



PARLIAMENT OF NEW SOUTH WALES

LEGISLATIVE COUNCIL

**STANDING COMMITTEE
ON
SOCIAL ISSUES**

DRUG ABUSE AMONG YOUTH

DECEMBER, 1990

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CHAIRMAN'S FOREWORD

Drug use by our young people is one of society's most urgent and distressing problems. Youth are the community's great resource and it is incumbent upon us all to ensure that our young people have every opportunity to enjoy a healthy and rewarding life now and in the future.

In the course of conducting this Inquiry, my fellow Committee Members and I have come to better appreciate the magnitude and many complexities of the problem of youth drug abuse. With the benefit of the many submissions received, the evidence of numerous witnesses, the information and advice given to us by experts throughout Australia and overseas, and the considerable literature which we reviewed, we became aware of the active and at times bitter debate about the nature of the problem and what needs to be done about it.

One important factor which is too often lost sight of, is that youth drug use is part of the wider phenomenon of drug abuse within the community as a whole, not something separate and unique to young people. Another is that drug use is often a symptom of other serious socio-economic or psychological problems which themselves need to be properly addressed in conjunction with the drug problems.

There will be some who will disagree with our recommendations, but that is inevitable with such a controversial and multi-dimensional issue. There is no single solution, nor any finite body of solutions to this problem. What we have sought to do in this Report is to address some of the most pressing aspects, in the hope of making a meaningful contribution in those areas.

I am grateful for the sincere endeavours of my fellow Committee members and especially for the great efforts put into this Inquiry and Report by the Committee staff: Peter Gacs, Committee Director, Tony Pooley, Senior Project Officer, Alison Burke, Chairman's Assistant and Heather Crichton, Stenographer, without whose unstinting dedication we would not have accomplished our task.



Max Willis
Chairman

ACKNOWLEDGEMENTS

The Committee wishes to record their appreciation for the many thoughtful written submissions and evidence received from members of the public and representatives of a wide range of organisations.

The Committee wishes to acknowledge the very valuable advice and assistance which it received from, in particular, Dr. Michael MacAvoy and his colleagues at the Directorate of the Drug Offensive, Department of Health, and also, representatives of the NSW Departments of Family and Community Services, Education and Youth Affairs and Police.

Particular thanks are due to Mr. Milton Luger, Dr Jara Krivanek, Dr Alex Wodak and Dr. Andrew Ball. Representatives of the Cancer Council and the National Heart Foundation (NSW Division) also provided valuable assistance.

Finally the Committee extends its thanks to the staff of the Parliamentary Library for their assistance and co-operation.

MEMBERS OF THE SOCIAL ISSUES COMMITTEE

The Hon. Max Willis, MLC (Chairman) - Liberal Party

The Hon. Ann Symonds, MLC (Deputy Chairman) - ALP

The Hon. Franca Arena, MLC - ALP

The Hon. Keith Enderbury, MLC - ALP

The Hon. Duncan Gay, MLC - National Party

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The Hon. Judith Jakins, MLC - National Party

Rev The Hon. Fred Nile, MLC - Call to Australia

The Hon. Helen Sham-Ho, MLC - Liberal Party

Peter Gacs - Committee Director

Tony Pooley - Senior Project Officer

TERMS OF REFERENCE

To examine and report upon:

- (a) the extent and nature of drug abuse among youth between the ages of 8 and 18;**
- (b) the social and material cost; and**
- (c) what steps can be taken to try to solve this extremely pressing problems.**

Without limiting the generality of the above, particular consideration should be given to:

- (i) the effectiveness of existing deterrent and preventative measures;**
- (ii) the effectiveness of drug education programmes;**
- (iii) the effectiveness of rehabilitation and counselling facilities; and**
- (iv) the inter-relation of schemes for rehabilitation and punishment.**

EXECUTIVE SUMMARY

Introduction

This Report is the outcome of an Inquiry by the Standing Committee on Social Issues of the NSW Parliament, into Drug Abuse Among Youth. The Inquiry was referred to the Committee by the Minister for Police and Emergency Services in his capacity as Chairman of the Ministerial Committee on Drug Strategy (MCDS). Given the magnitude of the issue, the Committee decided to divide the Report into two parts. This first part takes an overview of the whole process of implementation of drug policies and programs in NSW and seeks to identify areas which need improvement; it also focuses on the two major problem drugs: alcohol and tobacco. The second part of the Report, scheduled for completion in 1991, will cover prevention strategies, illicit drugs, treatment and the needs of specific groups in the community. The recommendations made in the Report are intended to be consistent with the precepts of the National Campaign Against Drug Abuse (NCADA), including its basic principle of harm minimisation. This principle implies no implicit or explicit support for illicit drug use.

2 The use by young people of both licit and illicit drugs is one of the most pressing problems facing the community. Although adolescence has its unique characteristics, it is important that youth drug abuse is recognised as part of the wider phenomenon of drug misuse in the community as a whole. The direct and indirect social and economic costs of this phenomenon cannot be accurately measured, but the available data shows that Australia-wide there were 25,495 drug-related deaths in 1987, and that in recent years the misuse of alcohol and pharmaceuticals, the use of tobacco and law enforcement relating to illicit drugs has been costing billions of dollars annually.

3 The Committee made a number of inter-state visits, and a Subcommittee travelled overseas, to study drug policies and programs in other jurisdictions. The overseas study revealed that NSW is at least equal to, and in some cases ahead of comparable Western societies in dealing with drug abuse. This is gratifying but no cause for complacency. Previous reports and studies covering this area were also reviewed. The Committee was concerned to find that there appears to have been insufficient implementation of the recommendations emanating from very useful previous reports of inquiry. It considers that the Directorate of the Drug Offensive should monitor and review all such reports for the MCDS.

4 The Committee commenced by examining the reasons for the uptake of drugs by young people. There is no complete and definitive list of the major antecedents of drug use by youth, though there is widespread consensus about many of them. Some relate to poverty, homelessness and family dysfunction. The Committee sees a need for government to effect major strategies to minimise the effects on youth of poverty, family dysfunction and

the drug use which can be a symptom of these conditions.

5 Accurate public perception of drug problems and policies is important if those policies are to be effective. The media plays a central role in the process of informing the public, but although there has been much responsible reporting about drugs, there is still a tendency in some of the media to sensationalise drug issues, thereby distorting the image of the real situation. Given its enormous public influence, the media needs to give greater attention to accuracy and balance in its drug reporting.

Directorate of the Drug Offensive

6 Drug policy and services in NSW are co-ordinated by the Directorate of the Drug Offensive, located within the Department of Health. Policy follows the guidelines laid down by the national Ministerial Council on Drug Strategy, who direct NCADA. Policy goals are intended to reflect the need to properly balance supply control and demand reduction strategies, with emphasis on the latter; this conforms with the public health model.

7 While accepting this policy, the Committee is concerned by the lack of any body of guidelines specific to youth. The problems and needs specific to adolescence are neither more nor less serious than those of adults, but are different and require separate consideration. The Committee considers essential the development of such guidelines, the principal of which should be to ensure that all prevention and treatment campaigns, programs and activities include youth in their focus and/or are accessible to young people.

8 The Committee detected major impediments to the effective implementation of drug policy in NSW. These are largely due to the fact that the operations of the Directorate of the Drug Offensive are unduly circumscribed by limitations in the Drug Offensive Act and by inadequacies in the Directorate's resources. Although the Act requires all government organisations which provide drug services to consult with the Directorate, it does not specify at what point such consultations should occur nor oblige the organisations to respond in any way to the Directorate's advice. As a consequence of these ambiguities, the degree of consultation with the Directorate has varied from organisation to organisation. For example, while some Departments such as FACS and School Education have been fairly active in this process, some Area Health Services rarely consult at all. This situation serves to dilute the Directorate's advocacy, influence and guidance profile.

9 The relationship between the Directorate and non-government drug agencies has also been a difficult one (as has the relationship between many of the non-government agencies themselves). This apparently stems largely from differences in attitudes over government funding processes and accountability, which in turn illustrates the need for a closer and better defined process of consultation between the Directorate and the non-

government drug sector.

10 The Committee considers that in order to enhance the Directorate's role and effectiveness, a number of measures need to be taken. First, the Drug Offensive Act needs to be amended to ensure that consultation between government organisations including Area Health Services, and the Directorate takes place prior to the provision of services, and that organisations should inform the Directorate if they are unwilling or unable to act on its advice. The Directorate could then, if it so wished, raise the issue with the Minister for Health. Secondly, the Directorate needs to resume the responsibility, recently moved to another area within the Health Department, for overseeing the accountability of recipients of Drug Offensive funding and monitoring their adherence to established standards. Third, there is a need to review the functions of the Drug and Alcohol Co-ordinators attached to each Area and Regional Health Service, and their relationship with the Directorate, to ensure that they play a fully effective role in the provision of drug services throughout the State. Finally, the Directorate's administrative status within the Health Department should be upgraded to that of a separate Division reporting directly to the Minister, and its staffing levels, which are currently inadequate, should be reviewed to ensure that it has adequate resources to meet its full responsibilities.

Tobacco

11 From whichever perspective one cares to make a "cost" comparison between tobacco and other drugs, whether it be mortality figures per annum, cost to the community in the provision of health services to users, cost to the health of individuals exposed to others' smoke, or cost to the economy in terms of days lost through ill health of addicts, cigarette smoking is clearly and overwhelmingly the most serious drug problem for the general community.

12 There is absolutely no safe level of tobacco use. Nicotine is a highly toxic and addictive drug. To continue to allow the promotion and advertising of tobacco products would be a dereliction of Government responsibility and would be sanctioning the marketing of a substance which, if used as the manufacturer recommends, can lead to premature death.

13 Evidence heard by the Committee overwhelmingly supported increased, Government-sponsored action on price, availability, advertising, education, age-of-purchase and warnings in relation to cigarettes and other tobacco products.

14 The Committee is of the opinion that the evidence linking advertising, promotion and sponsorship of tobacco products with reinforcement of smoking among minors, is overwhelming. The "voluntary code" which currently regulates the sale, advertising and other forms of promotion of tobacco products in New South Wales is vague and ineffective. The

Committee considers that it should be withdrawn and replaced by legislation which would prohibit cigarette advertising at point-of-sale, on billboards and on taxis, and also parallel advertising.

15 Consistent with the Committee's concern to do all in its power to limit the availability and attractiveness of tobacco to minors, it recommends an increase in the legal age at which cigarettes may be purchased, the abolition of tobacco company sponsorship of all sporting or cultural events, and that there should be an increase in the size of health warnings on tobacco products.

16 Current research indicates that passive smoking is an issue of considerable concern. The Committee is encouraged by the trend in Government Departments and Statutory Authorities towards the provision of smoke-free workplaces. As a further step, it recommends that all restaurants in New South Wales seating in excess of 100 people be required to provide a smoke-free area.

17 Increasing the cost of cigarettes appears to be the most effective single measure for curtailing total consumption of tobacco, particularly among young people. Thus, in order to achieve a substantial price increase and to simultaneously provide funding for a proposed health promotion foundation, it is recommended that the tobacco licence fee be increased initially by 10 per cent (from 35 per cent to 45 per cent of the wholesale price) and in successive years by one per cent annually until the total state licence fee reaches 50 per cent of the wholesale price.

Alcohol

18 Alcohol is second to tobacco as the most harmful drug consumed in the community generally, but for young people it is the most harmful drug when measured in terms of drug-related deaths. The most recent NSW survey underlines the fact that under-age drinking continues to be a significant problem. While it shows an overall decline in alcohol consumption among school students, it also indicates disturbing increases in the prevalence of regular drinking among the older school-age group, and of heavy drinking among older male students. The survey also indicates that alcohol is readily available to minors, and that young people's perceptions of which drugs cause most deaths do not correspond with the true situation.

19 Current prevention strategies, such as education, alternate alcohol-free entertainment facilities, police enforcement and the legal controls on the consumption of alcohol by, and its supply to minors as embodied in the relevant liquor control Acts, are important but should be reviewed or, in the case of the liquor legislation, amended, in order to further enhance their effectiveness.

20 The Committee believes there is a place for the issuing of on-the-spot

finer to minors for some under-age drinking offences, subject, however, to ensuring that the infringement notice process is not seen to be a diminution of the seriousness of the offences involved. The Committee endorses two recent government initiatives: first, the sponsorship of a voluntary proof-of-age card which, along with photo drivers licences, will allow licensees to quickly determine the age of persons seeking to purchase alcohol or enter licensed premises; the second initiative is the lowering to 0.02 per cent of the permissible blood alcohol limit for new drivers under the age of 25.

21 The Committee recommends two new strategies: the introduction of compulsory health warnings on all alcohol labelling and in all alcohol advertising, and the establishment of a Health Promotion Foundation (see below). It also believes that strategies relating to the pricing and availability of alcoholic beverages should be considered.

22 Advertising is a further area of particular concern in relation to under-age drinking and one which requires considerable reform. The liquor industry spends an estimated \$57 million annually on advertising. While research evidence to date has failed to prove any causal connection between advertising and increased consumption levels, a number of Australian and overseas studies have concluded that alcohol advertising does reinforce under-age drinking. The Committee is persuaded that the greatest cause for concern is the message conveyed to young people by alcohol advertising in which drinking is "glamorised, sanitised and normalised."

23 The Committee considers that alcohol advertising needs to be significantly restricted. It also considers that there is a need to address the manifest shortcomings in the self-regulatory system of alcohol advertising currently in force throughout Australia. The system is embodied in a voluntary Alcohol Beverages Advertising Code, which contains guidelines for acceptable alcohol advertising. The Alcoholic Beverage Advertising Code Council (ABACC) advises on the development of the code, while the Advertising Standards Council (ASC) interprets the code and adjudicates public complaints against offending advertising material.

24 The Committee's attention was drawn to the concerns of numerous medical and consumer organisations and drug professionals about the interpretation of the code by the ASC and what are regarded as lengthy and cumbersome procedures for the submission and consideration of complaints. Another complaint made to the Committee was that there is a significant imbalance in the membership of the ABACC in favour of the media, advertising and liquor industries.

25 The Committee concluded that the self-regulatory system is ineffective and needs to be replaced by a new system mandated by law. The voluntary code should be replaced by a mandatory, legislated code; and a statutory body should be set up to interpret the new code and adjudicate public complaints about particular advertisements.

26 As print and television advertising are federally regulated, those of the Committee's recommendations which pertain to the Federal sphere are directed to the NSW Government to be taken up with the other State and Territory governments, and submitted jointly by them to the Federal Government.

Health Promotion Foundation

27 In conjunction with the recommended abolition of tobacco company sponsorship of sport and the arts, the Committee advocates the establishment in NSW of a health promotion foundation. The concept behind such a foundation is that a hypothecated tax on cigarettes and alcohol products is channelled into an independent body charged with the task of replacing tobacco sponsorship of sports and the arts, and of promoting healthier lifestyles through sports and cultural promotions, education and drug research.

28 The Committee believes that for such a foundation to become viable, it must be strongly supported by all parties within the Parliament. Nominees of both the Government and Opposition should be represented on the board of trustees.

29 Currently in Australia, health promotion foundations exist in South Australia, Victoria and the Australian Capital Territory, and their establishment is being considered currently by the West Australian and Tasmanian Parliaments

30 Health promotion foundation funding avoids the hypocrisy of healthy sports being sponsored by unhealthy products. It guarantees funding for programmes such as "Quit For Life" and "Rage Without Alcohol".

31 Sponsorships of festivals and specific sports can be used to target particular groups such as non-English speakers or young women, with specific health messages.

32 The recommended New South Wales Health Promotion Foundation should be funded by an increase in the licence fees on both alcohol and cigarettes. It is expected that these levies would raise approximately \$76 million annually.

33 It is vital that the New South Wales Health Promotion Foundation be seen to be independent and as such should be constituted as a statutory authority.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

THAT THE DIRECTORATE OF THE DRUG OFFENSIVE MONITOR AND REVIEW ALL MAJOR DRUG REPORTS ISSUED IN NSW, AT THE FEDERAL LEVEL AND ELSEWHERE AS APPROPRIATE, AND PREPARE AT LEAST ANNUALLY DIGESTS OF THESE REPORTS INCLUDING ASSESSMENTS OF THE FEASIBILITY AND COST IMPLICATIONS OF THEIR RECOMMENDATIONS, FOR THE MINISTERIAL COMMITTEE ON THE DRUG STRATEGY.

RECOMMENDATION 2

- (a) THAT THE DIRECTORATE OF THE DRUG OFFENSIVE, IN CO-ORDINATION WITH THE AREA AND REGIONAL HEALTH SERVICES AND THE NETWORK OF ALCOHOL AND OTHER DRUG AGENCIES, INVESTIGATE THE FULL EXTENT OF DRUG STRATEGIES, PROGRAMS AND FACILITIES FOR YOUTH THROUGHOUT NSW RELATING TO BOTH THE GOVERNMENT AND NON-GOVERNMENT SECTORS, AND THE EXTENT TO WHICH THESE ARE MEETING THE NEEDS OF YOUTH;**
- (b) THAT FOLLOWING THIS INVESTIGATION, THE DIRECTORATE, IN CONJUNCTION WITH OTHER RELEVANT ORGANISATIONS, DEVELOP A BODY OF DRUG POLICY GUIDELINES SPECIFIC TO YOUTH, FOR SUBMISSION TO THE MINISTERIAL COMMITTEE ON DRUG STRATEGY;**
- (c) THAT AGREED YOUTH POLICY GUIDELINES BECOME AN INTEGRAL PART OF THE ON-GOING PLANNING PROCESS AND BE DISSEMINATED TO ALL RELEVANT ORGANISATIONS THROUGHOUT NSW.**

RECOMMENDATION 3

THAT THE DRUG OFFENSIVE ACT 1987 BE AMENDED TO EMPOWER THE DIRECTORATE OF THE DRUG OFFENSIVE TO CARRY OUT EFFECTIVELY ITS PRIMARY TASK OF CO-ORDINATING DRUG POLICIES AND PROGRAMS THROUGHOUT NEW SOUTH WALES.

SPECIFICALLY, THAT:

- (A) THE WORDS "TO THE MAXIMUM PRACTICABLE EXTENT" BE DELETED FROM SECTION 10.(1);**
- (B) SECTION 10 (2) BE AMENDED IN SUCH A WAY AS TO OBLIGE ALL GOVERNMENT ORGANISATIONS TO CONSULT WITH THE DIRECTORATE PRIOR TO THE PROVISION OF ANY DRUG SERVICES;**
- (C) ALL SUCH ORGANISATIONS BE REQUIRED TO INFORM THE DIRECTORATE IF THEY ARE UNWILLING OR UNABLE TO ACT ON THE DIRECTORATE'S ADVICE PRIOR TO THE COMMENCEMENT OF THE SERVICES IN QUESTION.**

RECOMMENDATION 4

THAT IN ACCORDANCE WITH THE RECOMMENDED ENHANCED ROLE OF THE DIRECTORATE OF THE DRUG OFFENSIVE, IT RESUME ITS FORMER RESPONSIBILITY FOR OVERSEEING THE ACCOUNTABILITY OF RECIPIENTS OF DRUG OFFENSIVE FUNDING AND MONITORING THEIR ADHERENCE TO THE STANDARDS WHICH IT HAS SET.

RECOMMENDATION 5

THAT IN ORDER TO ENSURE AREA AND REGIONAL DRUG AND ALCOHOL CO-ORDINATORS PLAY A FULLY EFFECTIVE ROLE IN THE PROVISION OF ADEQUATE DRUG SERVICES TO ALL AREAS OF NSW, THE DIRECTORATE UNDERTAKE A FULL REVIEW OF THE ROLE, FUNCTIONS AND TRAINING NEEDS OF THE CO-ORDINATORS, AND ASSOCIATED COST IMPLICATIONS, FOR PRESENTATION TO THE MINISTER FOR HEALTH.

RECOMMENDATION 6

THAT IN ACCORDANCE WITH THE RECOMMENDED ENHANCEMENT OF THE DIRECTORATE'S ROLE AND EFFECTIVENESS, ITS STATUS BE UPGRADED TO THAT OF A SEPARATE DIVISION WITHIN THE DEPARTMENT OF HEALTH REPORTING DIRECTLY TO THE MINISTER.

RECOMMENDATION 7

THAT THE TITLE OF THE DIRECTORATE OF THE DRUG OFFENSIVE BE CHANGED TO "DRUG STRATEGY DIVISION".

RECOMMENDATION 8

THAT THE DIRECTORATE'S STAFFING LEVEL BE REVIEWED TO ENSURE THAT IT HAS ADEQUATE STAFFING RESOURCES.

RECOMMENDATION 9

THAT THE DIRECTORATE DEVELOP STRATEGIES AND STRUCTURES THAT WILL PROVIDE BETTER LINKAGE AND SUPPORT TO DRUG WORKERS, PARTICULARLY THOSE IN REGIONAL AREAS WHO OFTEN HAVE LIMITED INFORMATION AND RESOURCES.

RECOMMENDATION 10

THAT A PERSON OR PERSONS BE PROHIBITED FROM THE SALE, DISPLAY, IMPORTATION OR ADVERTISING OF ANY PRODUCT (NOT INCLUDING CIGARETTES) WHICH INCLUDE A TOBACCO TRADEMARK, BRAND NAME OR LOGO OR PART OF A TRADEMARK, BRAND NAME OR LOGO USED BY A TOBACCO COMPANY.¹

RECOMMENDATION 11

THE COMMITTEE RECOMMENDS THAT NO TAXI BE PERMITTED TO CARRY A TOBACCO ADVERTISEMENT.

RECOMMENDATION 12

THAT BILLBOARD ADVERTISING OF TOBACCO PRODUCTS BE PROHIBITED.

RECOMMENDATION 13

- (a) THAT THE MINIMUM AGE AT WHICH CIGARETTES MAY BE PURCHASED BE RAISED TO 18.**

¹ The Committee is aware of the effect this recommendation may have on some established businesses and acknowledges that on implementation the Government may need to undertake appropriate phasing-in arrangements.

- (b) THAT THE PROPOSED 'PROOF-OF-AGE' CARD OR PHOTOGRAPHIC DRIVERS LICENCE BE ACCEPTABLE EVIDENCE OF AGE.
- (c) THAT A PERSON WHO SELLS TOBACCO TO A PERSON WHO IS UNDER THE AGE OF 18 YEARS IS GUILTY OF AN OFFENCE WITH A MAXIMUM PENALTY OF 50 PENALTY UNITS.

RECOMMENDATION 14

THAT AS SOON AS PRACTICABLE NO SPORTING, CULTURAL OR ARTISTIC EVENT IN NEW SOUTH WALES MAY ADVERTISE OR EXHIBIT A TOBACCO BRAND NAME, LOGO, OR TRADEMARK IN ASSOCIATION WITH THE NAME OF THAT EVENT.

RECOMMENDATION 15

- (a) THAT ONE TOBACCO HEALTH WARNING, THAT RELATING TO A REDUCTION IN FITNESS, BE ABOLISHED AND REPLACED WITH SOMETHING MORE APPROPRIATE TO THE DESTRUCTIVE EFFECT OF TOBACCO CONSUMPTION;
- (b) THAT THE TOBACCO WARNINGS BE INCREASED IN SIZE FROM FIFTEEN PERCENT TO TWENTY-FIVE OF THE SURFACE AREA OF THE PACKET, THAT THEY BE MOVED FROM THE BOTTOM TO THE TOP OF THE PACKET AND CONTRAST WITH THE BACKGROUND COLOUR OF THE CIGARETTE PACKET;
- (c) THAT THESE WARNINGS NO LONGER CONTAIN THE POSTSCRIPT "HEALTH AUTHORITY WARNING"; AND
- (d) THAT EACH CIGARETTE PACKET CONTAIN A CARDBOARD INSERT, INSIDE THE PACKET ITSELF, OF NOT LESS THAN SIX CENTIMETRES BY FOUR CENTIMETRES, WHICH ON ONE SIDE WOULD CONTAIN A HEALTH WARNING AND THE "QUIT FOR LIFE" TELEPHONE NUMBER AND ON THE OTHER SIDE LIST A SELECTION OF THE WORST CARCINOGENS TO BE FOUND IN CIGARETTES.

RECOMMENDATION 16

THAT ALL ADVERTISING AT POINT-OF-SALE AND ON PUBLIC VENUES, OVALS AND SPORTING GROUNDS, INCLUDING BRAND NAMES AND TRADEMARKS AND LOGOS REPRESENTED ON THE SURFACE OF SUCH VENUES, BE PROHIBITED AS SOON AS PRACTICABLE.

RECOMMENDATION 17

THAT ANY FILM FINANCIALLY OR ADMINISTRATIVELY ASSISTED BY THE NSW FILM CORPORATION DISPLAY NO IDENTIFIABLE BRAND NAME OF CIGARETTES OR INCIDENTAL ADVERTISING, UNLESS IT INCORPORATES "FILE" FOOTAGE AND THAT NO SUCH FILM ACCEPT ANY FORM OF PAYMENT OR SPONSORSHIP FROM A TOBACCO COMPANY.

RECOMMENDATION 18

THAT ALL RESTAURANTS IN NEW SOUTH WALES WHICH SEAT IN EXCESS OF 100 PEOPLE MUST PROVIDE A "SMOKE-FREE" AREA.

RECOMMENDATION 19

A FURTHER TAX OF TEN PERCENT ON ALL TOBACCO PRODUCTS BE INSTITUTED AND CHANNELLED DIRECTLY INTO THE RECOMMENDED HEALTH PROMOTION FOUNDATION. THAT THIS TAX INCREASE AT THE RATE OF ONE PERCENT PER YEAR FOR THE NEXT FIVE YEARS UNTIL THE TOTAL RATE OF STATE TAXATION REACHES A FIGURE OF FIFTY PERCENT.

RECOMMENDATION 20

THAT THE EFFECTIVENESS OF THE ENFORCEMENT OF THE VARIOUS LIQUOR CONTROL ACTS BY POLICE PATROL COMMANDERS BE REVIEWED WHEN THEY HAVE BEEN IN OPERATION FOR TWELVE MONTHS AND THAT THE RESULTS OF THAT REVIEW BE MADE PUBLIC.

RECOMMENDATION 21

THAT FINANCIAL PENALTIES FOR OFFENCES UNDER THE LIQUOR AND REGISTERED CLUBS ACTS BY LICENCEES, THEIR EMPLOYEES OR OTHER ADULTS IN RELATION TO UNDER-AGE DRINKING, HAVE A MINIMUM LIMIT OF NOT LESS THAN HALF THE MAXIMUM LIMIT.

RECOMMENDATION 22

THAT THE REGISTERED CLUBS AND LIQUOR ACTS BE AMENDED SO AS TO PROVIDE MANDATORY PENALTIES FOR CLUBS OR LICENCES CONVICTED OF OFFENCES RELATING TO MINORS, AS FOLLOWS:

- TWO OFFENCES IN A THREE YEARS PERIOD - CALLED UPON TO SHOW CAUSE WHY THE CERTIFICATE OF REGISTRATION OR THE LICENCE, AS APPROPRIATE, SHOULD NOT BE CANCELLED OR SUSPENDED FOR A SPECIFIC PERIOD;
- THREE OFFENCES IN THREE YEAR PERIOD - SUSPENSION OF CERTIFICATE OF REGISTRATION OR LICENCE FOR BETWEEN SIX AND TWELVE MONTHS;
- FOUR OR MORE OFFENCES IN THREE YEAR PERIOD - CANCELLATION OF CERTIFICATE OF REGISTRATION OR LICENCE.

RECOMMENDATION 23

THAT IN ALL CASES IN WHICH MINORS ARE ISSUED WITH INFRINGEMENT NOTICES UNDER SECTION 117F OF THE LIQUOR ACT OR SECTION 57A OF THE REGISTERED CLUBS ACT

- (A) THEIR PARENTS OR GUARDIANS MUST BE INFORMED; AND
- (B) THE ISSUING OF THE NOTICE MUST BE RECORDED BY THE POLICE DEPARTMENT.

RECOMMENDATION 24

THAT MINORS MAY RECEIVE ONLY ONE INFRINGEMENT NOTICE AND THAT SECOND AND FURTHER OFFENCES AUTOMATICALLY ENTAIL A COURT APPEARANCE.

RECOMMENDATION 25

THAT WARNINGS BE COMPULSORILY INCLUDED ON ALL ALCOHOL LABELLING AND IN EVERY FORM OF ALCOHOL ADVERTISEMENT WITHOUT EXCEPTION, CONCERNING THE POTENTIAL EFFECTS OF EXCESSIVE CONSUMPTION.

THAT THERE BE SEVERAL DIFFERENT WARNINGS DISPLAYED ON A ROTATIONAL BASIS.

RECOMMENDATION 26

THAT THE GOVERNMENT INCREASE THE LIQUOR LICENSING FEES FROM TEN TO ELEVEN PERCENT, AND THAT THE ADDITIONAL ONE PERCENT BE

EXPRESSLY ALLOCATED TO THE RECOMMENDED HEALTH PROMOTION FOUNDATION.

RECOMMENDATION 27

THAT THE FOLLOWING FORMS OF ALCOHOL ADVERTISING BE BANNED:

- (a) ON BILLBOARDS;**
- (b) ON TAXIS AND BUSES;**
- (c) THE IMPRINTING OF ALCOHOL COMPANY LOGOS OR BRAND NAMES ON THE SURFACE OF SPORTS FIELDS OR STADIUMS;**
- (d) ON RADIO OR TELEVISION BEFORE 10 PM THROUGHOUT THE WEEK, AND DURING ANY PROGRAMS AT A LATER TIME WHICH HAVE A SUBSTANTIAL YOUTH AUDIENCE, AS A FIRST STEP TO TOTAL ELIMINATION; and**
- (e) IN MAGAZINES OR SPECIAL SECTIONS OF NEWSPAPERS AND MAGAZINES WHICH HAVE A SUBSTANTIAL YOUTH READERSHIP.**

THAT IN ADDITION, SPECIFIC LIMITATIONS BE IMPOSED ON

- (a) TOTAL ALCOHOL ADVERTISING IN ALL MEDIA; and**
- (b) AROUND THE PERIMETERS OF SPORTS FIELDS AND STADIUMS.**

RECOMMENDATION 28

THAT THE SYSTEM OF SELF-REGULATION OF ALCOHOL ADVERTISING BE REPLACED BY A NEW SYSTEM MANDATED BY LEGISLATION, UNDER WHICH THE CURRENT VOLUNTARY ALCOHOLIC BEVERAGES ADVERTISING CODE WOULD BE REPLACED BY A MANDATORY CODE.

RECOMMENDATION 29

THAT THE RECOMMENDED MANDATORY CODE FOR ALCOHOL ADVERTISING BE MONITORED BY A STATUTORY BODY WHOSE MEMBERSHIP WOULD BE APPOINTED BY AND RESPONSIBLE TO THE NATIONAL MINISTERIAL COUNCIL ON DRUG STRATEGY; THIS BODY WOULD INTERPRET THE CODE AND ADJUDICATE PUBLIC COMPLAINTS ABOUT PARTICULAR ADVERTISEMENTS.

RECOMMENDATION 30

THAT THE PROPOSED NEW SOUTH WALES HEALTH PROMOTION FOUNDATION BE FUNDED BY AN EXTRA TAX ON ALCOHOL LICENCE FEES OF ONE PERCENT AND ON CIGARETTES OF TEN PERCENT.

RECOMMENDATION 31

THAT THE LEGISLATION CREATING SUCH A FOUNDATION WOULD INCLUDE A SPECIFIC BREAKDOWN OF SPENDING COVERING AREAS SUCH AS:

- **funding for tobacco sponsorship substitution;**
- **promotion of arts, cultural and sporting events;**
- **health promotion funding;**
- **education programmes (with particular emphasis on youth); and**
- **alcohol and drug research.**

RECOMMENDATION 32

THAT THE LEGISLATION CONTAIN CLEAR GUIDELINES RELATING TO FUNDING AND BE OVERSEEN BY A MANAGEMENT BOARD COMPRISING REPRESENTATIVES OF THE DIRECTORATE OF THE DRUG OFFENSIVE, SPORTING AND ARTS OFFICIALS, REPRESENTATIVES FROM THE AREA OF HEALTH PROMOTION, ADVERTISING AND MARKETING AND REPRESENTATIVES OF THE MAJOR POLITICAL PARTIES, AS IN VICTORIA.

RECOMMENDATION 33

THAT INDIVIDUAL COMMITTEES BE SET UP TO ESTABLISH GUIDELINES AND GRANTS TO SPECIFIC AREAS I.E. TOBACCO REPLACEMENT COMMITTEE, SPORTS SPONSORSHIP COMMITTEE, ARTS AND CULTURAL ACTIVITIES COMMITTEE AS IN THE VICTORIAN AND SOUTH AUSTRALIAN MODELS.

RECOMMENDATION 34

THAT THE NEW SOUTH WALES HEALTH PROMOTION FOUNDATION BE CREATED AS A STATUTORY AUTHORITY, UNDER THE ADMINISTRATIVE UMBRELLA OF THE DEPARTMENT OF HEALTH.

RECOMMENDATION 35

THAT APPROPRIATE PHASE IN/PHASE OUT ARRANGEMENTS RELATING TO EXISTING SPONSORSHIPS BEING REPLACED BY HEALTH PROMOTION FOUNDATION SPONSORSHIP, BE PROVIDED FOR IN LEGISLATION.