

Liquor (Responsible Promotion of Liquor) Guidelines 2011 (No 1)

Notifiable instrument NI2011–156

made under the

Liquor Act 2010, s 223 (Liquor Guidelines)

1 Name of instrument

This instrument is the *Liquor (Responsible Promotion of Liquor) Guidelines 2011 (No 1)*.

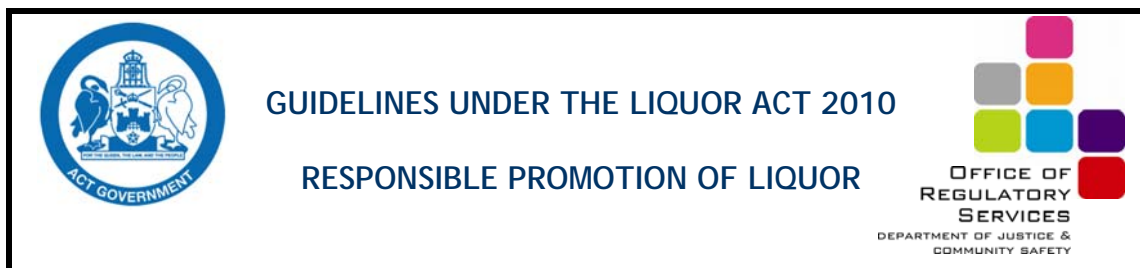
2 Commencement

This instrument commences on the day after it is notified.

3 Notification

I make the Responsible Promotion of Liquor Guidelines set out in Schedule 1.

Brett Phillips
Commissioner for Fair Trading
15 March 2011



Under section 223 of the *Liquor Act 2030* (the Act), the Commissioner for Fair Trading (the Commissioner) may make liquor guidelines consistent with the objects of the Act and the harm minimization and community safety principles. These guidelines are published by the Commissioner to assist people involved in advertising liquor to understand what is appropriate in relation to the promotion of liquor.

In reading these guidelines, consideration must also be given to the underpinning objectives of the Act; which are to regulate the sale, supply, promotion of liquor:

- *To minimise the harm associated with the consumption of liquor;*
- *To facilitate the responsible development of the liquor and hospitality industries in a way that takes into account community safety; and*
- *To encourage and support liquor consumers to take responsibility for their consumption and their behaviour if it is affected by the consumption of liquor.*

What does the law say?

As part of the harm minimisation and community safety principles, Section 10(a) of the Act requires that *responsible attitudes and practices towards the sale, supply, promotion and consumption of liquor should be encouraged.*

The Act prohibits promotions that encourage excessive or rapid consumption of liquor. The *Liquor Regulation 2010* (the Regulation), section 29 describes further promotional activities that are prohibited.

It is an offence for a liquor licensee or liquor permit-holder, to allow a prohibited promotional activity to occur on licensed or permitted premises.

Penalties of up to 50 penalty units apply.

Responsible promotion of liquor

The Regulation requires that licensees *must engage in practices and promotions that encourage the responsible supply and consumption of liquor.* For example a licensee could:

- Promote the consumption of light or low alcohol content drinks;
- Advertise the availability of food for purchase with liquor - where required under the Regulation;
- Signpost the location of free drinking water; or
- Advertise reduced prices for low alcohol content drinks.

Schedule 1

Prohibited promotional activity

The Regulation, section 29, prescribes certain promotional activities which are prohibited; e.g. all you can drink for a set price and advertising “boats races”. In circumstances where the intent of the promotion is unclear a statement must be placed on the liquor advertisement that intoxicated people will not be served at the premises.

Where liquor is offered as part of a prize, licensees and permit-holders should give consideration to the size of the prize, the way in which patrons are enticed to enter or how the prize may be claimed to ensure that the Act and Regulation are not breached. For example, it may be acceptable to offer tickets to a raffle where the prize is 5 schooners, but the winner is not required to consume the entire prize on the day and will be given vouchers for the unclaimed proportion of the prize.

Other unacceptable promotional practices

Certain other promotional activities are also unacceptable as they are not in accordance with the underpinning objectives of the Act, being harm minimisation and responsible consumption of liquor. This includes:

- Mixed displays; e.g. displaying liquor with confectionary or snack foods in premises where children may be present;
- Liquor being displayed in more than one area of an off licensed premises that is a supermarket;
- Offering free or bonus products or other incentives with liquor purchases that may encourage irresponsible consumption or stockpiling of drinks for consumption on the licensed premises; and
- Up-selling drinks with a higher alcohol content.

Third party promoters

Organisations which promote or advertise liquor on behalf of a client who supplies liquor are advised to ensure that the advertisement complies with the requirements of the Act and Regulation as the licensee or permit-holder can be subject to compliance action if an advertisement breaches the Act or Regulation.

For example, discount vouchers or loyalty programs for a premises must not target a particular group of people, must not provide discounts in excess of 50%, and discounted liquor cannot be available for more than two hours or after midnight.