

8 August 2018

The Coordinating Officer
Liquor Promotion Guidelines Review
Liquor and Gaming NSW
GPO Box 7060
SYDNEY NSW 2001

By email: policy.legislation@liquorandgaming.nsw.gov.au

Dear Sir/Madam,

**RE: SUBMISSION ON THE REVIEW OF THE LIQUOR PROMOTION
GUIDELINES**

This submission is made by the Australian Hotels Association New South Wales ("**AHA NSW**") in relation to the Review of the Liquor Promotion Guidelines being undertaken by Liquor and Gaming NSW ("**the Review**").

The AHA NSW represents over 1800 licensed premises located throughout New South Wales, ranging from small country pubs to luxury accommodation hotels.

The predominant type of liquor licence held by our members is a hotel licence, which permits the sale and supply of liquor for consumption on and off the licensed premises.

The undesirable promotion of liquor is regulated pursuant to s.102 of the *Liquor Act 2007* ("**the LA 2007**") and the guidelines published thereunder ("**the Guidelines**").

The Guidelines, published by the Secretary and comprising seven key principles, provide guidance to the industry, the regulators, and the general community, as to the type of promotion that Secretary may restrict or prohibit.

In addition to the powers to restrict or prohibit an undesirable liquor promotion, the Secretary can exercise power pursuant to s.102A of the LA 2007 to restrict or prohibit an activity that encourages the misuse or abuse of liquor.

Key Issues for Stakeholder Comment

The Review invites comment in relation to eight key stakeholder issues. The AHA NSW provides the following response.

Overall, AHA NSW considers the current framework has operated effectively and allows the regulator to review promotions and where necessary, identify any matters that may cause further investigations to be undertaken, or warrant a “show cause” notice to be issued in relation to potential breaches of the Guidelines.

The industry’s understanding and compliance with the Guidelines is evidenced by the statistics set out on Page 7 of the *Review of the Liquor Promotion Guidelines Discussion Paper – June 2018*, which shows a significant reduction in the matters identified, and notices issued, over the four years to June 2017.

In our submission, this demonstrates the Guidelines are meeting their objective and remain relevant and appropriate to the regulation of undesirable liquor promotions, whether those promotions relate to the sale or supply of liquor for consumption on or off licensed premises.

Question 7 – “do the guidelines effectively capture new forms of marketing and developing technologies including social media?”

It is our view that the Guidelines are adequate and sufficient to capture promotions conducted using new technologies and/or social media in respect of hotels.

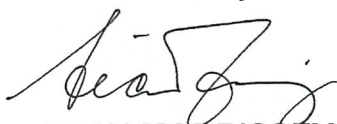
Regardless of whether a promotion is undertaken using SMS, social media, a website, a dedicated venue App or any other technological platform, the promotion must comply with the Guidelines.

We are not aware of, nor can we envisage, an undesirable liquor promotion utilising “new technologies” that would escape the reach of s.102 of the LA 2007.

Further Information

Should you require further information or would like to discuss any aspect of this submission, please do not hesitate to contact Mr. John Green on (02) 9281 6922, or by email at John.Green@ahansw.com.au.

Yours faithfully,



SEAN MORRISSEY
Acting Chief Executive Officer