/or thing. I think you have to get the balance. That is my key concern—that we have a balanced conversation about the things that we now have worked and that demonstrably do so, and then I think we will need to have another conversation about how we are going to do that in the future.

**The Hon. JAN BARHAM:** The next point, while we are talking about the restrictions or the platforms that are there and how they are controlled and the messaging that they are doing, is the level of education to create some of that balance. If you are going to have the advertising, should there not be a contra position on education? We do not see that. There is no control that says, "If you are going to advertise, you also need to do some positive education." Has that ever been considered, or is there any angle on that?

**Ms O'NEIL:** I think that would be a matter for the Alcohol Beverages Advertising Code [ABAC], would it not?

**Ms FLYNN:** Yes, and I think there are. There is a body that Trish Worth runs out there doing education programs and what have you that are funded by the industry, as I understand it. But as broadcasters, as I said our primary concern is to make sure that the rules are in place and that they meet the community standards, and that we are ensuring that children are not being exposed to material that the community believes is not appropriate.

**The Hon. JAN BARHAM:** But the point you have made is important. If you are restricted and someone else is not, a shift happens. It does not necessarily mean you are meeting community standards.

**Ms FLYNN:** No, that is right.

**The Hon. JAN BARHAM:** That is a very relevant point for us to consider, if there are any degree of constraints or controls are put into the big picture. We need to make sure that consistency is there so that there are no flow-on effects.

**Ms FLYNN:** That has been an argument of ours across all our submissions to every regulator on every topic about the need for consistency. It is just a basic common sense.

**The Hon. JAN BARHAM:** But, as you have said, the platforms have changed so much. Very often it can be forgotten that there are so many levels where commercial sectors can go to.

**Ms FLYNN:** Yes. It does not mean the rules should all be the same. I am not saying that because this works here, something should work there or something should work somewhere else, but the high-level principles that you set, I reckon, should be able to be set at wherever you are watching or listening or viewing.

**The Hon. JAN BARHAM:** If that was the case there would have to be corresponding complaint mechanisms that are equally addressed. We are really talking here about a level playing field across all the mediums.

**Ms FLYNN:** The print media had their own complaints mechanism; pay television has their own complaints mechanism; radio has one; we have one. I am not sure how online operates, but traditional media have very highly sophisticated complaints mechanisms. For instance, ours now are not only advertised every day but they are online and you can go on to the Free TV website. It is off the front page and you can very simply fill out a form and make a code complaint, if you believe that something you have seen is in breach of the code. We think that is a very important part of the relationship we have with our viewers.

**Ms O'NEIL:** I think, in terms of parity as well, that is why something like the Alcohol Beverages Advertising Code is so valuable. It applies across the board. It sort of does have these consistent principles that, in terms of the content of advertisements at least, the advertisers can use as a framework, and things like that.

**The Hon. JAN BARHAM:** We were fortunate to receive a submission and information about the broad range of complaints. In that I noted that in that area of social media, it seems there has been a shift as things tightened up in other areas, so it is such a relevant point. Now, the time-zone issue is an interesting one



when you have the iview-type option where content is available to be viewed at any time. I imagine that a lot of it is going more that way. It seems to be an increasing standard that—what do you call it?

**Ms FLYNN:** Catch-up television.

**The Hon. JAN BARHAM:** Yes. As radio and print media and everything move into this other world, it is up to individual choice. How would any time-zone restrictions apply in that world of operation?

**Ms FLYNN:** We would argue or we support the position that has been adopted by the classification review of the Australian Law Reform Commission, which is that time zones should be phased out over time through the codes of practice in relation to television—because we are the only people that have them—but that they should be done very carefully and with a strong education program around them. For instance, we have had some changes in the time zones. Currently our digital channels, the multi-channels, are not quite so restrictive as to how the time zones operate. The same liquor restrictions apply.

**Ms O'NEIL:** They do, yes.

**Ms FLYNN:** But, for instance, it is PG throughout the day that is allowed on the digital channels. That will be something that we will be arguing for being made consistent because in less than six months we will switch off analogue altogether in Australia. Sydney and Melbourne come up very soon. Once that is done, then we are in a digital-only environment. The relevance of time zones as the tool is probably going to fade, but that does not mean that you do not have other tools. That is why I keep going back to thinking about what are the appropriate tools in the digital environment?

**The Hon. JAN BARHAM:** Is that discussion going on anywhere—about the broader view and the world in front of us and how everything changing so quickly and social standards?

**Ms FLYNN:** We have been trying to have it for some time—for a couple of years—through the convergence review. Yes. The Australian Communications and Media Authority [ACMA] is currently looking at the broadcasting codes and community standards in their entirety. Our concern is that again you are just focusing on one; you are not focusing on the lot. That is why I keep saying: Set your standards at a level that everyone has to buy into, and then you are not saying, "Oh!". I know what will happen: "Free TV says", or wants, you know, and some newspaper picks up, "Free TV wants to regulate pay TV". No, we do not want to regulate pay television, but we are saying there needs to be a broader community conversation about what is important to us in this media environment that we are now all buying into.

Recently I travelled overseas for the first time in a few years. Everybody on the plane, whether travelling domestically or internationally—and we were down the back of the plane—no-one cared about what was on the screen because everyone had their own screen and their own entertainment in front of them. That is in buses and restaurants, wherever you go. We had this discussion. It was a citizen's conversation about classification last week at the Australian Communications and Media Authority where some of these issues in the broad were canvassed. People are increasingly determining what their own viewing patterns are going to be. Yes, I think it is a real challenge as to how you deal with that.

**CHAIR:** Are you covered by product placement in the codes as well?

**Ms FLYNN:** Product placement applies in the codes in relation to news and current affairs programs.

**CHAIR:** Only?

**Ms O'NEIL:** There is disclosure of commercial arrangements in relation to other factual programs, I think. I will just find the reference.

**CHAIR:** Just to disclosure though?

**Ms FLYNN:** Yes, you have to disclose. For instance, if you have a program like *Getaway*, you have to disclose any commercial arrangements that you have. "Commercial arrangements—factual programs, current affairs programs, documentary programs and infotainment programs."

**CHAIR:** What about a case in which a soapie has a character that ends up consuming the same type of alcohol and then becomes the greatest person in town. I am playing devil's advocate here because it is ridiculous. Is that covered by the code?

**Ms FLYNN:** No, but you could not use anything that promoted alcohol. I do not think you could do that in a program that was showing before 8.30 at night, anyway.

**CHAIR:** Right.

**Ms FLYNN:** Alcohol is a really sensitive issue.

**CHAIR:** So they would not be having a drink at all on any of those shows.

**Ms FLYNN:** They might have a drink, but whether or not they are promoting a particular brand of alcohol is completely different. I have not ever heard of anything even remotely like that; in fact, quite the opposite. Those programs tend to run issues-based stories around things like young drinkers or drugs or youth suicide or whatever. It has not ever been a suggestion. I can take it on notice and check.

**The Hon. JAN BARHAM:** Cigarettes and *Mad Men*.

**CHAIR:** That is fine.

**Ms O'NEIL:** It is not directly covered by the code.

**Ms FLYNN:** No, but I think the practice would be highly unlikely.

**CHAIR:** I liked the point you made earlier that we are, or should be, looking at the problems of these and try to address what we are trying to get rid of. I guess it is applicable to the previous witnesses as well. What we are looking at are strategies to reduce alcohol abuse. I think the key is the abuse but we spend a lot of time looking at how we regulate everyone else because, unfortunately, that is the easier place to start rather than chipping away at culture and all those other areas. But the thing that people keep turning to us and saying though is that we did it with smoking. We looked at price, we looked at promotion, and we looked at availability, particularly now when you look at them being behind a locked cupboard in plain packaging and being \$20-odd a packet.

**Ms FLYNN:** Well, what I would say to that is what I say to everyone else when they say, "Oh, but look at cigarette smoking." "All right. Apply the cigarette smoking rules. Apply the Tobacco Advertising Prohibition Act [TAPA]."

**CHAIR:** And then give you the same equivalent funding for advertising for anti-drinking campaigns?

**Ms FLYNN:** Well, that is right. And it applies to everywhere. You do not just not see the Tobacco Advertising Prohibition Act applying just to commercial television.

**CHAIR:** It applies everywhere.

**Ms FLYNN:** It applies to everything. I am not sure the community believes the two are the same. I certainly do not, anymore than I do to junk food advertising. The same people usually say it should apply to junk food advertising as well. I think there is quantum difference between cigarette smoking and alcohol and food, but that is also a community standards issue.

**CHAIR:** Is it fair to a degree to say that some of the aspects of that smoking campaign have been applied to your industry without the equivalent?

**Ms FLYNN:** No, no. They apply to everyone because that is my point about the Tobacco Advertising Prohibition Act. It applies to everything. It is not commercial free-to-air television.

**CHAIR:** What I am saying is that that applies to everyone.

**Ms FLYNN:** Yes.

**CHAIR:** My point is that the restriction of the advertising component of that has really only been applied to your industry. That is right, is it not?

**Ms FLYNN:** No.

**Ms O'NEIL:** No.

**CHAIR:** For alcohol, I mean.

**Ms FLYNN:** Oh, for alcohol. Sorry. I thought you were talking about the others. Yes.

**CHAIR:** In relation to the concept of doing all of those things, a part of that concept is being applied to your organisation.

**Ms FLYNN:** Correct.

**The Hon. JAN BARHAM:** And nowhere else.

**CHAIR:** Do we think that is working?

**Ms FLYNN:** We think—

**CHAIR:** I know what you think, but your statistics are saying that the people that they are advertising to are not watching anyway. Is that what you are saying?

**Ms FLYNN:** They are watching in small numbers, and declining numbers. We are a whole-of-community service. We are not a specialist radio, television or online service. We are not a children's channel or a sports channel. We are appealing to a diverse range of viewers across the community with an appropriate set of regulations to address the issues of harm, particularly in this area of alcohol, which we think have been in place for a long time and have worked—demonstrably worked.

**CHAIR:** What about those who say that an industry regulated mechanism that has had very few complaints is actually working? I know that we heard evidence last time from the Advertisers Association saying that it must be working because there have been very few complaints, but others are saying that it is only because it is so hard to complain, et cetera. Do you have a view on that?

**Ms FLYNN:** Ours is a little bit different to theirs because theirs is a voluntary code. I actually think that the Australian Association of National Advertisers [AANA] and the Advertising Standards Board are the gold standard for an industry or for a self-regulatory system. They have completely revamped themselves over the last decade or so to put themselves at arms-length and to have independence. But we are not independent and are not self-regulatory. If you complain to the commercial free-to-air broadcasters, you have to get a response in writing if it is a code complaint. You have to be advised that if you are not happy with the response you have got, you can take the complaint directly to the Australian Communications and Media Authority [ACMA]. I do not believe that the low level of complaint we see is any reflection of the fact that it is difficult; it is not difficult. I would be more than happy to show you how easy it is.

**CHAIR:** Good. On behalf of the Committee, thank you for, first of all, your submission and also your time today. There have been some questions placed on notice. The Committee has resolved that the response to those questions be returned within 21 days.

**Ms FLYNN:** Right.

**CHAIR:** The secretariat will liaise with you to facilitate that. On behalf of the Committee, thank you.

**Ms FLYNN:** Thank you.

**Ms O'NEIL:** Thanks.

**(The witnesses withdrew)**

**The Committee adjourned at 1.30 p.m.**

---