

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Standing Committee on Community Affairs**

**Senate Inquiry into Effective approaches to prevention, diagnosis and support for Fetal Alcohol Spectrum Disorder**

**10 March 2021**

**PDR Number: IQ21-000048**

**Discussions with the ATO about the potential role of taxation in the Alcohol Strategy or as a harm reduction strategy:**

**Spoken**

**Hansard Page number: 15**

**Senator:** Senator Siewert

**Question:**

Mr Laffan: Clearly the matter of tax reform is a matter for the ATO, and they would be the ones who are having conversations more broadly if it is on the agenda, but that would need to be a question that was directed to them.

Senator GRIFF: Do you know how much money would be collected for preventative health if we did have uniform volumetric pricing across all alcohol beverages?

Mr Laffan: I think that's a hypothetical, because it would depend on the level at which taxation was set. Again, it would be up to the ATO to model any particular scenarios there.

CHAIR: You said that it was an issue for the ATO. Are you having any discussions with the ATO, given that this should be seen as a health measure or a potential health measure? Are you having any discussions with the ATO about it?

Mr Laffan: No, I haven't had any conversations with the ATO about taxation reform in that area.

CHAIR: Is the department?

Mr Laffan: I can't speak more broadly for the department. I can only say that I have not had those conversations.

CHAIR: Could you please take on notice whether the department is having any discussions with the ATO about the potential role of taxation in the Alcohol Strategy or as a harm reduction strategy?

Mr Laffan: Sure. I can take that on notice

**Answer:**

The Department has not had any discussions with The Treasury or the Australian Taxation Office regarding taxation reform since the finalisation of the National Alcohol Strategy in November 2019.

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**10 March 2021**

**PDR Number: IQ21-000049**

**Pregnancy warning labels on alcohol containers**

**Spoken**

**Hansard Page number: 16**

**Senator: Malarndirri McCarthy**

**Question:**

Senator McCARTHY: I want to go back to your introductory statement to clarify something. With the national education and awareness campaign to support the rollout of the pregnancy warning levels, did you say three years from 31 July 2020?

Mr Laffan: The pregnancy warning labels are as agreed through the food ministers forum. Three years from 31 July 2020 is the latest implementation date for the alcohol industry to put those labels on alcohol containers.

Senator McCARTHY: Does the Department of Health have any input, or is it able to see any of that prior to it going out?

Mr Laffan: I'd have to take some of the detail on notice, but the type of wording, the pictogram and the colours that are used within that are mandated as part of that standard agreed to by the food ministers forum. The only thing I'm not quite sure about is size of those on the container, but definitely the rest of it has been mandated.

Senator McCARTHY: If you can take that question on notice then in terms of providing further information. I'm just interested to know whether the Department of Health is briefed even with regard to just how many labels are sent out, where they are sent across the country in terms of the produce—all of that. I'm just interested in how this is going to work.

**Answer:**

The new labelling requirements for mandatory pregnancy warning labels on packaged alcoholic beverages were gazetted in the Australia New Zealand Food Standards Code (Food Standards Code) on 31 July 2020. The Government does not provide pregnancy warning

labels to businesses, instead, businesses have three years from 31 July 2020 to comply with the new requirements by adjusting their labels to incorporate the warning.

The pregnancy warning label requirements including size, colour, font, pictogram and wording are prescribed under the Food Standards Code. The pregnancy warning label must include a red and black pictogram, red signal words 'PREGNANCY WARNING' and black warning statement 'Alcohol can cause lifelong harm to your baby', within a black border (except for products under 200ml which require a pictogram only). The minimum size of the pregnancy warning label is mandated and this depends on the size and type of alcoholic beverage. An example is below:



Food Standards Australia New Zealand (FSANZ) provides assistance for businesses to implement the requirements by providing downloadable pregnancy warning labels on its website, as well as additional comprehensive guidance documents and other resources. FSANZ's dedicated website page to assist industry implement the requirements can be found at: [www.foodstandards.gov.au/industry/labelling/Pages/pregnancy-warning-labels-downloadable-files.aspx#q&a](http://www.foodstandards.gov.au/industry/labelling/Pages/pregnancy-warning-labels-downloadable-files.aspx#q&a). Following the transition period, enforcement of the requirements under the Food Standards Code is the responsibility of state and territory government agencies and the Australian Government Department of Agriculture, Water and the Environment (for imported food). In New Zealand, this is the responsibility of the Ministry for Primary Industries.

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**PDR Number: IQ21-000050**

**MBS review task force update about whether FASD will be included in the neurodevelopmental disorders**

**Spoken**

**Hansard Page number: 19**

**Senator:** Rachel Siewert

**Question:**

CHAIR: I want to go now to the issue around the MBS review task force. Are you able to answer some questions there, or will you have to take it on notice?

Mr Laffan: In relation to the MBS, aside from the update I provided to Senator Griff earlier, I don't have any additional information. But I would be happy to take any further questions to my MBS colleagues and provide them on notice.

CHAIR: Basically I'm after an update on where things are at, so if you can't provide any further than what you've—

Mr Laffan: No, not at this time.

CHAIR: Do you have a time line for when they'll be making some decisions?

Mr Laffan: I don't, sorry, no.

CHAIR: I don't want to get into known unknowns. Is there a time line available or is it in fact that we don't know when these expected decisions will be made?

Mr Laffan: I can't provide a definitive comment on that. I'm not aware of a time line myself but, again, I can confirm with my MBS colleagues and get that on notice.

CHAIR: Okay. Obviously we're specifically interested in not just the time line but the time line about whether FASD will be included in the neurodevelopmental disorders?

**Answer:**

The MBS Review Taskforce has now completed its five-year review of the more than 5,700 items on the MBS. Decisions on recommendations made by the Taskforce will be considered in due course. No definitive timeline is currently available.

The Review culminated in more than 60 reports and around 1,400 recommendations to the Government to better align the MBS with contemporary clinical evidence and practice, and improve health outcomes for patients.

Of these recommendations, the Government has already agreed to implement more than 600 recommendations, with almost 290 recommendations already implemented.

The Government is progressively considering the remaining recommendations, including the recommendations to support screening and diagnosis for Fetal Alcohol Spectrum Disorder.

Recommendations accepted by Government are then subject to Budget cycles, and followed by a comprehensive implementation process that involves individuals and representatives of peak bodies with clinical expertise to ensure no unintended consequences or barriers for patients.

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**PDR Number: IQ21-000051**

**Alcohol online sales and advertising**

**Spoken**

**Hansard Page number: 20**

**Senator: Rachel Siewert**

**Question:**

Mr Laffan: I think that there's a number of conversations that we're monitoring in relation to availability of alcohol, particularly in relation to the easy availability, the online delivery services, as raised by FARE earlier, although I note that the distribution and availability of alcohol are primarily a jurisdictional issue.

CHAIR: Yes, but online—so this is very specific. They are accessing a huge amount of data and then they have the ability to target ads. I heard what you said about the department of communications. This is a health issue, hence my question: have you raised it, and if not do you intend to?

Mr Laffan: We haven't raised it with the department of communications at this point in time, but we are certainly monitoring the evidence as it becomes available in relation to that sort of availability you're talking about there.

CHAIR: So you're monitoring it. At what point does it then become an issue? It has already been flagged as an issue, so at what point do you decide you are going to raise it?

Mr Laffan: There are a number of ways in which these things might be raised. They might be raised, as you flagged, internally within the Commonwealth with the department of communications, if we have concerns in relation to the way alcohol is being marketed. From a Commonwealth perspective we engage with our state and territory colleagues, who have responsibility for alcohol and other drugs. We can do that on a relatively informal basis to see what jurisdictions are doing in each of their locations in relation to this issue. At our health officials meeting—that more informal meeting of people with responsibility for alcohol and other drugs—that work that had been undertaken by FARE has been raised in the past.

CHAIR: So what's happened? If it's been raised, what's happened?

Mr Laffan: At the point in time it was raised it was more for awareness raising, to ensure

that jurisdictions were aware of some of the concerns about what's potentially an emerging issue, so that they have the opportunity to have a look at their own regulatory regime and make sure that it's fit for purpose in the current age.

CHAIR: There are a number of questions that come out of that. First off: when was that raised?

Mr Laffan: I would have to go back and check my notes. I would have to take that on notice.

CHAIR: Was it pre- or post-COVID? Has it been raised again since COVID, if I can put it that way?

Mr Laffan: It would be pre-COVID.

CHAIR: I was aware of this issue pre-COVID, because FARE has been flagging this for a while, and apparently the problem has been amped up over COVID—increased sales, increased marketing. So it hasn't been discussed since COVID?

Mr Laffan: I haven't actually been in the role where I would have that communication since COVID started. Again, I would have to take that on notice.

CHAIR: If you could; thank you. Secondly, I hear what you're saying about jurisdictional control. This is one of the issues around online sales and online advertising. The jurisdictions aren't able to control online advertising. To my mind, it's squarely back in federal jurisdiction, in terms of that interaction between sales and advertising— the push advertising that is happening. Surely that's critical if we are going to deal with alcohol and FASD?

**Answer:**

- Alcohol advertising was discussed at the Alcohol and Other Drugs Health Officials (Health Officials) meeting held on 17 October 2018 focusing on a report entitled 'Evidence on the nature and extent of alcohol promotion and the consequences for your people's consumption'.
- This issue has not been discussed at subsequent Health Officials meetings.



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**PDR Number: IQ21-000052**

**Alcohol marketing work done by FARE**

**Spoken**

**Hansard Page number: 21**

**Senator: Rachel Siewert**

## **Question:**

CHAIR: Obviously I'm interested in the broader issue around alcohol marketing. That should have been on the radar for a long time, particularly the targeted audience for alcohol advertising. But online advertising, and also as it relates to specific sales, has been amped up because of the ability of the sector to directly gather data around specific customers and focus the advertising on specific cohorts and specific purchases. That hasn't been raised as an issue yet?

Mr Laffan: Not specifically. I understand your concerns.

Mr McNally: And FARE did advise us that they were doing some work in this space, and we acknowledged that we would be interested in seeing the findings of that work as it matured, and I understand—and I'll have to take this on notice as well—that the publication of their reports on this issue is to be pretty soon, or at least the first report. I expect that there'll be more data and research being done in relation to various consumption patterns or purchasing patterns during the COVID response, and obviously we'll look at that as it becomes available.

CHAIR: Thank you. Do you consider that there would need to be amendments to the strategy? Or is it focused enough to enable the more detailed work in this space?

## **Answer:**

- The Foundation for Alcohol Research and Education (FARE) has advised the Department that it is developing a series of reports on the impacts of COVID-19 on alcohol use.
- This research is not being funded by the Department.

- The first report in this series was released by FARE and provided to the Department for information in February 2021 (<https://fare.org.au/wp-content/uploads/Alcohol-retail-industry-during-COVID-19.pdf>).
- The Department will continue to review new evidence and research regarding alcohol as it becomes available.