

ALCOHOLIC BEVERAGES ADVERTISING PROHIBITION BILL 2015 - SENATE INQUIRY 1 DECEMBER 2017

SUPPLEMENTARY QUESTIONS

QUESTION:

1. For the financial or reporting years including the most current year and previous four years:
 - a. How many complaints relating to liquor advertising and/or promotions have been made to the Department?
 - b. How many have been investigated?
 - c. How many resulted in orders that either restricted or prohibited the promotions?
 - d. Were these complaints or the outcomes forwarded to the ASB or ABAC for consideration/action?
 - e. Were any of these complaints relating to advertising on publicly owned infrastructure or buildings?
 - f. If so, how many?

RESPONSE:

A breakdown of the number of complaints received from external sources, investigations initiated by Liquor & Gaming NSW (L&GNSW), and orders issued that either restrict or prohibit the promotions is provided below.

Financial year	Received externally	L&GNSW initiated	Investigated	Order issued
2013/14	44	53	97	63
2014/15	32	54	86	32
2015/16	41	69	110	11
2016/17	25	6	31	5
2017/18	6	1	7	2
Totals	148	183	331	113

No complaint has been referred to the ASB or ABAC for consideration or action. While none of the complaints related to advertising on publicly owned infrastructure or buildings, one internally initiated investigation in the 2017/18 financial year included advertising on a street lamp pole.

Sections 102 and 102A of the *Liquor Act 2007* each allow for the investigation and issuing of orders to restrict or prohibit liquor promotions. For the avoidance of doubt, the year by year breakdown provided in evidence to the Inquiry by Mr Paul Newson represented promotion activities investigated under 102A only. That section provides broader ranging power to restrict or prohibit any promotions activities likely to encourage the misuse and abuse of liquor. The higher total numbers in the table above incorporate investigations and orders issued under both sections 102A and 102.

QUESTION:

2. When will the 2013 NSW Liquor Promotion Guidelines be reviewed?
 - a. In regards to the review:
 - i. What will be the process of review?
 - ii. Will public submissions be sought?
 - iii. Will public health and/or community organisations be able to make submissions to the review?
 - iv. Will the new guidelines address online advertising and social media and the use of social influencers?

RESPONSE:

L&GNSW will be conducting the next review of the Liquor Promotion Guidelines in 2018, with planning currently underway. It is hoped that the review can be timed so that any relevant findings from this Inquiry can be considered where they relate to promotional activities run by NSW licensees.

- i. There will be a public review process, underpinned by the release of a public discussion paper. Stakeholder meetings will be held with community, industry and government representatives. Feedback received will play a vital role in developing recommendations and informing the Government's response to the review report.
- ii. Yes, a call will be made for public submissions to inform the review.
- iii. Yes, see above.
- iv. The 2013 Guidelines provide guidance to NSW licensees about what constitutes an undesirable liquor promotion under the NSW liquor laws and may be subject to a formal ban or restriction. This guidance applies where promotions extend beyond the point of sale and involve the use of social media by a licensee for marketing purposes. A key aim of the upcoming review will be to ensure the guidelines reflect new and emerging industry practices and the use of marketing technology with consumers.

QUESTION:

3. Has Liquor and Gaming or your predecessor OLGR commissioned independent research into promotion and advertising of alcohol in NSW? [Submission 18, Mr Tony Brown]
 - a. When is this research due to be delivered? Who will be receiving final report - L&G, Minister, Premier? Will it be made public?
 - b. Can you share with the Inquiry the aims and terms of reference - what are we going to see from this research?
 - c. Can you share with the Inquiry any preliminary results from the research?
 - d. When was the research commissioned? Why?

RESPONSE

No, neither L&GNSW nor OLGR have commissioned independent research into alcohol promotion and advertising at large in NSW.

L&GNSW exercises regulatory oversight in relation to alcohol promotions and activities run by NSW licensees, rather than broader forms of advertising by alcohol brands that often span state and territory boundaries. L&GNSW investigates matters and takes appropriate action where alcohol promotions by NSW licensees are deemed undesirable within the regulatory framework of the *Liquor Act 2007*.

The standards of behaviour by which L&GNSW measures its response are articulated in the Liquor Promotion Guidelines, which will be further reviewed following the completion of the current Inquiry. This review will provide an opportunity to take into consideration any contemporary academic research around liquor promotional activities and related harm.

Regulation of broader forms of alcohol advertising in Australia is largely a Commonwealth matter and typically occurs through relevant national schemes and intersecting industry codes that deal with issues around content, platform and placement.

QUESTION:

4. Does Liquor and Gaming NSW have any regulatory oversight or role in the consideration of advertising on publicly owned infrastructure or buildings?
 - a. Are there any guidelines within Government in relation to advertising of alcohol on publicly owned infrastructure or buildings?

RESPONSE

No, however, L&GNSW would have an oversight role where there is a direct nexus to a licensed venue in NSW.

L&GNSW notes that the Commonwealth Department of Health recently released a Consultation Draft of the National Alcohol Strategy 2018-2026 for public consultation. The draft Strategy identifies opportunities for action in relation to alcohol advertising and promotion. One of the proposed actions includes aligning a single national advertising code covering placement and content across all media to provide consistent protection of exposure to minors.