

## Submission to the Alcohol Toll Reduction Bill 2007

### Introduction

May I preface this submission with a quote from a 1970's report commissioned in USA.

“Alcohol is a drug. All drugs act according to the same general principles. Their effects vary with dose. For each drug there is an effective dose (in terms of desired effect), a toxic dose and a lethal dose. All drugs have multiple effects. The lower the dose, the more important drug factors become in determining drug effect. At high dose levels and for some individuals at lower dose levels, all drugs may become dangerous. The individual and social consequences of drug use escalate with frequency and duration of use. American drug policy will never be coherent until it is founded on uniform principles such as these, which apply to all drugs” Schafer Commission .....

While the Shafer commission report was never adopted and its prime drug of investigation was not alcohol, the opening sentence of the above paragraph stands testament.

### **“Alcohol is a drug”**

It is gratifying to have senior political figures speaking out on the serious alcohol problems in this country, particularly those affecting our young people.

I appreciate and support efforts to control the problem with a multi-disciplinary approach. Many things need to be done; none of which will solve the whole problem. Too often we see good suggestions rejected on the grounds that they will not solve the whole problem. Advertising and labeling are such issues. Any solution to advertising issues will not solve the alcohol problem but it must be part of and an important part of a coherent alcohol strategy that has as its primary focus the health and well being of all Australian citizens. Vested interests must not be permitted to deny reform of advertising or labeling on the grounds that such reforms will not solve all problems.

I accept that parents have the primary responsibility for the safe upbringing of their children, this include the use of alcohol. However it is not parents alone who carry this responsibility, governments and the alcohol industry itself also must shoulder a large component of the burden. Advertising and labeling are such areas of concern and I support moves to address them.

## About the author

I first became interested in alcohol matters following the death of my 15 year old son Leigh, in August 1999.

- Initially my aims were to:
  - Rid the community of so called Imitation Vodka Essence
  - Have the law concerning the supply of alcohol to children in the home reformed.
- The first objective has been achieved the second is still a work in progress.
- I joined the Society Without Alcoholic Trauma in 2000 and became president shortly thereafter. I resigned from SWAT in 2007.
- In 2003 I formed the Leigh Clark Foundation to promote alcohol awareness in our local community and currently serve as Secretary and as a Director.
- I became involved with the Community Alcohol Action Network shortly after its creation and currently serve on the CAAN's Reference Committee.
- In 2007 I was appointed to serve a consumer representative on the National Health and Medical Research Council committee to review the Australian Alcohol Guidelines. This committee is still in session.

## Terms of reference.

### Require health information labels on all alcohol products.

I support this principle.

The information presented should be:

- In a position to the front and centre on the product.
- In clear typeface.
- Occupy no less that 25% of the total label area.
- Be approved by Federal Health Authorities.
- Be in accordance with NH&MRC guidelines.

It should be noted that the Australian alcohol industry has no difficulty in complying with the standards set by the United States of America and other nations which require health warnings on alcohol product labels. Any claims by the industry that it is difficult to apply similar requirements in Australia, should be dismissed as nonsense. If the industry really has a difficulty in accepting a health message applicable to Australia because of supposed health benefits to some people, they should voluntarily withdraw from the North American market. If the alcohol industry is still in denial of the problems caused by its products, then it must be strictly regulated by the authorities responsible for the health of Australian citizens.

**Restrict TV and radio alcohol advertising to after 9pm and before 5am, to stop alcohol being marketed to young people;**

This is a measure to overcome a glaring weakness in the current regime that permits alcohol advertising at any time during televised sporting events. The ultimate goal should be to ban alcohol advertising on radio and TV altogether.

This drug has no place in sport and the sporting event where alcohol consumption leads to enhanced performance has yet to be identified. Alcohol advertising during motoring events such as the Grand Prix undermines the anti-drink driving message.

It would appear that some sporting authorities are starting to wake up, even if only slightly. We now have the situation where a sponsor's product (full strength beer) is actually banned from sale at the very event (cricket) where it is promoted.

Strange? Not really, the stadium managers have realized that paying patrons don't like drunken yobbos, police don't like drunken yobbos, nearby residents don't like drunken yobbos, their insurers don't like drunken yobbos. Even better, the alcohol advertisers still have their true audience, Sunday afternoon television viewers, including their future market demographic, adolescent boys and they are prepared to pay for it. The TV audience does not like to see drunken yobbos either. (Their perfect solution – keep yobbos out – keep advertising in)

The industry speaks of target audiences. They frequently claim that their advertisements are not aimed at young people. This ludicrous claim must be forcefully challenged. If the industry does in fact have target audiences, then they are very lousy shots. Their weapons are poorly designed, poorly calibrated and poorly deployed for the stated purpose. They are in effect using a blunderbuss loaded with grapeshot to hit a bull's eye in a long range rifle target shoot. However, I believe that contrary to the industry claims, they are actually hitting their *real* target audience (that is every man woman and child in Australia) with 100% precision. How they must laugh when their claims of precision targeting are accepted by government and their advertisements are approved by their own body. This farce must no longer be tolerated.

Billboards, ground signage and logos on flags, banners, uniforms etc. are all forms of advertising and should be included in the proposed ban and not be broadcast in any form.

**Require all alcohol ads to be pre-approved by a government body comprising an expert from the medical profession, alcohol and drug support sector, accident trauma support sector and the alcohol industry;**

I support this proposal with some reservations concerning the inclusion of industry representatives. This body must be totally independent and be seen to be totally independent of the alcohol industry. If this is not possible with industry representation, then it is imperative that the alcohol industry is NOT

represented. I have seen at close hand the farcical nature of the industries own body and its pathetic performance in controlling advertising. They have yet to prove they can be trusted.

**Ban alcohol ads which are aimed at children or which link drinking to personal, business, social, sporting, sexual or other success.**

I support a system similar to the French “Levin” system that restricts all advertising to the product’s properties, price, etc.

- No pretty girls.
- No handsome young men.
- No idiots jumping into spa baths.
- No sandy beaches with schoolboy style sand drawings.
- No seductive music.
- No dancing.
- No athletes swimming one handed while clutching a bottle of light beer.
- No yellow writing in the snow.
- No stubbies dangling from a balcony in a sheer black stocking.

I already had a pretty good idea that Carlton Draught was actually made from beer but now that CUB have told me I am doubly certain. Honestly who dreams up this stuff?

Just give me the facts.

- What is it
- What is it made of
- Where was it made
- How old is it
- What colour is it
- What shape is it
- Where do I get it
- How much does it cost
- How much can I drink before it makes me sick or kills me

All advertisements should carry at least 25% of content (surface area for print media or time for broadcast media) to health advice as per NHMRC Guidelines.

This should be supplemented by at least another 25% in separate advertising directed to promoting health messages, and non drinking alternatives. Thus the net effect will be that the industry product advertising will be at least matched by health promotion advertising.

Alcohol industry representatives should have no input into these advertisements, they are health messages. The ads should be sponsored by the Federal Government and be funded by levies on alcohol producers and distributors. The tone of the advertising should avoid any suggestions of

teaching young people to drink responsibly, rather they should be teaching our young people and their parents about the risks inherent in drinking alcohol. "Teach our young people to drink responsibly" is a phrase often quoted by alcohol industry representatives and is clever code for "Teach our young people to drink". It is aimed at generating another generation of customers for the industry.

The advertising controls to go beyond radio and television and cover print media as well as billboards and point of sale material.

Advertising in places frequented or likely to be frequented by children should be banned, public transport, bus shelter, shopping malls etc.

## **Matters not directly covered by the terms of reference**

### **Supply of alcohol to minors**

Numerous reports have been produced lately including the one by the Salvation Army showing an alarming increase in binge drinking among under age children. Our question is "Where do they get the alcohol?" The answer is; from a variety of sources.

- Parents supply it.
- They buy it from unscrupulous retailers.
- They buy it using false ID.
- Legal age friends buy it for them.
- Strangers buy it for them.

I do not oppose the right of responsible parents to allow their own children to drink alcohol under supervision in the family home. This principle is supported by responsible industry groups, government agencies and alcohol advocacy groups across the nation. However it is where there is uncontrolled supply where the most harm arises. This is where I believe action by governments is required.

There are NO uniform national laws governing the supply of alcohol to minors. While this is primarily a State responsibility, I urge the Federal Government, via its agencies, to promote standard, responsible laws to control the access that underage kids have to alcohol.

The NSW Liquor Act does permit parents and guardians to give alcohol to their own children in the home and provides heavy penalties for breaches. By contrast in Victoria, the Liquor Control Reform Act, Section 119 (5) (e) permits any person to supply alcohol to any child in any residence. Most other States and territories follow the Victorian model. I endorse the NSW law as a model that should be adopted nationwide.

The question of penalties is a secondary but an important factor. NSW has the highest penalties of any State, and thus provides the benchmark. However, the real issue is that NSW places tight controls on the supply of alcohol to minors whereas Victoria and the other States do not. NSW places very firmly on the heads of parents, the sole responsibility of supplying alcohol to their children. Victoria by contrast allows anyone, within the dubious confines of a residence, the unfettered right to give alcohol to underage children. This must be stopped.

Parents need the support of sensible laws in order to educate their children on alcohol. Parents should not carry the fear that any person can legally supply alcohol to their fifteen year old daughter or son, in the backyard of a house, without their knowledge or approval or supervision.

For reference I enclose copies of articles which appeared in the Melbourne Age on 14/9/02, which serve to illustrate the point. A woman was charged and fined \$200 for supplying alcohol to two 15 year old boys, neither of whom was her son. These two lads, who actually gave the alcohol to my son Leigh, could not be charged as this transaction took place the backyard of this woman's house. The consequence of her action, the death of my son Leigh Clark, was ruled inadmissible by the magistrate.

The attitude of the alcohol industry, so clearly announced by Mr. Gordon Broderick, Executive Director of DSICA leaves little doubt that this industry or at least Mr Broderick's segment, considers it's profits to be more important that the lives of our children. (See attachment 2)

I have written to the responsible Victorian Minister, on many occasions, as long ago as January 2000, with no positive indication of any action.

I respectfully urge you to refer the issue of inadequate laws relating to the supply of alcohol to minors to the appropriate Federal and State bodies for urgent consideration and national, uniform action.

Yours sincerely

A handwritten signature in black ink, appearing to be 'B.H.', written in a cursive style.

## Grieving father fights for change to laws

Leigh Clark's friends found his body in a rain-soaked paddock near his West Melton home.

The schoolboy and budding football player, 15, died after drinking a large bottle of vodka essence. In less than 30 minutes he consumed the equivalent of 22 standard alcoholic drinks.

The coroner ruled he died of hypothermia while drunkenly staggering towards home from a private street party. The mother of one of Leigh's friends bought the bottle for the boys and was later fined \$200 by a court for supplying alcohol to minors.

Since those events three years ago, Leigh's father, Bruce Clark, has crusaded to have the Victorian liquor laws changed. He was enraged by the small fine and the discovery that if Leigh had been given the vodka in

a private home no offence would have occurred. Under Victorian law there are no limits on who can supply alcohol to children in private residences.

"There is nothing that police or anyone can do to curb under-age drinking at teenage parties in Victoria," Mr Clark said. "I'm not a wowsler, kids are always going to try alcohol but let's make it as hard as possible for them to get into trouble with it."

He has written to the State Government urging it to introduce laws similar to those in New South Wales, where only parents or guardians are allowed to supply alcohol to their own children in a private home. Those who breach the law can be fined up to \$11,000 or jailed.

Large bottles of the alcohol essence consumed by Leigh Clark



have since been banned by the government but that has not stopped his father from pursuing his quest to save other young lives. "The systems put in place by society failed to protect Leigh," Mr Clark said. "His friends failed him, I failed him. We all failed him. It will happen again and again unless liquor laws are changed and enforced."

Caroline Milburn

## CHILDREN AND ALCOHOL

# Push for home drinking limits

Caroline Milburn

Laws to stop children getting drunk in private homes will be considered by a State Government taskforce investigating under-age boozing.

The move to examine the serving of liquor at home to under-18s has triggered an outcry from the alcohol industry.

Presently there are no laws governing the serving and consumption of alcohol in private homes.

Consumer Affairs Minister Marsha Thomson has asked the taskforce to investigate the issue as part of a government crackdown on teen drinking.

The 15-member taskforce, the Council on the Control of Liquor Abuse, will also examine whether the heavy concentration of take-away liquor shops in some areas contributes to under-age drinking.

The government has received reports that under-age drinkers are finding it easy to get alcohol and that binge drinking among senior secondary students is common.

Ms Thomson said the inquiry would investigate whether parents need guidelines on how to serve alcohol responsibly and whether new laws were required to cover private homes.

The executive director of the Distilled Spirits Industry Council of Australia, Gordon Broderick, said an attempt to impose drinking laws on family homes would be a gross invasion of privacy and of a parent's right to teach their child how to consume alcohol responsibly.

"It's big brother gone mad," he said. "A society that only looks for penalties to control people worries me."

However one of the nation's leading experts on drug addiction, Margaret Hamilton, said

governments should consider introducing laws similar to those which ban licences of public venues from serving alcohol to intoxicated people or allowing drunken behaviour.

Professor Hamilton said irresponsible drinking had become so common it was corroding family life. Parents were searching for clearer community standards and information on what should be allowed.

"You only need to be a mother of an adolescent to realise the extent to which alcohol pervades young people's social lives," said Professor Hamilton, director of Turning Point Alcohol and Drug Centre said.

"My 16-year-old daughter went to help out at a 15-year-old's party and even she was stunned to see year 7 kids drinking lots of alcohol where parents were present."

Director of the Australian Drug Foundation's Centre for Youth Studies, Geoff Munro, said weekend binge drinking among secondary school students has spawned a new development with some schools reporting students were binge drinking at school week.

"For many years students had to cope with Monday morning seniors coming to school hung over or exhausted from weekend drinking."

"But now schools are struggling to deal with students coming to school with a hangover."

The Council on the Control of Liquor Abuse is a statutory body set up under the Liquor Control Reform Act to advise the minister on alcohol abuse.

It includes representatives from the police, the alcohol industry and health youth, and community organisations.

### TEENAGE BINGERS

- One-third of 14-19-year-olds have drunk more than 10 alcoholic drinks in one day.
- Average weekly consumption of alcohol has doubled in the past 10 years for 14-24 age group.

SOURCE: ALCOHOL AWARENESS SURVEY, ROY MORGAN RESEARCH

Preventing anyone other than a parent to supply alcohol to a child is a gross invasion of privacy says DSICA

Its Big Brother gone mad says DSICA.