

Submission to the Community Affairs Committee Inquiry
into the *Responsible Takeaway Alcohol Hours Bill 2010*

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Introduction

The dangers associated with binge drinking have become a national issue, as growing concern surrounding the misuse and dangers of alcohol continues to dominate community debate. The culture of regular excessive drinking permeates our society, and bringing about change will need a coordinated, educated and a strategic public awareness approach.

Excessive consumption of alcohol is now firmly on the national agenda, and the Private Member's Bill before the Senate is indicative of the concern now being generated at least in some quarters of the Australian community . However, the issue of alcohol misuse should not be focused narrowly on one aspect of alcohol restriction but rather on the totality of the problem and the measures needed for change.

ADCA welcomes the Senate Community Affairs Legislation Committee's Inquiry into the Responsible Takeaway Hours Bill 2010, and looks forward to assisting the Committee in its endeavours. ADCA strongly advocates a suite of measures to change Australia's 'culture of intoxication' to dramatically reduce alcohol's negative impacts on our community.

ADCA and the AOD sector – Who we are and what we do

ADCA is the national peak body for the AOD sector, providing an independent voice for the people working to reduce the harm caused by alcohol and other drugs.

ADCA is a non-government, not-for-profit organisation which receives approximately 80 per cent of its core funding and major ongoing project funding through the Australian Government Department of Health and Ageing under its Community Sector Support Scheme (CSSS) and the National Drug Strategy Program respectively. Approximately 12 per cent is received through other project grants from State governments and other funding bodies. The remaining 8 per cent is generated through ADCA's membership fees, interest and other sources of income (small one-off projects). ADCA is a company limited by guarantee, a public benevolent institution with income tax and sales tax exemption, and a deductible gift recipient.

As the national peak body, ADCA occupies a key role in advocating for adequate infrastructure support and funding for the delivery of evidence-based AOD initiatives. In this regard, ADCA represents the interests of a broad group of AOD service providers and individuals concerned with prevention, early intervention, treatment, harm minimisation, supply reduction and research.

Under ADCA's governance arrangements, the ADCA Board is elected by the ADCA membership and consists of a total of nine Board Directors. The ADCA Federal Council comprising one representative per State/ Territory AOD peak organisation plus the ADCA Board is a key mechanism for coordination and cooperation with State/ Territory AOD peak organisations. The ADCA Policy Forum comprises the ADCA Board, the State/ Territory AOD peaks, and the Chairs of the ADCA Working Groups, and is an advisory forum on key policy issues for the AOD sector. Both the ADCA Federal Council and the ADCA Policy Forum come together for face-to-face meetings, and telephone link-ups.

At 1 August 2010, ADCA's membership totalled 353 comprising 162 organisational members, 51 associate organisational members, and 141 individual members. These include AOD services, agencies and individual professionals and practitioners engaged in AOD services throughout Australia, as well as major university research centres, tertiary institutions offering courses in addiction studies and other programs for AOD workers, law enforcement and criminal justice systems, policy analysts, and administration.

ADCA Response

If enacted the Responsible Takeaway Alcohol hours Bill 2010 prohibits the sale of alcohol between midnight and 7 am on any day and imposes offences for any contravention.

ADCA supports any measure designed to restrict the physical availability of alcohol where that measure will change consumption patterns in a way that will promote safer drinking. However, action on a broader front than simply restricting takeaway hours is required. ADCA is committed to taking a leading role in reducing the burden of alcohol harms to the Australian community – contingent on the fact that governments at all levels provide support, infrastructure and funding needed to progress policy change. ADCA is determined to provide a strong voice in the current climate, to help bring about positive change for our community.

ADCA recommends the following interventions based on its broad policy planks:

- **restricting both the physical and economic availability of alcohol.**
Reducing the economic availability through taxation and the physical availability through liquor licensing amendments may change consumption patterns in a way that will promote safer drinking.
- **supporting limits on the way alcohol is advertised and marketed to young people.**
The current system of self-regulation is not working, and more should be done to ensure advertising and marketing to our youth is appropriately directed and controlled. These regulations need to address both what is being shown on broadcast media, as well as the positioning of products and promotional materials at the point-of-sale.
- **supporting the introduction of health information labels on all alcohol products.**
Consumers need to be informed at the “point-of-drinking” that the product they are consuming can have a serious impact on their health and well-being; that Alcohol is a drug –TOO! These warning labels should be similar to what is currently provided on tobacco products. Also, alcohol is currently regulated as a food product and falls under the authority of Food Standards Australia and New Zealand (FSANZ), which is currently considering its position on certain alcohol warning labels advising pregnant women not to drink. ADCA believes these labels could artificially discriminate against pregnant women and supports introducing health labels targeting the whole population.
- **supporting the pre-approval of alcohol advertisements by an Australian Communications Media Authority Division**

It is imperative that advertisements promoting alcohol consumption be rigorously tested by experts from within the AOD sector, health and motor vehicle industries to ensure they have NO strong or evident appeal to children, and do not suggest that alcohol contributes to personal, business, social, sporting, sexual or other success in life.

- **ADCA supports the introduction of a comprehensive education program about the dangers of alcohol.**

We need to educate our children about the misuse and health risks associated with alcohol to assist them with developing a better understanding of its effects. This needs to take place both in communities and through the media

ADCA has recently re-published a number of revised policy positions, including a paper on alcohol consumption, comorbidity and alcohol abuse, workplace AOD policy development, and AOD sectoral workforce issues. We believe these policies have a significant part to play in reducing alcohol's public health burdens. (ADCA 2008).

ADCA's policy position on restricting the physical availability of alcohol is reproduced here for ease of reference.

Evidence suggests a causal relationship between alcohol-related harms/ problems and the physical availability of alcohol which influences decisions around what type of alcohol is consumed, when and where. In broad terms, when availability of alcohol increases, so does the prevalence of alcohol-related harm, but when alcohol availability decreases, alcohol-related harm also decreases. This suggests that in order to reduce alcohol-related harms/ problems and the social impacts of alcohol on public safety and amenity, physical and economic alcohol availability should be restricted and regulated (NDRI 2007). ADCA believes that reducing the physical and economic availability through taxation (as discussed above) may change consumption patterns in a way that will potentially promote safer drinking.

Sale and supply of alcoholic beverages is regulated by liquor licensing authorities in each State or Territory and respective liquor licensing acts and regulations. People wanting to sell alcoholic beverages need to obtain a license to do so from the State/ Territory liquor licensing authority which subsequently regulates the location of outlets through planning laws for this jurisdiction. The State/ Territory liquor licensing acts and regulations specify jurisdiction-wide controls over matters such as trading hours. However, inclusion of harm minimisation principles in liquor licensing legislation has enabled licensing authorities to impose additional restrictions on individual licenses targeted at reducing alcohol-related problems in particular localities. Such additional restrictions have included banning certain types of alcoholic beverages, reducing trading hours, and limiting the issue of new licenses. Given the evidence provided in various research papers regarding alcohol-related anti-social behaviour predominantly occurring in areas where there is a high density of outlets and long trading hours (Livingston et al 2007; Chikritzhs et al 2007b; NDRI 2007; Livingston 2008a and 2008b), ADCA believes that re-regulating trading hours as well as the density of liquor outlets may prove to be effective harm minimisation strategies.

The growth of nighttime economy in cities such as Melbourne which has experienced rapid growth in the number of licensed premises has been accompanied by a rapid increase in alcohol-attributable hospitalisations (Chikritzhs 2009) and has sparked discussion about stricter regulations of the nighttime economy such as tying closing hours to when public transport stops and having no alcohol sales after 2am. Evidence that violence in and around late-night entertainment areas peaks between midnight and 3am and is most frequent on weekend nights suggests that regulating opening hours and the serving of alcohol would contribute to reducing alcohol-fuelled violence and drunkenness: “.. there is also strong evidence for a direct effect of regulatory policy on levels of violence associated with licensed premises in Australia” (Chikritzhs 2009). Jurisdictional liquor licensing laws need to respond to this evidence and address issues of opening hours and outlet density. ADCA further stresses the positive effective social infrastructure can have on late-night entertainment districts such as linking opening hours to public transport availability.

In some localities, where additional restrictions have not been imposed by licensing authorities, licensees have entered into ‘voluntary’ agreements with local police, health services and other local businesses intended to encourage ‘responsible’ management practices on, and in the vicinity of, licensed premises. Such agreements are often endorsed by licensing authorities and are commonly referred to as ‘liquor accords’. Liquor accords and alcohol management plans are addressed in greater detail below.

ADCA believes that a prescriptive ‘one size fits all’ approach regarding liquor licensing is not likely to work. ADCA’s preferred approach is for state-based liquor licensing to be amended, and for local communities to have the power to implement further local liquor accords, voluntarily restricting hours to suit communities at a local level. The amendment should re-prioritise community amenity and public safety to be the over-arching basis of liquor licensing. This then would allow communities to object to, and possibly stop liquor applications at a local level.

Further, ADCA recommends that State and Territory Governments create a risk-based licensing approach, taking the recent amendments to Queensland’s liquor licensing as well as to Victoria’s liquor licensing into account (as a starting point). In Queensland, the State Government adopted a user-pays system to cover the direct costs to the State Government of regulating the industry, including the assessment of applications, regulating compliance with the Act, and minimizing health and social harms associated with excessive consumption of alcohol (Young 2008). Potentially, such an approach enables governments to recoup some of the external costs associated with alcohol harms and late night trading.

The economic cost to our community through the misuse of alcohol and other drugs is growing, with research indicating the damaging impact on physical, mental and social wellbeing. The harm to Australian society from alcohol and other drugs, including tobacco, was estimated at \$56 billion per annum in 2004/05 (Collins & Lapsley 2008). In 1998 the costs of alcohol and other drugs was estimated at \$34.5 billion per annum (Packham 2008).

Governments at all levels need to work in cooperation with local communities to significantly reduce the level of alcohol abuse in Australia, especially in geographic and demographic points of interest, such as with young people or with people experiencing comorbid alcohol and mental health issues.

In relation to the specific bill under scrutiny by the Committee, hours of sale and other restrictions on the physical availability of alcohol have traditionally been a matter for state and local jurisdiction in Australia, and we take no position on whether the restrictions contained in the bill are an appropriate matter for Commonwealth legislation. However, the specific measure proposed by the bill is worthy of serious consideration, hopefully as part of a broader rethinking of alcohol availability and promotion. It is ADCA's view that the late-night availability of alcohol is implicated in the rise on alcohol problems rates recently observed, for instance in Victoria, even though overall alcohol sales seem not to be rising. A recent evaluation of earlier closing hours in Newcastle found dramatic decreases in late-night assaults. If a night-time economy is to extend to very late hours, it should not be fuelled by alcohol. We therefore call on governments throughout Australia to consider putting restrictions on opening hours for alcohol sales which exclude the late night hours. One practical standard to consider would be requiring closing hours one half-hour before substantial public transport service closes down for the night.

The AOD sector knows a lot about what works in reducing alcohol consumption and knows what the risk factors are. The challenge is in translating that knowledge into multi-dimensional policy solutions. The issue spans a number of policy arenas, is difficult to resolve, and responsibility stretches across several stakeholders with different perspectives on how such a problem should be addressed. Looking at the research and considering the evidence amassed in this area, and then working that evidence into policy is the way ahead; ADCA advocates research based policy. A useful summary of what existing research tells us is set out in a comprehensive NSW Bureau of Crime Statistics and Research paper (Fleming 2008).

Previous submissions

Below is a list of the previous Submissions ADCA has provided in relation to alcohol. These submissions may be of interest in light of the specific issues raised in this submission. Full copies of ADCA's submissions are available on request or on our website at www.adca.org.au.

- ADCA Response to Draft NSW Suicide Prevention Strategy (2010 – 2015). Submitted/Issued: 31 July 2010
- Response to Community Affairs Committee Inquiry into Excise Tariff Amendment (2009 Measures No.1) Bill 2009 and Customs Tariff Amendment (2009) Measures No.1) Bill 2009
- Submission to the National Health and Medical Research Council (NHMRC) – review by the NHMRC of the Australian alcohol guidelines: health risks and benefits. Submitted/Issued: 10 December 2007
- Submission to Food Standards Australia New Zealand (FSANZ) – initial assessment report. Labeling of alcoholic beverages with pregnancy health advisory label. Submitted/Issued: 2 February 2008
- Submission to the Senate Community Affairs Inquiry into the *Alcohol Toll Reduction Bill* 2007.

- Submission to the Senate Community Affairs Inquiry into Ready-To-Drink (RTD) alcohol beverages.
- Submission to the National Preventative Health Taskforce
- Submission to Australia's Future Tax System (Henry) Review.

Conclusion and Recommendations

ADCA and the AOD/ NGO sectors remain committed to finding a solution to the alcohol problem in Australia. To do this, there needs to be a united effort from all governments, treatment and prevention services, community groups, non-government organisations, sporting groups, industry representatives and the media. It is against this backdrop that ADCA recommends:

That, whether or not restrictions to takeaway alcohol hours as envisaged in this Private Member's Bill are an appropriate matter for Commonwealth legislation, the measures proposed should form part of a broader reconsideration of alcohol availability and promotion by governments throughout Australia with opening hours for alcohol sales which exclude the late night hours.

ADCA's broad alcohol policy goals can be summarised as follows:

- the introduction of a non-linear, accelerating taxation regime of alcohol products.
- the removal of alcohol from the provisions of the National Competition Policy (NCP)
- reviewing and amending State liquor licensing regimes along harm minimisation principles, similar to the recent Queensland amendments
- the introduction of health warning labels on all alcohol products, supported by additional warning posters/signs in establishments selling alcohol
- establishing restrictions on the way alcohol is advertised and marketed to young people
- pre-approval and rigorous testing of alcohol advertisements and promotions by experts to curb their influence on the community, and
- establishing a nation-wide education program to raise awareness of the dangers of alcohol.
- increased emphasis on social infrastructure and community development projects, especially in regional / remote areas.

ADCA looks forward to working with the Committee to achieving these aims.

References

Alcohol and other Drugs Council of Australia (ADCA), policy papers on alcohol, workforce, workplace, and comorbidity, <http://www.adca.org.au>

Australian Democrats Media Release, 12 March 2008, *Unanimous Support for Full Alcohol Inquiry*, Senator Andrew Murray, Democrats Corporate Affairs spokesperson.

Casswell, S., Gilmore, L., Maguire, V. & Ransom, R. (1989) Changes in public support for alcohol policies following a community based campaign. *British Journal of Addiction*, 84(5): 515-522.

Chikritzhs, T. (2007) Predicting alcohol-related harms from licensed outlet density: a feasibility study. National Drug Law Enforcement Research Fund.

Chikritzhs, T. & Stockwell, T. (2002) The impact of later trading hours for Australian public houses (hotels) on levels of violence. *Journal of Studies on Alcohol*, September; 63 (5): 591-599.

Chikritzhs, T. & Stockwell T (2007) The impact of later trading hours for hotels (public houses) on breath alcohol levels of apprehended impaired drivers. *Addiction* 102 (10): 1609-1617.

Fleming, J (2008) Rules of engagement: Policing anti-social behaviour and alcohol-related violence in and around licensed premises, NSW Bureau of Crime Statistics and Research, Attorney General's Department of NSW. Web address:
[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/R59.pdf/\\$file/R59.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/R59.pdf/$file/R59.pdf)

Hansard, (2009), House of Representatives Votes and Proceedings 11 February 2009. accessed from <http://www.aph.gov.au/hansard/reps/dailys/dr110209.pdf>

Fitzroy Crossing liquor restriction: October to December 2007 interim report. (2008) Drug and Alcohol Office Government of Western Australia. 18p.
Web address: <http://www.dao.health.wa.gov.au/>

Jones, Sandra C. (2007) Non-advertising alcohol promotions in licensed premises: does the Code of Practice ensure responsible promotion of alcohol? *Drug and Alcohol Review*. September; 26(5): 477-485

Kypri, K., Jones, C., McElduff, P. & Barker, D. (2010) Effects of restricting pub closing times on night-time assaults in an Australian city. *Addiction*, in press.

Livingston, M. (2008) A longitudinal analysis of alcohol outlet density and assault. *Alcoholism: Clinical and Experimental Research*, June; 32 (6): 1074-1079.

Livingston, M. (2008) Alcohol outlet density and assault: a spatial analysis. *Addiction*, April; 103 (4): 619-628.

Livingston, M., Chikritzhs, T. & Room, R. (2007) Changing the density of alcohol outlets to reduce alcohol-related problems. *Drug and Alcohol Review*, September; 25 (5): 557-566.

Livingston, M. (2008) Recent trends in risky alcohol consumption and related harm among young people in Victoria, Australia. *Australian and New Zealand Journal of Public Health*, 32 (3): 266-271

Livingston, M., Matthews, S., Barratt, M., Lloyd, B. & Room, R. (2010) Diverging trends in alcohol consumption and alcohol-related harm in Victoria *Australian and New Zealand Journal of Public Health*, 34 (4): 368-374

McBride, N., Farrington, F., Midford, R., Meuleners, L. & Philip, M. (2004). Harm Minimisation in School Drug Education. Final Results of the School Health and Alcohol Harm Reduction Project (SHAHRP). *Addiction*, 99, pp. 278-291).

Mallick, J. (2007) Pubs and clubs: addressing alcohol-related harms with licensed venues. Australian Drug Foundation. 68p.

National Drug Research Institute (2000), Patterns of alcohol consumption in Australia in 1998 accessed from: <http://www.ndri.curtin.edu.au/pdfs/naip/naip003.pdf>

Richardson, J. & Crowley, S. (1992) Taxation to minimize the social and economic costs of alcohol consumption. <http://www.buseco.monash.edu.au/centres/che/pubs/wp10.pdf>

Wilkinson, C. & Room, R. Warnings on alcohol containers and advertisements: International experience and evidence on effects. (2009) *Drug and Alcohol Review*, 28:426–435

Room, R. (2008). Tackle the alcohol problem at the source: promotion and selling. *The Age*. Melbourne. Published 15 December 2008.

The Australian Institute of Health and Welfare, Australian Government, Canberra, *Alcohol and Work*, 2006 viewed 14 March 2008, <http://www.aihw.gov.au>