

30 June 2017

By email: Alcohol.Review@nt.gov.au

Dear Mr Riley and Panel Members,

Alcohol Beverages Australia (ABA) welcomes the opportunity to contribute to the Northern Territory Alcohol Policies and Legislation Review (the Review) and looks forward to working with the Expert Advisory Panel throughout the review process.

Executive Summary

The majority of Northern Territorians consume alcohol responsibly with 70.3% of Territorians either abstaining from alcohol or consuming alcohol at low risk levels.¹ Despite this, ABA acknowledges that there is a proportion of the Northern Territory population that consume alcohol at harmful levels.

The Northern Territory experience is unique and faces a range of problems when it comes to substance abuse. Unfortunately when it comes to illicit drug use, the Northern Territory ranks higher than average in nine out of thirteen categories and on par with the national average for the remaining four.² These results indicate that there are broader social issues facing the Northern Territory population that are manifesting as substance abuse, including alcohol misuse.

The industry is committed to reducing harmful alcohol consumption through direct measures. To reduce alcohol related harm in the Northern Territory, we call on this Review to consider specific and targeted measures. These measures should identify those consuming alcohol at levels that would induce harms, work to understand why alcohol is consumed at these levels and develop programs that will provide assistance to these specific groups.

Considering the wide range of issues in the Northern Territory relating to substance abuse, ABA submits that it will be bespoke, targeted program implementation that will produce effective change in harmful alcohol consumption patterns.

In addition we note that local solutions for local communities is the best approach. This is particularly pertinent for the Northern Territory's Indigenous population because it recognises that each community faces its own unique circumstances and also that support for restrictions from that community is essential.³⁴

Industry Commitment to Responsible Drinking

The alcohol industry in Australia is committed to the responsible consumption of alcohol. We focus on supporting effective programs that focus on education, awareness and changing behaviours relating to alcohol consumption. The alcohol industry works closely with stakeholders such as government, consumer groups and health professionals to implement solutions to excessive drinking.

As an industry we have introduced the Alcohol Beverages Advertising Code (ABAC) to guide and monitor our marketing and advertising. ABAC is a regulatory system for alcohol advertising that has

¹ AIHW Drug Data, Table 7.5 Lifetime risk status, people ages 14 or older, by state/territory, 2013, Australian Institute of Health and Welfare.

² AIHW Drug Data, Table 7.12 Summary of recent drug use, people aged 14 years or older, by state/territory, 2013, Australian Institute of Health and Welfare.

³ Recommendation 7, Final report *Alcohol, Hurting People and Harming Communities*, Inquiry into the harmful use of alcohol in Aboriginal and Torres Strait Islander communities, House of Representatives Standing Committee on Indigenous Affairs, 2015.

⁴ Gregory, K. (2014, Dec 5) *Higher prices won't stop problem drinkers, alcohol sellers tell inquiry*. Retrieved from <http://www.abc.net.au/news/2014-12-04/alcohol-sellers-say-higher-prices-wont-stop-problem-drinkers/5945430>, last accessed 27 June 2017



the support of government with a representative from the Commonwealth Department of Health on the management committee.⁵

ABAC is fully funded by industry and provides a pre-vetting system for alcohol marketing which means all mainstream alcohol advertising has to be independently assessed for compliance against the Code, before it goes to market. In 2016 ABAC pre-vetted 1,589 marketing communications, rejecting 204 of those.

ABAC also adjudicates on complaints received by the public regarding the ABAC guidelines. ABAC's adjudication panel is headed by Professor the Hon Michael Lavarch AO. The panel also two health members and two general members. To ensure independence none of the panel members are permitted to have been employed by the alcohol industry within the last five years. In 2016 the panel considered 35 complaints.

ABAC remains more conservative than community expectations when it comes to alcohol advertising and marketing. ABAC's most recent Community Research found that out of twelve advertisements the community found seven to be unacceptable compared to seven from the panel. ABAC is focused on remaining ahead on upcoming issues and is currently considering placement as part of the ABAC Code.

The alcohol industry also established and continues to fund DrinkWise Australia, an independent, not for profit organisation to help build a healthier and safer drinking culture in Australia.⁶ Since its inception DrinkWise has delivered numerous major campaigns promoting responsible drinking and targeting what the evidence continues to identify as the two key drivers of underage drinking – parental drinking behaviour and peer group norms.⁷ The most recent major campaign, *How to Drink Properly*, is targeted at 18-24 year olds and focussed on making drinking to get drunk less socially acceptable.

DrinkWise also supports Red Dust Role Models to implement the Strong Young Women and Strong Young Men & Boys programs. The programs are focused on equipping Indigenous young women and men with the skills and knowledge to navigate their relationship with alcohol. These programs involve explicit and practical cultural synthesis, are delivered in both local language/s and English and are typically facilitated using a combination of strategies including yarning circles, explicit instruction, classroom teacher co-facilitation, peer led participatory approaches and hands-on interactive activities.

In particular, the Strong Young Women's Program delivers gender-specific health messages to Young women in a range of stakeholder groups in Alice Springs and remote Central Australia and Top End Communities (Yuendumu and Kintore). In addition to highlighting the link between lifestyle choices and well-being over an individual's life course, the program raises awareness of modifiable risk behaviours with an emphasis on alcohol use and Foetal Alcohol Spectrum Disorder.

The work of ABAC and DrinkWise are testament to the alcohol industry's commitment to responsible drinking. Considering that the alcohol industry has been a leader in driving real and positive changes in drinking behaviour, and the data on drinking patterns in the community continues to improve, careful consideration should be given to any further population wide alcohol harm reduction policies.

⁵ For more information on ABAC: <http://www.abac.org.au/about/> (last accessed 23 June 2016).

⁶ For more information about DrinkWise: <https://drinkwise.org.au/about-us/about/#> (last accessed 12 December 2016).

⁷ For more information on ABAC: <http://www.abac.org.au/about/> (last accessed 23 June 2016).

⁷ For more ⁱⁿ



Socioeconomic Status

We understand that the Northern Territory presents a complex environment for public health issues and in order for the Review to provide meaningful and realistic solutions for Northern Territory communities, a multidisciplinary approach is required.

Reducing the incidence of mortality due to non-communicable diseases is an imperative element of any public health program. However, it is important to understand the risk around each of the risk factors associated with mortality due to non-communicable diseases.

In 2011, World Health Organisation (WHO) members signed the 25x25 initiative with the aim of cutting mortality due to non-communicable diseases by 25% by 2025. The risk factors identified in the 25x25 initiative were excessive alcohol intake, physical inactivity, current smoking, hypertension, diabetes and obesity.

A glaring omission from the 25x25 initiatives were socioeconomic status (SES) as a risk factor to mortality due to non-communicable diseases. As such a study using data from a total population 1,751,479 from seven high income WHO member countries was undertaken to assess the risk associated with SES and 25x25 risk factors.⁸

In particular the study found that:

- Low SES is the third leading risk factor for premature mortality, after smoking and physical inactivity, compared to high alcohol intake which ranks sixth.
- Low SES accounts for 19% of deaths among men and 15% of deaths among women. By comparison high alcohol intake accounts for 4% of deaths among men and 3% of deaths among women.
- Of the seven risk factors considered by the study, alcohol intake has the lowest relative impact on life expectancy, with reduction of 0.6 years for men and 0.4 years for women. By comparison, smoking reduces life expectancy by 5.6 and 4 years among men and women, respectively, and diabetes reduces it by 4.1 and 3.9 years.

This is particularly pertinent for the Northern Territory's Indigenous population. In a study by the Commonwealth Government's Australian Institute of Health and Welfare, it was found that the Northern Territory had the highest proportion (58%) of the Indigenous population which fell in the most disadvantaged quintile when it came to SES in Australia.⁹

As such, we urge the Review to take into consideration the important role played by SES in health outcomes and the disproportionate effect this has on the Indigenous community in the Northern Territory. We call on the Northern Territory Government to focus on and invest in addressing those issues such as SES, which play a significant role in health outcomes.

⁸ Stringhini S; Carmeli C; Jokela M; Avendano M; Muennig P; Guida F; Ricceri F; et al. (2017). Socioeconomic status and the 25 x 25 risk factors as determinants of premature mortality: a multicohort study and meta-analysis of 1.7 million men and women. *Lancet*, Published early online 31 January 2017.

⁹ *Index of Disadvantage – Determinants of health (Tier 2) – Aboriginal and Torres Strait Islander health performance framework* Australian Institute of Health and Welfare.

¹⁰ Gregory, K. (2014, Dec 5) *Higher prices won't stop problem drinkers, alcohol sellers tell inquiry*. Retrieved from <http://www.abc.net.au/news/2014-12-04/alcohol-sellers-say-higher-prices-wont-stop-problem-drinkers/5945430>, last accessed 27 June 2017

¹¹ <http://www.abs.gov.au/AUSSTATS/abs@nsf/lookup/4704.0Chapter756Oct+2010> (last accessed 27 Aug 2015).



Indigenous Communities

The impact of alcohol on Indigenous communities varies. Some Indigenous communities manage alcohol and other substance abuse issues well and have few problems. Other communities have very serious alcohol problems. Some communities' serious and long-standing social and economic issues are exacerbated by drunkenness.

Where an Indigenous community wants to restrict or ban alcohol, the liquor retail sector has a record of co-operation and supporting that community's wishes⁽¹⁰⁾.

Statistically, a higher percentage of Indigenous Australians are non-drinkers than the non-Indigenous population,⁽¹¹⁾ but of the remainder, some Indigenous people have very harmful drinking patterns. As a consequence, alcohol-related harms to the Indigenous population are greater than in the non-Indigenous population.

Communities should be empowered with education and assistance to help them both develop and regularly review the effectiveness of community decisions around alcohol.

The industry strongly supports including information on addiction into education programs about alcohol, including programs such as DrinkWise Australia where appropriate; and assistance and support for those that are addicted. However, the industry rejects programs that are driven to the wider Australian population as a proxy for targeting Indigenous communities.

In order to curb excessive drinking and promote responsible drinking the Northern Territory Government must address the underlying issues that cause people to drink excessively. As outlined under the heading "Industry Commitment to Responsible Drinking" the industry provides support for the implementation of the Strong Young Women and Strong Young Men & Boys programs. These programs provide culturally appropriate and targeted education programs for Indigenous young women and men. The Northern Territory Government should consider supporting Red Dust Role Models to expand these programs into all Northern Territory Schools and Indigenous Communities where alcohol abuse has been identified as an issue.

Limiting the Availability of Alcohol

A common response to harm minimisation of alcohol by government and policy makers is to limit the availability of alcohol. This is done in good faith in an attempt to reduce excessive drinking. The means used to limit alcohol availability by governments commonly comes in the form of restricting trade of retail alcohol suppliers.

However, the consequences of doing so is unlikely to achieve the outcomes governments want, and can in fact result in unexpected and dangerous outcomes. Research has shown that, for example, policies designed to limit alcohol use have the unintended consequence of increasing marijuana use.¹²

¹⁰ <http://www.abc.net.au/news/2014-12-04/alcohol-sellers-say-higher-prices-wont-stop-problem-drinkers/5945430> accessed 29th Sept 2015

¹¹ <http://www.abs.gov.au/AUSSTATS/abs@.nsf/lookup/4704.0Chapter756Oct+2010> searched 27th Aug 2015

¹² B Crost, S Guerrero, The effect of alcohol availability on marijuana use: Evidence from the minimum legal drinking age, Journal of Health Economics, Volume 31, Issue 1, January 2012, pages 112-121



Further, the tragedy of deaths from toxic home brew are an unfortunate reality. The most recent case shows that the limitation of alcohol sometimes turns people to home brew, with dire consequences.¹³

When restricting alcohol availability not only are there the unintended consequences of illegal substance abuse but there is also no credible evidence to suggest that those who are consuming alcohol at levels causing harm will stop doing so when alcohol availability is limited.

The reasons for excessive drinking do not relate to the availability of alcohol, which is what liquor licensing regulations ultimately regulate. Instead excessive drinking relates to more complex issues.

In order to curb excessive drinking and promote responsible drinking the Northern Territory Government must address the underlying issues that cause people to drink excessively. Targeted programs should be introduced specifically for those who do drink excessively. For the overwhelming majority of Territorians who drink responsibly, the freedom to enjoy the social and possible health benefits of moderate consumption should not be curtailed by blanket restrictions in liquor licensing regulation or other laws.

Minimum Pricing

Minimum pricing has been suggested as a model to reduce the harms from excessive alcohol consumption. Unfortunately, many of these suggestions have been made on the basis of the Sheffield Alcohol Policy Model (the Model). The Model has attracted serious criticism for its methodology and the accuracy of the assumptions that the model relies upon.

In the paper, *The Minimal Evidence for Minimum Pricing – The fatal flaws in the Sheffield Alcohol Policy Model* (see Attachment B), the following flaws in the Model were revealed:

- The Model uses a false assumption that a heavy drinkers will reduce their consumption in relation to a price rise.
- The assumptions used in the Model regarding the relationship between the price of alcohol and consumption have been refuted frequently based on real-world evidence.
- The Model uses substandard data and uses figures without estimates of error.
- None of the effects of minimum pricing on the illicit alcohol trade were considered.
- The possible health benefits of moderate alcohol consumption were ignored.

Of the greatest interest is that the Model was based on the UK market and predicted that when alcohol consumption declines, a number of policy outcomes would come to fruition. However, none of the outcomes predicted in the Model have been observed in the UK despite the decline in alcohol consumption in the UK.

As such, the Northern Territory should take this evidence into account when considering minimum pricing or levies as a means to reduce alcohol consumption or alcohol harms as there is no sound evidence to suggest that this would be the case. Unfortunately minimum pricing would be another blanket policy that would result in punishing the overwhelming majority of moderate drinkers who experience health and social benefits from sensible alcohol consumption and are already paying their fair share through alcohol taxation.

¹³ Chettle, N. (2016, Nov 22). *Coroner criticises woman who made toxic 'moonshine', says it contributed to deaths of three people in 2015*. Retrieved from <http://www.abc.net.au/news/2016-11-22/coroner-criticises-woman-who-made-toxic-moonshine/8045018> (last accessed 12 December 2016).



Risk of 'Alcohol-Related' Violence

The risk a person faces of alcohol-related violence on a night out has been estimated to be just 0.0125%.¹⁴ When put into perspective, the risk of harm is so low that any further regulation of liquor licensing on the basis of harm reduction may result in regulation that is disproportionate. When considering the policy response to alcohol-related violence, policy makers should be responding in a manner consistent with a 0.0125% risk.

This is particularly important, given that any restriction impacts greatly on the freedom of the vast majority of people not involved in violence from partaking in the night life that the Northern Territory has to offer, to both locals and tourists. In turn, restrictions would also affect the substantial economic contribution the alcohol industry makes to the Australian and Northern Territorian economy.

Reasons for Anti-Social Behaviour in the Night-Time Economy

There is no credible evidence to that alcohol consumption causes violence or anti-social behaviour. Understanding Behaviour in the Australian and New Zealand Night-time Economies, a report on our drinking culture by Dr Anne Fox, a leading anthropologist who specialises in the study of drinking cultures and works with the British Army on implementing change, provides a deeper understanding of the drivers of anti-social behaviour in the night-time economy, the role of alcohol in it and the policy approaches that will best work to address it.

The field work involved observations, focus groups, formal and informal meetings with Government officials, transport specials, sports organisations, lawyers, ride-alongs with police, charity workers, medical specialists and accident and emergency staff.

In the report Dr Fox identifies three causes of violence in the night-time economy – violent individuals, violence-reinforcing cultures and violent situations. Dr Fox then provides a range of recommendations to address each of these.

Core to her recommendations are an acknowledgement that as long as alcohol is used as an excuse for poor behaviour, it will continue to manifest.

Dr Fox provides two core recommendations for addressing the cultural causes of violence and anti-social behaviour as follows:

- Shifting the focus from 'alcohol-fuelled' violence to just violence, including its causes and triggers. This would include addressing "the cultural reinforcers of violence, misogyny and aggressive masculinity in all its cultural expressions from schoolyards to sports fields, politics and pubs, movies and media."
- Empowerment of the community – "unifying and empowering local residents through mechanisms like accords may, in the long run, be as effective as tackling perpetrators head on."

To address the underlying issues of violence to produce real and sustained difference, ABA recommends that the approach outlined by Dr Fox be applied by the Northern Territory Government. This will provide real action to address a significant problem. For ease of reference, the report can be found at **Attachment A**.

¹⁴ Galahad SMS Ltd (2014), *How Often Does a Night Out lead to an Assault, Data Analysis Australia*, <http://www.galahad.co.uk/downloads/> (last accessed 12 December 2016).



Family Violence

Alcohol intoxication is often wrongly used to both explain and excuse domestic and family violence⁽¹⁵⁾. The presence of alcohol is frequently recorded by Police when responding to domestic and family violence. Frequently, both perpetrators and their victims are intoxicated⁽¹⁶⁾. However, alcohol's contribution to the violence is not straightforward.

Offenders are violent when sober or intoxicated. Reducing and eventually eliminating domestic and family violence requires addressing the cultural and gender norms enabling the use of violence in general, and against women in particular.

Alcohol and drunkenness is often used as an excuse or explanation by offenders and those willing to condone their actions. The percentage of domestic and family violence assaults that are reported as having involved alcohol varies between 41% (NSW) and 66% (Northern Territory)⁽¹⁷⁾. The remainder are not alcohol-related, therefore it is wrong to say that alcohol is 'the cause' of domestic violence.

Alcohol-related domestic violence rates in NSW has trended downward since 2009, but during the same timeframe the rate of non-alcohol related domestic and family violence has been increasing⁽¹⁸⁾. Other states have recorded increasing alcohol-related domestic and family violence. Therefore, the relationship between alcohol and domestic and family violence cannot be regarded as straightforward and linear.

The Alcohol beverage industry should work with governments to:

- Recognise that the overall level of violence accepted and/or condoned in a society drives the level of violence that is alcohol-related.
- Reduce the cultural acceptability of domestic and family violence using a combination of education, social change programs, appropriate regulation of behaviours, and the certainty of legal sanctions for violence⁽¹⁹⁾.
- Recognise that the drivers of violent behaviour have their roots in childhood development and adolescent mental health. In addition, violence is often learnt behaviour from adults in the family group who have an acceptance of using violence as legitimate⁽²⁰⁾.

Safe and Vibrant Entertainment Precincts

ABA submits that there are a number of ways that the Northern Territory Government can invest in ensuring there are safe and vibrant entertainment precincts which provide benefits to the community in terms of greater opportunity to socialise, increased tourism and more economic benefits.

¹⁵ WHO, Intimate partner violence and alcohol fact sheet (2006), pp 1-3.

¹⁶ Morgan, A & McAtamney, A: *Key issues in alcohol-related violence*, Australian Institute of Criminology, Research in Practice Summary Paper #4. 2009, pg3.

¹⁷ FARE submission to the Senate Finance and Public Administrations References Committee, dated 4 September 2014, pg 2.

¹⁸ NSW Bureau of Statistics and Crime Research (BOCSAR), Domestic violence and non-domestic violence assaults in NSW, 2005-2014.

¹⁹ *Domestic Violence in Australia*, Senate Finance and Public Administrations References Committee, 2015, p.66-67.

²⁰ *Domestic Violence in Australia*, Senate Finance and Public Administrations References Committee, 2015, p.11.



These include:

- Increased, regular and accessible public transport into and out of entertainment precincts.
- An assortment of entertainment opportunities that target a variety of audiences such as families, young people and adults. The diversification of entertainment and activities will ensure entertainment precincts appeal to a wide audience.
- Increase in lighting, police presence and CCTV to deter anti-social behaviour.
- Provide different options for visitors to entertainment precincts to access food. This may include café, restaurants and food trucks at all hours.
- Access to public bathrooms.
- Increase in live music venues to ensure diversity in entertainment.

Before considering mandating liquor accords, it is important to understand why liquor accords work. The reason that liquor accords work is because community and industry come together to agree on methods to minimise alcohol related harm. This process builds trust and enhances relationships between the community, government and industry. A mandated process may no longer achieve these important outcomes.

Advertising, marketing and promotion

As outlined under the heading *Industry Commitment to Responsible Drinking*, the alcohol industry has a robust regulation system for alcohol advertising and marketing, through ABAC. ABAC provides an efficient and effective means to regulate alcohol advertising and ensuring that it is undertaken responsibly. Increasing any regulatory burden will be highly inefficient for government. In addition, there is a significant body of evidence that would suggest that marketing has no or very modest effects on alcohol consumption.²¹

Results from an international study of advertising bans in 17 OECD countries between 1977 and 1995 indicate that advertising bans did not result in a reduction either in the number of 'new' drinkers, in alcohol consumption overall, or in rates of alcohol abuse.²²

As such, ABA submits that any additional restriction on alcohol advertising would be unreasonable with no real outcomes.

Most Appropriate Forum for Harm Minimisation

The average night out to a licensed venue for the overwhelming majority of Territorians is about enjoying themselves with friends and family while consuming alcohol responsibly. The average visit to a liquor retailer results in alcohol being consumed responsibly in their homes and those of the friends and family. These people do not experience harm. They do not drink alcohol to excess and they do not partake in any form of violence.

As such, ABA submits that restriction on legitimate business through liquor regulation is not the most appropriate forum to mitigate the harms associated with excessive alcohol consumption.

²¹ Broadbent, T. (2008). Does advertising grow markets? More evidence from the United Kingdom. *International Journal of Advertising*, 27(5), 745-770.; Nelson, J. P., & Young, D. J. (2008). Effects of youth, price, and audience size on alcohol advertising in magazines. *Health economics*, 17(4), 551-556.; Gallet, C. A. (2007). The demand for alcohol: a meta-analysis of elasticities. *Australian Journal of Agricultural and Resource Economics*, 51(2), 121-135.; Lariviere, E., Larue, B., & Chalfant, J. (2000). Modeling the demand for alcoholic beverages and advertising specifications. *Agricultural Economics*, 22(2), 147-162.

²² Nelson, J.P. & Young, D.J. 2001. Do advertising bans work? An international comparison. *International Journal of Advertising*, 20(3), 273-296.



There is no credible evidence to suggest that excessive alcohol consumption relates to the availability of alcohol which is what liquor licensing regulations ultimately regulate. Further, there is also no credible evidence to suggest that the size or density of liquor outlets causes or even contributes to alcohol related harm. Instead, excessive drinking relates to more complex issues.

While ABA agrees that reasonable regulation of the alcohol industry is important it should always come from an evidence base that is centred in reality as opposed to a perception of risk. In order to curb excessive drinking and promote responsible drinking the Northern Territory Government must address the underlying issues that cause people to drink excessively. Targeted programs should be introduced specifically for those who do drink excessively.

Population and Targeted Policies

ABA urges the Review to take into consideration the evidence showing that population-wide policies often do not have the desired effect of reducing alcohol consumption that occurs at harmful levels.

Population-wide policies are intended to reduce overall alcohol consumption across the entire population without regard to addressing specific problems or demographic groups.

Population measures are broad and non-specific and as a result they:

- Cannot differentiate between those who drink responsibly and those who abuse alcohol;
- Are insensitive to variations and cultural difference in the role of alcohol in society;
- Require legislation and structural change for their implementation;
- Rely on enforcement to be effective;
- Are not tailored to the reality of drinking; and
- Are inflexible to change and shifting societal needs⁽²³⁾.

Studies have shown that harmful drinkers are less responsive to population-wide regulatory controls²⁴.

In contrast, individual targeted programs have shown excellent results. For example, Wesley Mission in Sydney has had success with addicts in an integrated program including counselling, pharmaceutical support, and ongoing support programs, DrinkWise has had success in changing risky drinking behaviours, and international policy guidelines recommend integrated targeted approaches²⁵²⁶.

²³ International Center for Alcohol Policies, *Guide to Creating Integrative Alcohol Policies*, (International Center for Alcohol Policies, 2008)

²⁴ [Nelson, J.P. \(2015\). Binge drinking and alcohol prices" a systematic review of age-related results from econometric studies, natural experiments and field studies. *Health economics review*, 5\(1\), 6.](#)

²⁵ ICAP Policy Tools Series 2008: Implementing Alcohol Policy and Targeted Interventions, Guide to Creating Integrative Policies, Guide to Policy Planning and Choice.

²⁶ Drinkwise (2015, Sept 4). *How to Drink Properly campaign wins two effectiveness awards*. Retrieved from <https://drinkwise.org.au/media-releases/media-releases-2015-media-releases/how-to-drink-properly-campaign-wins-two-effectiveness-awards/#> last accessed 28 June 2017.

We look forward to working with you for the duration of the Review. Should you have any questions about the information in this submission or any other issues going forward please contact me on fergus@alcoholbeveragesaustralia.org.au or 0408 200 078.

Yours sincerely



Fergus Taylor
Executive Director
Alcohol Beverages Australia

