



Submission to the Review of the *Liquor Control Act 1988*

February 2013

SUMMARY OF RECOMMENDATIONS

Recommendation 1

That section 5(1)(c) is removed as a 'primary' object of the Act to ensure that the minimisation of harm or ill-health through the use of liquor has unambiguous priority in the administration of the Act.

Recommendation 2

That the Act is amended to prohibit the supply of alcohol to children and young people on private premises without parental consent. The need for the responsible supervision of young people should also be considered as part of the amendments.

Recommendation 3

That consideration is given to amendments enabling controlled purchase operations to support the monitoring and enforcement of existing laws prohibiting the sale of alcohol to young people.

Recommendation 4

That the Act is amended to require the licensing authority to consider outlet density and the cumulative impact of licenced premises when deciding licensing applications in the public interest.

Recommendation 5

That the review considers the merits of introducing minimum floor pricing legislation in Western Australia to prevent the sale of cheap discounted alcohol.

Recommendation 6

That the review considers legislative provisions, either through amendments to the *Liquor Control Act 1988* or the introduction of new legislation, to prohibit alcohol advertising in the following formats prepared in the State:

- outside and inside liquor outlets;
- through printed material distributed in letter boxes;
- through outdoor advertisements;
- inside sporting venues; and
- through newspapers and other publications printed and distributed in Western Australia.

That the review considers legislative options for prohibiting alcohol promotions associated with sponsorships, particularly in relation to sporting and cultural activities where there is a high exposure to children and young people.

1. Introduction

Thank you for the opportunity to provide a submission to the review of the *Liquor Control Act 1988* (the Act). Since my appointment in December 2007 as Western Australia's inaugural Commissioner for Children and Young People,¹ many people have raised with me their concerns about the impact of alcohol-related harm in the community, particularly on children and young people and their families. In addressing concerns about alcohol-related harm I have worked in collaboration with the McCusker Centre for Action on Alcohol and Youth and the WA Alcohol and Youth Action Coalition, an alliance of health and community organisations in WA formed with the objective of promoting action to reduce alcohol-related harm among young people.

The review provides an important opportunity to consider the operation and effectiveness of the Act as it relates to minimising the harm caused to children and young people as a result of alcohol use in our community. Accordingly, my submission focuses on those aspects of Western Australia's legislative approach to liquor control which potentially impact on children and young people.

The role of the Western Australian Commissioner for Children and Young People is one of broad advocacy. Under the *Commissioner for Children and Young People Act 2006*, I have responsibility for advocating for over half a million Western Australian citizens under the age of 18 and for promoting and monitoring their wellbeing.

I must always observe and promote the right of children and young people to live in a caring and nurturing environment and to be protected from harm and exploitation. Another one of the guiding principles of the Act is the recognition that parents, families and communities have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in that role. Furthermore, the contributions made by children and young people to the community should be recognised for their value and merit and, the views of children and young people on all matters affecting them should be given serious consideration and taken into account.²

In performing all functions under the Act, I am required to have regard to the United Nation's *Convention on the Rights of the Child*, and the best interests of children and young people must be my paramount consideration. I must also give priority to, and have special regard to, the interests and needs of Aboriginal and Torres Strait Islander children and young people, and to children and young people who are vulnerable or disadvantaged for any reason.

The *Commissioner for Children and Young People Act 2006* provides that the phrase 'children and young people' means people who are under the age of 18 years. In this submission the phrases 'child or young person' and 'children and young people' have the same meaning.

2. The impacts of alcohol on children and young people

There is considerable concern across the community about the harm caused by alcohol consumption and particularly its impact on young people. Australia's pervasive culture of

¹ Under the *Commissioner for Children and Young People Act 2006* (WA).

² *Commissioner for Children and Young People Act 2006* (WA), s 4.

alcohol use is impacting on children and young people in a number of ways and the harms that flow from these impacts are wide-ranging. The extent of this impact is far reaching, involving not only harms arising from alcohol consumption by young people themselves, but also the secondary harms caused by adults' consumption. These can include injury and fatalities through road trauma; exposure to family and domestic violence; child abuse and neglect, including increased risk of being taken into state care; and lifelong problems caused by exposure to alcohol during pregnancy, with Foetal Alcohol Spectrum Disorders (FASD) being the most common, preventable cause of disabilities and brain damage in children.

The facts about young people and alcohol consumption are disturbing. Over four-fifths of 12 to 17 year-olds have tried alcohol at least once. Between 1993 and 2008 the percentage of young people 12 to 15 years old who had 'used alcohol in the previous year', declined from 65.0 per cent to 57.7 per cent. For young people 16 to 17 years old, there was a much smaller decline from 87.3 per cent to 83.4 per cent. However, the percentage of current drinkers in both age groups who drank 'at-risk' increased between 1993 and 2008. Young people surveyed showed they were aware of the health risks of drinking, but continued to drink regardless.³

Facts about Young People and Alcohol⁴

46,957 (approximately 28%) of Western Australian 12 to 17 year-old school students **consumed alcohol** in the past week.

24.3% of Western Australian 12 to 17 year-old school students who drank in the last week report **drinking at levels** considered to place adults '**at risk**' of **short-term harm**.

Rates of **alcohol-related harm** in young people have **increased significantly** over recent years, particularly in those aged 16 to 24 years.

Approximately **five young Australians aged 15 to 24 years die every week** due to alcohol attributable injury or disease. Another 200 are hospitalised.

Attitudes of young people towards alcohol may be contributing towards alcohol-related problems.

In a survey of 16 to 17 year-old Western Australian school students:

- **43.3%** reported '**One of the main reasons I drink is to get drunk**'
- **66.3%** reported '**It is ok to get drunk occasionally**'
- **50.1%** reported '**Drinking is the best way of relaxing**'.

Young people are also drinking alcohol at a younger age. Research conducted in Western Australia⁵ shows that 30 per cent of 14 to 17 year olds consumed alcohol in the past week, with 29 per cent of those drinking more than five standard drinks on any one occasion. Only nine per cent of this age group have never consumed alcohol.

³ Commissioner for Children and Young People WA 2012, Policy brief, May 2012 *Risky Behaviour of Children and Young People*, Commissioner for Children and Young People WA, Perth.

⁴ Adapted from information on the McCusker Centre for Action on Alcohol and Young People website: McCusker Centre for Action on Alcohol and Young People, *The Problem*, <http://www.mcaay.org.au/the-problem.html>

⁵ Griffiths P, Kalic R & Gunnell A 2009, *Australian School Student Survey 2008: Western Australian results (excluding tobacco)*, Brief Communication no.2, Drug and Alcohol Office, Perth, p.2.

Evidence indicates that an earlier age of initiation is associated with heavier consumption and increased risk of physical, social and mental health problems later in life.⁶ The availability of alcohol and the way it is promoted and seen in the community can influence age of initiation. Brain development is still occurring throughout adolescence and into early adulthood. There is emerging evidence that alcohol may have an effect on the development of memory, decision making and emotions, which can lead to problems with learning, problem solving and mental health.⁷ The intoxicating effects of alcohol are also associated with greater risk-taking behaviour, impaired problem solving and increased aggression. The most common causes of harm to young people in Australia from drinking are road injury, suicide and violent assault. Alcohol accounts for 13 per cent of deaths of 14–17 year-olds.⁸

To gain an insight into the views of children and young people on alcohol-related harm and strategies likely to work in reducing that harm, in 2011 I engaged researchers to undertake a consultation with nearly 300 children and young people aged 14 to 17 years from across Western Australia. The report of the consultation - *Speaking out about reducing alcohol-related harm on children and young people* (Speaking Out) - can be accessed at www.cyp.wa.gov.au

The consultation revealed that young people themselves are concerned about alcohol consumption. Alcohol was seen as an issue that impacted on young people's safety, wellbeing and enjoyment of recreational activities. Their concerns related to violence and abuse from strangers; damage to their reputation or harm to their relationships; the impact of drink driving and motor accidents; looking after intoxicated friends; family conflict and violence; and potential legal consequences from alcohol consumption.

Family conflict and alcohol misuse within the family is a major source of stress for some children and young people. Family conflict is strongly associated with a range of poorer outcomes for children and young people including risky alcohol and drug use, mental health problems, homelessness, exposure to abuse and neglect and poor school achievement. The association between alcohol and family and domestic violence, other drug abuse and child maltreatment is well documented, with the majority of children in Australia taken into the care of the State as a result of such abuse within the family.⁹ However, alcohol consumption particularly has broader impact than that traditionally associated with statutory intervention, and the children who come to the attention of child protection authorities represent only a small proportion of those affected by alcohol use in the home.

3. Comment and recommendations

3.1 Objects of the Act

There appears to be an inherent inconsistency within the primary objects of the Act in which the interests of the alcohol and tourism industries (section 5(1)(c)) are placed on an equal footing with the minimisation of harm or ill-health due to alcohol use (section 5(1)(b)).

⁶ DrugInfo Clearinghouse 2009, *Young people and alcohol*, Fact sheet: Number 7.11, Australian Drug Foundation, Melbourne, p.2.

⁷ DrugInfo Clearinghouse 2009, *Young people and alcohol*, Fact sheet: Number 7.11, Australian Drug Foundation, Melbourne, p.2.

⁸ Australian Medication Association 2009, *Information Paper: Alcohol Use and Harms in Australia*, p.2 <<https://ama.com.au/alcohol-use-and-harms-australia-2009-information-paper>>

⁹ Meredith V & Price-Robertson R, 2011, *Alcohol misuse and child maltreatment*, National Children Protection Clearinghouse Resource Sheet, Australian Institute of Family Studies, p.1.

Since 1998, amendments to the objects of the Act under section 5 have shifted the priority focus of the way in which the licensing authority is required to carry out its functions under the Act. Amendments in 1998¹⁰ introduced 'primary objects' into the Act for the first time, the primary objects being:

- a) *to regulate the sale, supply and consumption of liquor; and*
- b) *a new object, to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor.*

Under these amendments, some of the previous objects were retained as those to which the licensing authority should also have regard in carrying out its functions in addition to the 'primary objects'. Two of these were:

- a) *to regulate and contribute to the proper development of the liquor, hospitality and related industries in the State; and*
- b) *to cater for the requirements of the tourism industry.*

Amendments in 2007 combined these two objects into a third primary object under section 5,¹¹ being:

- c) *to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry other hospitality industries in the State.*

It is important that liquor control legislation prioritise harm minimisation over the interests of the liquor, tourism and hospitality industries. This position is consistent with recommendations of the 2009 National Preventative Health Taskforce, which recommended that liquor control laws have harm minimisation as a primary objective. In 2011, the Education and Health Standing Committee, Parliament of Western Australia (the Standing Committee), also addressed the need for legislation to adopt a public health approach to alcohol, noting the provisions of other Australian jurisdictions which prioritise harm minimisation in the objects of their liquor control laws.¹²

Realigning the objects of the Act could be achieved in the current review by reverting to the previous legislative policy under which the objects relating to industry interests were, in effect, secondary to the primary objects of the Act. Alternatively, a requirement could be introduced to provide that in performing a function or exercising a power under the Act, the minimisation of harm or ill health caused to people or any group of people due to the use of liquor must be regarded as the paramount consideration. I note, also, that the legislative objects of the equivalent Victorian legislation¹³ refer to the 'responsible' development of the liquor and licensed hospitality industries and suggest that, in the event that object 5(1)(c) is retained as an object, this terminology be used in preference to the 'proper' development of industry. The term 'responsible' would need to be defined as primarily having regard to the health, safety and public amenity development of a community.

¹⁰ Under the *Liquor Licensing Amendment Act 1998* (WA).

¹¹ Under the *Liquor and Gaming Legislation Amendment Act 2006* (WA).

¹² Education and Health Standing Committee 2011, *Alcohol: Reducing the harm and curbing the culture of excess*. Report No. 10, Legislative Assembly, Parliament of Western Australia, p.54.

¹³ The *Liquor Control and Reform Act 1998* (Vic).

Recommendation 1

That section 5(1)(c) is removed as a 'primary' object of the Act to ensure that the minimisation of harm or ill-health through the use of liquor has unambiguous priority in the administration of the Act.

3.2 Reducing the availability of alcohol to young people

A World Health Organisation international review of alcohol-related research found that regulating the physical availability of alcohol (eg the trading hours and density of liquor outlets) and taxation and pricing were the two most effective types of intervention for reducing alcohol-related harm.¹⁴

Research has demonstrated that increased trading hours and higher outlet density both significantly increase harmful alcohol consumption and related harm. Conversely, more than 50 research studies from around the world demonstrate that increased prices reduce levels of consumption and related harm.^{15 16} Importantly, the impact of price increases is particularly relevant to young people as:

. . . studies consistently show that lower socio-economic groups and people with limited disposable income (young people, Indigenous groups and heavy drinkers) are more directly impacted by the price of alcohol products.¹⁷

As higher rates of consumption are associated with high rates of alcohol-related harm, reducing the overall consumption rate of alcohol is critical. Young people report that alcohol is readily available if wanted, with older siblings and friends being a major source, and parents commonly supplying alcohol on occasions. It was also seen as fairly easy for young people under 18 to purchase alcohol from bottle shops.¹⁸ Restricting the availability of alcohol to young people in Western Australia could be strengthened through the following legislative strategies:

- secondary supply legislation
- controlled purchase operations
- controlling outlet density
- minimum floor pricing.

¹⁴ Babor, T, Caetano, R, Casswell, S, Edwards, G, Giesbrecht, G, Grube J, et al.2003, *Alcohol: no ordinary Commodity*, World Health Organisation and Oxford University Press, New York. In National Preventative Health Taskforce2009, *Australia: the healthiest country by 2020: Technical Paper 3: Preventing Alcohol-related harm in Australia: a window of opportunity*, including addendum for October 2008 to June 2009, Commonwealth of Australia, Canberra, p.18

¹⁵ National Preventative Health Taskforce 2009, *Australia: the healthiest country by 2020: Technical Paper 3: Preventing Alcohol-related harm in Australia: a window of opportunity* Including addendum for October 2008 to June 2009, Commonwealth of Australia, Canberra, p.23

¹⁶ Roche A, Bywood P, Borlagdan J, Lunnay B, Freeman T, Lawton L, Tovell A & Nicholas R 2007, *Young People and Alcohol: The Role of Cultural Influences*, National Centre for Education and Training on Addiction, Flinders University Adelaide, p.169

¹⁷ National Preventative Health Taskforce 2009, *Australia: the healthiest country by 2020: Technical Paper 3: Preventing Alcohol-related harm in Australia: a window of opportunity* Including addendum for October 2008 to June 2009, Commonwealth of Australia, Canberra, p.23

¹⁸ Commissioner for Children and Young People WA 2011, *Speaking out about reducing alcohol-related harm on children and young people: The views of Western Australian children and young people*, Commissioner for Children and Young People WA, Perth p.20

Secondary supply legislation

Consistent with other research, the young people consulted in Western Australia reported that, mostly, young people drank at private parties or smaller gatherings where alcohol was often supplied, usually by parents. Older siblings and friends were also a common source of alcohol to minors. Limiting availability through stronger laws on the supply of alcohol to under age people was seen by young people as a top strategy for reducing availability: around 50 per cent of non-drinkers and 34 per cent of drinkers rated it as extremely effective.

Unfortunately Western Australia is lagging behind most other Australian jurisdictions in controlling the secondary supply of alcohol to young people. I believe the current review provides an opportunity to rectify this through the introduction of such laws.

The secondary supply offences in other States vary: Queensland prohibits the supply of alcohol by anyone other than a 'responsible person' who is a young person's parent, step-parent or legal guardian; New South Wales prohibits alcohol supply to minors by any person other than a parent or guardian, but provides a defence to a person charged under the law if a parent or guardian had authorised the supply; and Tasmania includes in its definition of 'responsible person', an adult authorised to supply liquor to the youth by a parent or other person with parental responsibilities.

The Standing Committee recommended prohibiting the supply of alcohol to a minor or juvenile without parental consent, and the McCusker Centre for Action on Alcohol and Youth and the WA Alcohol and Youth Action Coalition have also advocated for the introduction of secondary supply legislation.

Whether parents should be able to authorise other adults to supply their child with alcohol is an important legislative issue. Any such laws must be supported by effective education campaigns which increase understanding and commitment to the message that it is not acceptable to buy alcohol for, or supply alcohol to, young people under the age of 18. It is also important the review consider the issue of responsible supervision of young people's alcohol use. It is an offence in both Queensland and Tasmania if the supply of alcohol to a young person by a responsible person is not consistent with responsible supervision of the young person, and the legislation describes the factors considered relevant to responsible supervision.

Recommendation 2

That the Act is amended to prohibit the supply of alcohol to children and young people on private premises without parental consent. The need for the responsible supervision of young people should also be considered as part of the amendments.

Enforcement of existing laws – controlled purchasing

Evidence that some young people under 18 are able to obtain alcohol from licensed liquor outlets¹⁹ means that enforcement of the existing laws controlling the sale and supply of alcohol to minors is essential if they are to have the necessary impact. Young people who

¹⁹ Commissioner for Children and Young People WA 2011, *Speaking out about reducing alcohol-related harm on children and young people: The views of Western Australian children and young people*, Commissioner for Children and Young People WA, Perth p.20

participated in the Speaking Out consultation were particularly supportive of greater controls and enforcement of laws to prevent the supply and sale of alcohol to people under 18 years.

The Standing Committee suggested that controlled or 'test purchasing' – legislation which allows an underage person to enter a licensed premise under controlled conditions to attempt to purchase alcohol – could be used to support Western Australia Police in their monitoring and enforcement of the existing laws prohibiting alcohol sales to young people. These operations have been used in overseas jurisdictions with some success and have long been applied in the monitoring of tobacco sales to young people. The Standing Committee concluded that amendments to the Act would be needed to:

- *allow a juvenile to undertake a controlled operation;*
- *ensure the Director of Liquor Licensing is satisfied that all reasonable steps have been taken to ensure the safety, health and welfare of the juvenile during the operation;*
- *provide details of how compliance surveys should be carried out; and*
- *provide protection from liability for the person involved in a controlled purchasing operation.*²⁰

It is time to adopt controlled purchasing in Western Australia as an efficient and effective means of assisting WA Police in carrying out their enforcement operations.

Recommendation 3

That consideration is given to amendments enabling controlled purchase operations to support the monitoring and enforcement of existing laws prohibiting the sale of alcohol to young people.

Outlet density and cumulative impact

The WA Alcohol and Youth Action Coalition reports that:

*Studies have consistently found that the density of alcohol outlets in an area is positively associated with the rate of violence in that area, with similar patterns for other outcomes including road crashes and general injuries. Research evidence also suggests that higher liquor outlets density is associated with heavier drinking among young people.*²¹

The impact of licence outlet density was also addressed by the Standing Committee, which recommended the Act be amended to consider the public health impact of any further increase in liquor outlets.²²

In deciding a liquor licence application under the Act, section 33 provides the licensing authority with an 'absolute discretion to grant or refuse an application on any ground, or for any reason, that the licensing authority considers in the public interest.' Under section 38, applicants 'must satisfy the licensing authority that granting the application is in the public interest', and the licensing authority *may* have regard to certain matters when determining

²⁰ Education and Health Standing Committee 2011, *Alcohol: Reducing the harm and curbing the culture of excess*. Report No. 10, Legislative Assembly, Parliament of Western Australia, p.70

²¹ WA Alcohol and Youth Action Coalition 2013, *WA Alcohol and Youth Action Coalition Position Statement: Alcohol Availability*, McCusker Centre for Alcohol and Youth, Perth, p.4

²² See Recommendation 3, Education and Health Standing Committee 2011, *Alcohol: Reducing the harm and curbing the culture of excess*. Report No. 10, Legislative Assembly, Parliament of Western Australia, p.71

whether an application is in the public interest, including to the harm or ill-health that might be caused through alcohol use.

There is a concern that the current provisions do not require the licensing authority to consider outlet density and the cumulative impact of licenced premises on local areas or the broader community. In my view a stronger focus on cumulative harm and outlet density in the legislation would help to more effectively manage the distribution of liquor outlets in the interests of reducing alcohol-related harm in the community.

Recommendation 4

That the Act is amended to require the licensing authority to consider outlet density and the cumulative impact of licenced premises when deciding licensing applications in the public interest.

Minimum floor pricing

The research consistently demonstrates that the cost of alcohol has a significant impact on consumption, particularly for children and young people. The introduction of a volumetric tax and a minimum floor price to prevent cheap discounting of alcoholic drinks would provide a significant reduction in the consumption of alcohol and, consequently, the impact of alcohol-related harm. While taxation policy is beyond the Parliament of Western Australia's constitutional jurisdiction, the review does present an opportunity to consider the introduction of 'minimum floor pricing' in Western Australia, which refers to a minimum price per standard drink of alcohol. Research conducted in British Columbia,²³ where minimum alcohol prices have been adjusted intermittently over the past 20 years, suggests that minimum pricing may be a promising strategy for reducing alcohol consumption and its associated harms.

Recommendation 5

That the review considers the merits of introducing minimum floor pricing legislation in Western Australia to prevent the sale of cheap discounted alcohol.

3.3 Advertising, marketing and promotion

Strategies aimed at reducing the availability of alcohol to children and young people need to be complemented by other efforts to reduce alcohol consumption across the community. Universally, the young people who participated in my consultation considered alcohol was a big part of Australian culture and that drinking was the 'norm', from its prominence in social settings, the media, in advertising, at sporting events and in their own families and circle of friends.

The advertising, marketing and promotion of alcohol exerts a significant influence on social attitudes and behaviour. For example, emerging evidence suggests alcohol advertising and sponsorship of sport encourages and reinforces under-age drinking and the excessive alcohol consumption patterns in the community.^{24 25} It is estimated that the elimination of

²³ Stockwell T, Auld MC, Zho J & Martin G, 2012, 'Does minimum pricing reduce alcohol consumption? The experience of a Canadian province.', *Addiction*, Vol. 107, Issue 5, pp.912–920.

²⁴ Mallam M2006, 'A Commentary on Two of Australia's Greatest Consumption Passions, Alcohol and Sport, and the Regulation of the Relationship Between Them.' *Australian and New Zealand Sports Law Journal*, Vol.1, Issue 1.

alcohol advertising would reduce monthly alcohol use by adolescents by about 25 per cent and 'binge-drinking' by 42 per cent.²⁶

Sports people are powerful role models for children and young people, yet sport has become strongly associated with alcohol through advertising and sponsorship, consumption by spectators and in post-game celebrations.²⁷ Involvement in sport was seen by some young people as a moderating factor in alcohol consumption, at least prior to participation, so as not to affect performance. However, this appeared to be counteracted by the broader club culture and post-game celebration rituals.

It is important that, in encouraging children and young people to take up organised sporting activities, we are not exposing them to increased risk. Studies of alcohol consumption in sporting club environments have shown patterns of risky drinking are higher than the national average, with 40 per cent consuming five or more drinks on each visit and 60 per cent visiting their club three or more times per week.

Strong, independent, legislated controls on all forms of alcohol promotion should be introduced to ensure it is socially responsible and exposure to young people is minimised. In addressing the issue of limiting alcohol advertising and sponsorship, the Standing Committee identified the challenges arising from the regulatory divide between the Commonwealth and State jurisdictions. For example, alcohol advertising is managed under a nationally based system of self-regulation: the *Alcoholic Beverages Advertising (and Packaging) Code* sets out standards for alcohol advertising in print media, billboard, internet, cinema, television and radio advertising, and covers the content of advertising.²⁸ In contrast, sponsorship by the alcohol industry is not subject to regulation.

There are, however, some measures the Western Australian legislature could adopt to limit alcohol advertising and the marketing promotions associated with sponsorship in this State. In particular, I support legislation to prohibit alcohol advertising in the following formats prepared in the State:

- outside and inside liquor outlets;
- through printed material distributed in letter boxes;
- through outdoor advertisements;
- inside sporting venues; and
- through newspapers and other publications printed and distributed in Western Australia.²⁹

Prohibiting promotions associated with the sponsorship of sporting events by the alcohol industry, particularly at events with a high exposure to young people, is another option I strongly support. While not affecting the 'pouring rights' available to sponsors, such measures could reduce the marketing of promotional products, activities and signage associated with sponsorship. I note that the Act already provides for the regulation of

²⁵ O'Brien KS, Miller PG, Kolt GS, Martens MP & Webber A 2011, 'Alcohol industry and non-alcohol industry sponsorship of sportspeople and drinking,' *Alcohol and Alcoholism*, Vol. 46, pp. 210–213.

²⁶ Velleman R 2009, *Influences on how children and young people learn about and behave towards alcohol: A review of the literature for the Joseph Rowntree Foundation (Part one)*, Joseph Rowntree Foundation, York, United Kingdom, p.33.

²⁷ Mallam M 2006, 'A Commentary on Two of Australia's Greatest Consumption Passions, Alcohol and Sport, and the Regulation of the Relationship Between Them.' *Australian and New Zealand Sports Law Journal*, Vol.1, Issue1.

²⁸ Education and Health Standing Committee 2011, *Alcohol: Reducing the harm and curbing the culture of excess*. Report No. 10, Legislative Assembly, Parliament of Western Australia, p. 131.

²⁹ *Ibid*, Recommendation 29, p.140

promotional activity under section 65B, which enables regulations prescribing conditions that prohibit promotional activity, but only those in which liquor is offered free or at reduced price.

Recommendation 6

That the review considers legislative provisions, either through amendments to the *Liquor Control Act 1988* or the introduction of new legislation, to prohibit alcohol advertising in the following formats prepared in the State:

- outside and inside liquor outlets;
- through printed material distributed in letter boxes;
- through outdoor advertisements;
- inside sporting venues; and
- through newspapers and other publications printed and distributed in Western Australia.

That the review considers legislative options for prohibiting alcohol promotions associated with sponsorships, particularly in relation to sporting and cultural activities where there is a high exposure to children and young people.

4. Conclusion

Alcohol consumption is influenced by a broad range of factors including the regulatory framework that governs the availability, price and marketing of alcohol. Recent analysis of the cultural influences on young people's drinking concluded:

*Australia's alcohol culture is shaped by the regulatory framework that governs it. To-date, the framework does not act to adequately protect young people from risky drinking.*³⁰

However, we need to also shine the spotlight on the negative and serious impact adults' drinking causes our children and young people, not just the alcohol-related harm young people cause themselves. In this submission, therefore, I have proposed amendments for strengthening the operation and effectiveness of the Act with the best interests of children and young people as my paramount consideration. The evidence is clear that if alcohol availability increases and alcohol promotions are not controlled, the level of harm occurring in Western Australia will get worse. If adopted, the recommended proposals will make a constructive contribution to reducing alcohol-related harm and creating safer, healthier environments for our children and young people.

³⁰ Roche A, Bywood P, Borlagdan J, Lunnay B, Freeman T, Lawton L, Tovell A & Nicholas R 2007, *Young People and Alcohol: The Role of Cultural Influences*, National Centre for Education and Training on Addiction, Flinders University Adelaide, p.12