

**EDUCATION AND HEALTH  
STANDING COMMITTEE**

**INQUIRY INTO THE ADEQUACY AND APPROPRIATENESS OF  
PREVENTION AND TREATMENT SERVICES FOR ALCOHOL AND  
ILLICIT DRUG PROBLEMS IN WESTERN AUSTRALIA**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
TUESDAY, 19 OCTOBER 2010**

**Members**

**Dr J.M. Woollard (Chairman)  
Mr P. Abetz (Deputy Chairman)  
Ms L.L. Baker  
Mr P.B. Watson  
Mr I.C. Blayney**

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**Hearing commenced at 9.00 am****FREEMANTLE, MR JAMES MALCOLM  
Chairman, Liquor Commission of WA, examined:**

**The CHAIRMAN:** On behalf of the Education and Health Standing Committee, I would like to welcome you to the committee and thank you for your interest and your appearance before us today. The purpose of this hearing is to assist the committee in getting evidence for its inquiry into the adequacy and appropriateness of prevention and treatment services for alcohol and illicit drug problems in Western Australia. You have been provided with a copy of the committee's specific terms of reference. This committee is a committee of the assembly. This hearing is a formal procedure of Parliament, and even though the committee is not asking you to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading may be regarded as a contempt of Parliament. As it is a public hearing, Hansard is making a transcript of the proceedings for the public record. If you refer to any document or documents, it would assist Hansard if you could provide the full title for the record.

Before we proceed to any questions we have for you, I need to ask you: have you completed the "Details of Witness" form?

**Mr Freemantle:** Yes, I have.

**The CHAIRMAN:** Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

**Mr Freemantle:** Yes, I do.

**The CHAIRMAN:** Did you receive and read the information for witnesses briefing sheet provided with the "Details of Witness" form today?

**Mr Freemantle:** Yes, I did.

**The CHAIRMAN:** Do you have any questions in relation to being a witness at today's hearing?

**Mr Freemantle:** No, I do not; thank you.

**The CHAIRMAN:** Jim, as you have had an opportunity to look at the terms of the inquiry, we might ask you first off to tell us what you think in relation to alcohol and drugs and whether you think that the problems and the social impact have worsened over the last 10 years. Then you could perhaps describe your role in relation to the Liquor Control Act and your role in relation to the actual process that goes on.

**Mr Freemantle:** Just as background, prior to taking up the chair of the Liquor Commission—that was formed as a result of the amendments that went through Parliament in 2006–07 to the Liquor Control Act 1998—I chaired the inquiry that made the recommendations on which Parliament then amended that act. Therefore, the comments I make would be not only my experience at the Liquor Commission; it would go back over the 18 months of that inquiry when we did inquire fairly exhaustively into other jurisdictions, the nature of alcohol regulation, the nature of alcohol problems, both in cities and in non-metropolitan areas. So my comments would be coloured by that as well as my experience at the commission.

The evidence we adduced during that inquiry, and has subsequently been confirmed to me during our work at the commission, is that there is a significant problem with alcohol in the community. One of the problems we have is that you cannot isolate the impact of drugs from alcohol. It is a bit hard to do a controlled trial to see which is the greatest problem. There is very obviously a cocktail

effect of drugs and alcohol. But certainly I think now there is a good body of evidence, not just anecdotal evidence, to say that the impact of alcohol in the community now is significantly greater than it probably was a decade ago. I think there is a different attitude to alcohol, and I think that the problem now is that it is socially acceptable, particularly in the most vulnerable age group of 18 to 25, that getting drunk—and I use “drunk” as defined in the act—is perfectly socially acceptable and is a natural form of celebration of various events, whatever they might be, or just because it is Friday or Saturday night.

I think this is an attitude that has come in over the last two decades. I do not want to sound like a crusty old man, that simply it has deteriorated since my youth, but my own feeling is that in my youth the attitude was, “Have you finished your exams?” “Yes, I have.” “Let’s go to the pub and have a few beers.” The attitude today is, “Have you finished your exams? Great; let’s go to the pub and get wasted.” I know the terminology differs, but I think there is a definite swing that inebriation is acceptable and normal, and I think that is extremely worrying.

The commission has limited scope to change community attitudes. Under the primary objects we are charged with harm minimisation. We have to weigh that up against other objects of the act, but in the report we made to Parliament, the statement we made, which was not original—I cannot remember where we quoted it from; probably the work of Chikritzhs and others at Curtin—was that alcohol is a harmful substance. If it was not, you would not need a Liquor Control Act; you would simply put it on the shelf like flour or sugar and it would be part of the retail domain. However, it is; therefore, the very fact it has to be controlled—and the act specifically says in its object the control of the sale and consumption of liquor, and it specifically says to minimise the harm occasioned by the consumption of liquor—means that the act’s primary object, in my view, is very clearly to try to reduce the amount of harm in the community. How much you can do that by regulation and how much you can do that by legislation—I think now we are seeing that it is a blunt instrument and not necessarily a particularly effective one, because you are dealing with an attitude, and attitudinal change, I think, is going to be a bit like smoking. It is going to have to be—I was a cynic over the smoking issue. I thought, “Oh, you just go around there having an education campaign. It’s not going to make much difference; people will smoke if they want to.” But it has had a marked impact on the level of smoking in the community, and I am hoping that maybe we can do something like that with alcohol.

The problem with alcohol is that there are mixed messages out there in that a small amount of alcohol may even be good for you. It certainly is not harmful. It is only when you drink too much, whatever too much is, and everyone will have their own view of that, unfortunately. But the fact is it is a legal drug and there is some ambivalence about the harm it does in moderation, whereas with cigarettes you can get a message out there that it is in any quantity extremely dangerous, bad for you, and it is something that one should not do. You have not got that with alcohol. You are trying to sell a message that is, “Well, drink in moderation”, which is always harder than just saying to someone, in terms of clarity, “Don’t do it.”

In weighing up its decisions, the commission takes particular care, and particular emphasis on that primary object of harm minimisation. The problem with that is that translated through less hours, you therefore take that to extreme and say, “Let’s go to prohibition.” That did not work, and I do not think in a twenty-first century community we can be contemplating going back to 10 o’clock, six o’clock, nil. However, there is now a lot of evidence that the greatest difficulties the police have, and probably the greatest harm, is the result of going on late into the night and early morning drinking. It is not necessarily just that it is the drinking between 1.00 am and 3.00 am when the incidents occur; it is the fact that is the accumulation of drinking for a long period that goes on into the early hours of the morning. I think there is reasonable evidence from the Curtin studies and from the police records that the principal problem is the accumulation, not just particularly the alcohol consumed within those hours. I might leave it at that and leave it to you to ask the questions that you would like.

[9.10 am]

**The CHAIRMAN:** In fact, what the committee has been hearing from other people would very much agree with what you are saying; that is, it is mostly the ready access to alcohol, which comes to the hours that the outlets are open. Unfortunately, Ian was not able to join us at the weekend, but Peter and I and Peter Watson were able to go out with the police at the weekend, and we saw firsthand the people lining up to get into the pubs and the nightclubs in Northbridge. We saw people who were being checked and turned away from one place, and 15 minutes later lining up to go into another premises. Many people who were being turned away either because of age or because they had had too much to drink were still trying their luck at other places.

**Mr Freemantle:** Yes; it is difficult. We have tried to address that. We are just about to be challenged over it in the Supreme Court. We have been trying the use of lockouts, which are the prevention of patrons getting back into a venue after a certain hour once they have left it. I am not sure whether this is effective or not. The evidence to date is that it seems to be effective in a number of places and not so much in others. Once again, the Curtin study showed that the problem is that it is very often introduced with a raft of other measures, so it is hard to isolate just which is the key one, or whether it is a combination of measures. But the problem is not only within licensed premises; the police concern is, of course, what is happening on the street. I have some sympathy for the people conducting licensed premises who do it well. If they prevent people coming in or get rid of them if they are drinking too much, then you turn the problem out into the street and these people become aggressive; they are upset that they have been perhaps ejected or refused entry, and the police have to deal with them on the streets. I think that is a second problem that we have to deal with. We have very little power in the commission because we are really about what happens within and—it is a grey area—immediately adjacent to licensed premises. However, we have tended to look at the surrounds of licensed premises and impose conditions about patrolling car parks, controlling queues and that sort of thing to try to avoid the problems as much as we can on the street. But we are restricted. If we do a good job getting licensed premises to do exactly what they should do and comply with the Liquor Control Act, it is arguable that we are making very sure the problem is dumped right in the lap of the police, because these people are on the street because they have got nowhere else to go.

**The CHAIRMAN:** When we spent time with the police the other evening, I believe that the police officers told us that four teams were out in Northbridge the other night, and that was 60 police officers. Is that right, Peter?

**Mr P. ABETZ:** I cannot recall the details of how many. I think there were 60 in total. I do not know whether they were all out there at once.

**The CHAIRMAN:** Up to 60 police officers were on out; this was on a Friday night. We also looked at the number of venues that were open, and we did a rough calculation for the different venues and the number of patrons in each of the venues and the turnover at the tills for those venues, and it was quite a large turnover for the tills. It is interesting that when we had Barry Sargeant in here previously, we asked him about the number of patrons at the various venues in different areas, and he was unable to provide us with the number of patrons for different venues because he said that unless—I apologise; that is my mobile phone.

**Mr P. ABETZ:** This happens every year!

**Mr Freemantle:** That is one thing about being a doctor; you can get away with it, whereas we cannot.

**The CHAIRMAN:** This is not allowed in committee meetings! Excuse me.

We were talking about patron numbers. The only time they would look at patron numbers was maybe in relation to health facilities. Recently, I was looking at the liquor licensing act for Scotland and the United Kingdom, where they actually look at areas, where they are looking at numbers. I

was thinking that surely, with our legislation, we should be looking at those numbers; that is, in terms of the numbers in the area along with law enforcement. One of the things that they do in Scotland and the UK is that, within their liquor control act, they look at police enforcement, they look at public health and they look at child protection. One of the big problems that we have here is in fact law enforcement; and is the problem, as you have just said, when those people leave those venues? Security may be done very well in those venues, but we have a big problem when people leave those venues and come out onto the streets. Because you did that review a few years ago, did you look at that aspect, when you did that review, of not just liquor control within the venues, but the enforcement when people left those venues; or when you looked at the Liquor Control Act a few years ago, did you purely look at the liquor control within the venues?

**Mr Freemantle:** No; we looked at that very problem. One of the things that the Victorians have looked at, and we drew quite heavily on the Victorian experience, is what they called ant tracking.

**The CHAIRMAN:** I am sorry?

**Mr Freemantle:** Ant tracking. It is the same expression, I think, that the police used, and it became adopted for the heavily populated corridors of people going between particular licensed venues. There would be a steady procession from one to another, and to another and to another, and then the problem was people coming the other way. The normal problem is on a footpath. A lot of the violence—perhaps we might call it minor violence—is the opposing forces of people where there is no room to get around, and there is always someone who wants to force his way because he is a bit braver or has a bit more Dutch courage. And then it starts, a bit of shoving and pushing, which may develop or may not. We had a look at how you prevented that; therefore, we looked at lockouts, and lockouts are provided for. But they are, once again, not an ideal weapon.

You mentioned the Scottish legislation and how you might legislate. Outlet density is quite difficult; I mean, the Northbridges and the Fremantles—these precincts become entertainment precincts; therefore they have—and this is worldwide—a high concentration of entertainment venues, so many of which are at least part dependent on alcohol for survival; and one of our problems, of course, is the natural conflict of any vendor of alcohol. The more he sells, the more money he makes. He has got a constraint to obey the act, but he still has an incentive to sell more alcohol perhaps than if you and I were in charge of it, or anyone else was in charge of it, with no interest in the actual profit of the venue. I know that I am wandering off into some sort of idealised world, but there is probably a long bow drawn on what is drunk or not, even in the venues. I am sorry; that is digressing. However, trying to legislate for outlet density and legislate for jurisdiction on the footpath is quite difficult. It is a public area and is the preserve of the police. The security staff, at law, are uncertain of their rights. If they move from the door to break up something, can they in fact be charged with common assault if they are out on the footpath and not within the licensed premises boundary? It got very grey and very murky. We made certain comments about it and did not pursue it, but said it was something that needed to be clarified as to just the rights of security and also what we expected of them in the surrounds, because the police are the only ones who can issue move-on notices.

[9.20 am]

**The CHAIRMAN:** Are licensees in places such as Scotland and the United Kingdom charged more to account for the police presence in those areas to diffuse some of the assaults and violence?

**Mr Freemantle:** We looked at this briefly. Unfortunately, we did not get a chance to visit those places. We looked at other Australian jurisdictions more carefully than the international experience, but we did look at the UK and Swedish experiences and at the relating literature. Generally speaking, there is a worldwide pattern of, to varying degrees, calling the police if an incident is likely to develop. The uniform, the sirens and the lights have an effect. People know it is serious and it tends to affect the core brawl. It tends to break up a lot of the behaviour that may well develop. Publicans in Australia and around the world have used the police sensibly in that way.

When the police come to us or Barry Sargeant under section 95 for a disciplinary hearing against a licensed premises and say that the rate of call-out to such and such is unacceptable, the question for us is whether that is because the publican is anticipating trouble and would rather have the police here than not; or because those premises are poorly conducted and attract poor clientele, for want of a better word. We did not find any easy answers. I cannot give you any answers to that issue now. I do not envy the police's job in trying to marshal their resources and to work out how their priorities should be allocated in trying to anticipate what might develop into something serious and what will naturally diffuse itself after a couple of pushes and shoves.

**Mr P. ABETZ:** Do our liquor licensing laws take into account the density of outlets in the applications for licences?

**Mr Freemantle:** Yes, they do. Bear in mind that in, let us say 2007, there are outlets therefore you have a prescribed outlet density. Do you approve more in a given area? We went from a public needs test, which you could argue was clear cut. There was no need for it. There is already an outlet or 10 outlets. There is no need for it; therefore, it was refused. There was an argument when we went to a public interest assessment that it would lead to a proliferation of outlets because how do we discriminate against a new player Northbridge because he is new and there are already people there. Will we be used as a medium to protect the embedded interests of those who are already there? That became part of the weighing of harm of increased outlet density and so on as against the interests. We use a number of criteria to assess licences. One of them, which we did recently, was all about that—how many patrons, in what areas, were patrons seated or standing, were they on a balcony et cetera. It was quite an exercise. It was one that was referred to us under section 24, which gives the director the power to refer directly to the commission to make a decision. This was considered by the director to be in the public interest. It was a groundbreaking and precedent-setting decision. A lot of the account in that was the number of patrons relative to the area and relative to the social geography of the area, for want of a better term, and the way the patrons were accommodated within the premises; that is, were they jammed in, were they standing up at 0.9 metres per person, or were they seated at two metres per patron? Yes, in the issuing of licences the relevance factor is taken into account. It is not legislated. The Department of Health is the primary regulator of the number of patrons allowed in any premises—"It is not licensed to hold more than so many people". We have imposed fewer limits, notwithstanding the health department's maximum. We have taken the view that if the health department says that the maximum is 150, that is what the maximum is but what is the correct number in a small bar? Many small bars have been approved on the basis of patron numbers being restricted.

**The CHAIRMAN:** How many appeals do you get each year against decisions of the Director of Liquor Licensing? Do most of the appeals relate to venues in Perth?

**Mr Freemantle:** Yes, the great majority are in Perth. A couple have been in Bunbury, two in Geraldton and couple in Kalgoorlie. The great bulk of them are in Perth and the great bulk of them are in the entertainment precincts generally.

**The CHAIRMAN:** How many approximately?

**Mr Freemantle:** We would hear three or four matters a month. If we take out the disciplinary hearings, the ones brought to us under section 95, appeals against the director's determinations would be in the range of 25 or 30 a year. I suspect that the number of appeals may fall away a little in that some have been lodged and withdrawn after we made certain other determinations. I think we have been in operation long enough for a pattern to have developed. Lawyers practising in the area are telling their clients to read this and read; there is no reason that it will depart from the principle it has established, therefore you are wasting your time. I wonder whether there will be a drop off in the number of appeals against the director's determination. The department has come to understand our way of thinking. The 95s will continue to increase. The police have seen that it is a lot easier to use the Liquor Control Act to control a lot of this behaviour and to try wrestle some of

the problems. It is easier to come to us and get something done on the balance of probability rather than beyond reasonable doubt, which they have to establish in a court. We are charged under our objects and under section 16 to act with a minimum of formality and to try to arrive at a decision in good conscience or to arrive at a good decision rather than a technical decision. I think the police will use that increasingly. I have no quarrel with that. It was put in the act deliberately by Parliament after due consideration. The police now see that it is a way to try to help them do their job. I expect the load will continue to increase.

**The CHAIRMAN:** What punishments can be given under section 95?

**Mr Freemantle:** The most extreme is to cancel the licence. A licence can be suspended for varying periods. There are varying levels of fines and the conditions on a licence can be varied. There was a report in the press this morning about an owner of a nightclub who is not impressed with the commission's decision to make him employ two additional security staff, one to control the queue at the front and the other to stop the ingress and egress of the smoking area out the back. He was also fined. He is not happy. The point is that the police sought the suspension of the licence for three months. We did not go along with that; we chose another alternative. That is an example. We actually cancelled the licence of one in Albany.

**Mr I.C. BLAYNEY:** What type of place was that?

**Mr Freemantle:** That was an unfortunate one. The publican was a confessed alcoholic. I am not telling any secrets. It is on the public record. In the end it was almost by consent. He said he could not go on and it was agreed that the hotel should be sold and that someone else should apply for a new licence.

**The CHAIRMAN:** Has the Director of Liquor Licensing or anyone else challenged your decisions in the Supreme Court?

**Mr Freemantle:** No. However, that does not mean that it will not happen.

**The CHAIRMAN:** We recently heard that from January, VCAT will be reviewing the number of outlets in Victoria. Will you look at something like that whereby someone can go to our SAT?

**Mr Freemantle:** That is well outside the scope of the Liquor Commission to initiate that. I cannot think offhand of a section in the Liquor Act —

**The CHAIRMAN:** The three issues relating to alcohol are access, affordability and advertising. I would like our Liquor Control Act to focus on those things. It does not focus on them at the moment. Victoria is moving toward including access, and it is looking at the number of outlets. VCAT will look at the number of outlets. Our Liquor Control Act does do that at the moment.

**Mr Freemantle:** We have an issue there because local governments get involved. If a local government issues a section 40, the premises is approved as a licensed premises under its planning scheme. It then goes to the department. One of the conditions of the department is whether it has planning approval. Yes, we have, therefore it can be considered on its merits. You could argue that local governments have more control over outlet density than the liquor act. You could argue that that should be looked at in the next review of the liquor act. It is reviewed every five years. Having done a review four years ago and having watched the amended act in operation, I would make a submission to the next inquiry about half a dozen issues that have arisen, that being one of them. The community moves on and community attitudes move on. It would be foolish to say that we have got it right. We improved it. Parliament seemed to agree that we had improved it because it enacted 90 per cent of the amendments. That does not mean that in five or six years, with the benefit of the experience and where the community has moved to, that we cannot improve it again and bring within the purview of the Liquor Control Act things particularly relevant to liquor.

**The CHAIRMAN:** That would be one thing. What other things do you feel —

**Mr Freemantle:** The advertising one is interesting. The department and the commission have placed restrictions on advertising as part of a condition of a licence. Happy hour and various other things that are designed to get liquor into people quickly were restricted. Outlet density is a difficult one. There is no doubt that there is enough property-based epidemiological evidence to show that outlet density is a significant factor in the level of harm. Once again, we get back to the nature of the outlets. One of the problems is that we tend to bunch together a lot of the high-risk outlets. I refer to nightclubs and pubs with extended trading permits. Large venues tend to be grouped together in an entertainment precinct. It is my personal opinion that if we break down the size of a lot of these outlets and spread the drinking away from the concentrated areas where 100 people are queuing up to get into a venue that holds only 500 people, if we broke it down into small bars of 100 or 120 people, I suspect that the person in charge of that can see from account of virtually every patron in the place. You cannot hide behind table after table or row upon row of people if you are trying to hide a drunk and buy his alcohol for him. That would be a major thing. I do not think it is just outlet density by number. It is probably the number of mouths of drinking alcohol in a given area that is part of the problem.

I refer to the East Sydney experience. It had a lot of big, tiled old-fashioned pubs with huge public and saloon bars. When those pubs were renovated and the bars were broken up into a series of discrete areas with couches, planters and petitions to stop the surge of people going to the bar and the surge of people coming back and the milling of drinking people, it had a marked effect on the social problems caused in those establishment and in the areas surrounding those establishments. I have a personal view. It is reasonably well founded. Smaller and better distributed outlets would lead to considerably less harm than a concentration of very large drinking outlets.

**Mr I.C. BLAYNEY:** I once went to a NSW Leagues' Club in Sydney. Those clubs are huge.

**Mr Freemantle:** They are massive.

**Mr I.C. BLAYNEY:** What is the story with them? Do they have as many problems as say a nightclub-type situation?

**Mr Freemantle:** No. Having talked to the Sydney police, they do not have a problem with them. Leagues clubs are sanctioned if they do not run their affairs absolutely correctly. Members are banned very quickly —

**Mr I.C. BLAYNEY:** Do you have to be a member to go in there?

**Mr Freemantle:** Yes; or you can go as a visitor, but a member has to be responsible for you. A person can be banned. There are many benefits in being a member of a leagues club. There are not only social benefits, but also cheaper food and alcohol because of the money generated by gambling and so on. I am not aware of any problems that have arisen out of leagues clubs in Sydney.

**Mr I.C. BLAYNEY:** The thing that creates those leagues clubs in New South Wales is the pokies. That is the engine that drives them. We could not say that we could turn our WAFL clubs into the equivalent of leagues club. They would need an income from something.

**Mr Freemantle:** The other thing is that the additional revenue from poker machines means that they are less dependent on the sale of alcohol to make a living; therefore, I suspect that they are more conscious of enforcing sanctions on people who drink too much. They are quite happy to get rid of them. Adelaide is interesting. Pokies have been introduced into Adelaide pubs and that has allowed for the significant refurbishment of many pubs. Those pubs have lifted dress standards and the standards of behaviour because they have had the revenue to do it. I suspect that the South Australian jurisdiction would say that in the areas where this has occurred the behaviour generally has been better.

**The CHAIRMAN:** They now have not only the alcohol problem, but also the gambling problem.

**Mr Freemantle:** That is the thing.

**The CHAIRMAN:** We will not buy into that one!

**Mr Freemantle:** No, we will not! During the inquiry we were expressly told not to recommend that poker machines would solve the revenue problem, which would lead to better behaviour in hotels.

**The CHAIRMAN:** Let us go back to advertising issue, because it is a big issue in WA. It is becoming more and more prominent. Given your vast amount of knowledge and experience, would you be willing to make a recommendation? Millions of dollars are put into advertising, particularly to encourage young people to buy alcohol. As you said before, young people see binge drinking as the way to go. Millions of dollars was spent on tobacco advertising to encourage young people to buy tobacco. Changes were made to the Tobacco Products Control Act many years ago. Western Australia has been a leader in gradually cutting back on tobacco advertising.

**Mr Freemantle:** This is one I have a lot of difficulty with. I am fully supportive of any measure that allows us to stop whatever it is that makes alcohol so attractive to people—I refer to people 14 onwards. In the report we had to say that the problem was with 18-year-old to 25-year-old drinkers. You can imagine what the reaction would have been if we had said that the problem included 14 or 16 year olds. There is a serious problem with those aged between 14 and 18 years of age. Telling a doctor that is rather presumptuous. I think we subtly and less than subtly use. With regards to alcopop drinks, we have power in the legislation to ban certain types of alcohol. The very sweet or milk-based drinks are very attractive to young people. We are making the environment attractive. We are saying this is the way to sophistication. The way to grow up is to drink. We have a huge educational issue. At the other end of the advertising scale, it would not matter if Carlton and United Breweries and Lion Nathan could spend another \$10 million a year on advertising but it would not make a can of difference to the amount of beer consumed in Western Australia. With regards to the wine area, the advertising by the Dan Murphy's and Vintage Cellars is substantial. They have big and concerted advertising campaigns. I do not know whether that leads to an increase in the consumption of alcohol or whether it simply is aimed at brand switching. That is a difficult one. I have not seen any scientific evidence to go one way or the other. Getting into the next market, you talk about the cheap and cheerful—the casks and flagon market. If you are advertising cheap alcohol, it makes it readily accessible. If people have a budget for alcohol, they can now drink twice as much and get it for half the price. That is a fair jump. A lot of effort has been put into the north of the state to selectively control the sale of cheap alcohol. There is a strong argument to levy taxes on the basis of alcohol content. Then we get into the federal policy. I am treading on dangerous ground, but I think the tax regime on alcohol excise could be changed quite significantly for the better. That may have more effect than some of the other things that we are doing. It has been said that all that the alcopop surcharge has done has been to encourage people to buy a bottle of vodka and to mix it up at home. We will always get that substitution. If that bottle of vodka was twice as expensive, they might not drink as much.

[9.42 am]

**The CHAIRMAN:** So that is affordability. What about the other big question mark now? A lot of people are saying that the government should support sporting groups; that is, the funding they currently get from the alcohol industry should come from government or somewhere else such that in five years their funding is not alcohol industry based. Children need to be able to join in sport for health and fitness. But at the moment, too much of the money going in is linking sport with alcohol. Some people say that within a five-year period—some say it should be within a three-year period—there should be no alcohol industry-based funding of sport. That would include no more alcohol advertising at sporting events. Would you agree with that?

**Mr Freemantle:** I do not know what the impact of that would be. Personally, I am not sure that it would have a huge effect. I do not think that the fact that the VB is a major sponsor of cricket is a particular inducement for young cricketers to drink; I think the culture at the various sporting clubs is a more important influence on junior attitudes about alcohol. I think an awful lot of sporting clubs

take a very responsible attitude; in fact, when they have a bar for the senior players, they are very careful about how the junior players interact with the seniors and the bar area. I think how they cater for their junior players has a greater influence on the way these kids behave—and particularly, the way their heroes behave. I feel very sorry for these prime sportsmen; they only need put a foot wrong and they are all over the front page. However, that is a problem; if it is all right to the captain of the Australian cricket team or the West Coast Eagles to be hauled out onto the street drunk beyond caring—then hey, it is all right! I think that is more dangerous than worrying about a huge amount of money from the beer manufacturers going into cricket. The Bundy support for rugby: spirits are always a bit more dangerous—although I suppose the pre-mixed drinks are not so bad—and always worry me because you do not know how much people are drinking; and nor do they. I expect that if someone goes out and has two or three cans of beer, they know exactly what they have had. But if they had three or four Bundys, I do not think they know what they have had. They may in the pub; but not at someone's place.

**The CHAIRMAN:** I am pleased that we have you on the affordability and perhaps later we may have you on the advertising.

**Mr Freemantle:** I think affordability—certainly—and, I think —

**The CHAIRMAN:** Access.

**Mr Freemantle:** You used the word access, but I would use the term access more broadly, and we have shown that restricting access at certain times helps and there certainly has been some significant progress in the north west. I think the commission's decision to restrict access in Halls Creek was a good decision. The on-application restriction of the sale of full-strength alcohol, including spirits, was fine. It cleaned up Halls Creek, but everyone says that we shifted the problem somewhere else. And yes; we did. The point is that the other agencies now have a chance to fix Halls Creek—education, health, jobs, housing and all those sorts of things—which they could not do the way it was. The other thing is that we have moved the problem to bigger centres where there is some hope of doing something for it. You have some hope. I am sorry about this Mr Blayney, but you have some hope in Albany, Kalgoorlie, Geraldton and Bunbury of doing something. Those centres are a big enough for people to put in resources to address the problem of alcohol. In the north west, it is not just a problem for Indigenous people; I suspect that a lot of the people up there have a serious alcohol problem. Of course, for the mine workers there is a fairly rigorous testing campaign for drugs and alcohol. However, in the north west an awful lot more people other than just Aboriginal people are affected by alcohol.

**The CHAIRMAN:** Do you think it is better to have 3 000 young people in Northbridge on a Friday night, or to have them spread over Perth in smaller bars? What is your experience at the commission?

**Mr Freemantle:** My response to that is based very much on hearsay and what other people tell us; I do not have to get out there and worry about it. To date, the evidence suggests that splitting them up into small discrete groups is better. It may not be the answer, but it is better.

[9.47 am]

**Mr I.C. BLAYNEY:** We have to go pretty soon. I do have a couple of questions. If you look around the world, is there a country that stands out as doing it better than anyone else? The other question is: are you aware of a study of the effects of different types of advertising? Like you were saying, your gut feeling is that “Fosters” or “VB” written on a sign at the cricket is probably not a big deal, but pushing chocolate-flavoured, milk-based alcoholic drinks on TV probably is. Are you aware of someone who has done a study on the different types of advertising?

**Mr Freemantle:** I am not, Mr Blayney. I have seen bits of stuff accessed from different areas of the world on sections. I could not point to any reasonably comprehensive, properly-based study on the impact, particularly the differential impact, of advertising.

**Mr I.C. BLAYNEY:** Is there a country that you would hold up as doing alcohol regulation best?

**Mr Freemantle:** Well, no. Every country has its problems and it has responded differently. You go from highly restrictive regimes in somewhere like Sweden —

**Mr I.C. BLAYNEY:** Saudi Arabia.

**Mr Freemantle:** Yes. You go through to very liberal regimes like areas of England. You could argue that there are significant parts of England that have got major alcohol problems. They largely follow socioeconomic patterns there. It tends to be the more industrial—when I say the industrial cities, it is a lot of the big industrial cities where, once again, there seems to be a correlation between big venues and this problem. That is partly because a lot of those big venues have advertising and do all sorts of other things. In those areas of England where it is still a traditional, small pub on a corner, you do not seem to have anywhere near the amount of trouble.

I suppose that is part of the reason at the back of my mind that led me along the line of if you have small discrete drinking areas, then you are doing better than if you assemble a thousand people in Halifax, or wherever, and there is a ban and then they all end up on the street at the end of that at 1.00 am or 2.00 am—I think you have a recipe for disaster, and I think the British would agree. They experimented, of course, with 24 hours. I am not sure if it is still extant in some of those cities, but they did at one stage say, “You can trade 24 hours a day, seven days” on the basis that if all the mystique and the deadlines—and people could wander in and out and have a drink whenever they felt like it, they would all behave in a much more civilised fashion. I suspect that the same old problems—I do not suspect; the police reported there was no difference. In fact, there was an increase in the problems in the early hours of the morning.

Once again, this hours business raises its head. Do you restrict the hours? Did you liberalise the hours? The intuitive reaction, if you restrict the hours, you restrict the amount of alcohol. We have had 10 o'clock swills, we have had six o'clock swills, we have had midnight swills, but people unfortunately react. I think that is another problem: “It is closing time so we better get another couple in.” It is easy to raise the problem. It is where the solutions lie in addressing this whole behavioural issue and our whole community attitude to alcohol.

**Mr P. ABETZ:** If you had unlimited funds given to you and you could change any policy or whatever, is there anything that you think you would like to do that might improve the situation?

**Mr Freemantle:** I would certainly better resource the police. I think the police do a very good job under difficulty in the field. I would probably employ a whole lot of civilians. They often do their paperwork behind the scenes, and I think that would be universally acclaimed by the police in every other jurisdiction too. I mean, it is very difficult for them. I would better resource the police if I had the money to do it.

I think I would also reinforce the department's policing arm, not so much to go and police but to go out and look generally at how pubs are conducted. I would beef the old licensing regime up a bit so the police were not always prowling into pubs and having to do things that I do not think they should have to do. I think that I would certainly put some significant money into social research on this business of alcohol.

**The CHAIRMAN:** I would like to thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned in this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence.

Thank you very much.

**Mr Freemantle:** Thanks a lot.

**Hearing concluded at 9.53 am**