

This fact sheet provides an overview of the NSW legislation and guidelines relating to the promotion of alcohol. It also outlines how to make a complaint about alcohol promotions.

Background

The promotion and discounting of alcohol in NSW is prolific. Alcohol is advertised in and around venues, on billboards, at bus stops, at sporting grounds, at music festivals, on television, social media and in print publications. There is a [large body of research](#) that has identified that exposure to alcohol advertising to young people contributes to perceptions relating to drinking, age of initiation of drinking and their drinking behaviours.

The regulation of media advertising standards for alcohol products is jointly shared between the Commonwealth and State/Territory governments. Local Governments may also have a smaller responsibility with respect to the location of large bill boards.

Unacceptable promotions under the Liquor Act

Liquor promotions in NSW are regulated under sections 100 to 102 of the NSW [Liquor Act 2007](#) (the Act).

Section 100 of the Act specifies that the [Liquor Regulation 2008](#) may declare undesirable liquor products, and section 101 of the Act specifies that the Director-General of [NSW Trade and Investment](#) (Director General) may restrict or prohibit the sale or supply of undesirable liquor products.

Section 102 of the Act allows the Director-General to “restrict or prohibit [the] undesirable promotion of liquor”. Promotions that may be restricted or prohibited include those promotions that:

- a) Are likely to have a special appeal to minors;
- b) Are indecent or offensive;
- c) Involve the provision of liquor in non-standard measures or the use of emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication;
- d) Involve the provision of free drinks, or extreme discounts, or discounts of a limited duration;
- e) Encourage irresponsible, rapid or excessive consumption of liquor; or
- f) The restriction or prohibition is otherwise in the public interest.

Regulation 50 of the NSW Liquor Regulations enables the Director General to require licensees to place responsible consumption of alcohol warnings (as determined by the Director General) on the

promotion or advertising of discount alcohol.

Liquor Promotion Guidelines

The types of unacceptable promotions are further explained in the [Liquor Promotion Guidelines](#). The Liquor Guidelines consist of seven principles aimed at providing guidance to liquor licensees as to as to acceptable and unacceptable practices. They also serve as a guide to the community on what practices may be in breach of the Guidelines, which can guide complaints. These principles are:

- 1: Appeal to minors;
- 2: Indecent or offensive;
- 3: Non-standard measures;
- 4: Emotive descriptions or advertising;
- 5: Extreme discounts;
- 6: Irresponsible, rapid or excessive consumption;
- 7: Not in public interest.

The Liquor Promotion Guidelines specify that:

“The determination of whether a promotion is undesirable and may be subject to a notice is made by the Director General, NSW Trade and Investment, or a delegate, such as the Director, Compliance, Office of Liquor, Gaming and Racing. Before a determination is made, a licensee may be given the opportunity to comment or offer an explanation on why the promotion should not be considered undesirable. An application can be made to the Independent Liquor and Gaming Authority to review any decision”.

How to make a complaint about an alcohol promotion

There are a number of ways that community members can make a complaint about a promotion, advertisement or product that they feel is problematic or harmful. The community should be vigilant and react to what they may consider inappropriate and irresponsible alcohol promotional and discounting.

In all instances the complaint should specify the promotion that you are concerned about, where the promotion/product is located, the date of the promotion/product and where possible make reference to the research relating to the harmful nature of the complaint and its potential impacts. You can also include images of the complaint.

1. Make a complaint to OLGR or the Director General of NSW Trade and Investment

If you are concerned about a promotion in or around a licensed premise you can make a complaint to the Director General. The complaint can be made in the form of a letter or email. The complaint can be emailed to complaints@olgr.nsw.gov.au or mailed to the Director General, NSW Trade and Investment.

2. Ask for a complaint to be reviewed by the Independent Liquor and Gaming Authority

Section s36A of the [Gaming and Liquor Administration Act 2007](#) enables the community to seek a

review by Independent Liquor and Gaming Authority (ILGA) of a decision of the Director General. Complaints must be made within 21 days of a response being received by the Director General and there is a cost associated with the review process.

The request for a complaint to be reviewed needs to be made in writing with copies of the original complaint and response from the Director General. There is a form for making a Review Application which can be downloaded from the [Office of Liquor Gaming and Racing website](#). Review Applications should be addressed to the Chief Executive of the Authority and emailed to liquorapplications@olgr.nsw.gov.au. You can also send the Review Application to info@ilga.nsw.gov.au to ensure that ILGA is promptly made aware of it.

A review of a subsequent decision by ILGA offers the community greater opportunity to have a promotion complaint more objectively and transparently heard.

ILGA has produced a useful [Guideline](#) on lodging a review application.

3. *Make a complaint to national agencies*

You can also make your complaint to national advertising review boards and this should be done alongside your complaint to the Director General. It also provides an opportunity to make complaints on promotions that fall outside of the state and territory government's responsibility, such as advertising on television.

You can make complaints to two national bodies. The first is the [Advertising Standards Bureau](#), which receives complaints against promotions that fall within the [Alcohol Beverages Advertising Code](#) (ABAC). The ABAC is a 'quasi-regulatory system' for alcohol advertising and packaging and not all of the alcohol industry is covered under the scheme.

There is also an independent [Alcohol Advertising Review Board](#) (AARB). While they have no legal power over alcohol advertising, they do play a critical role in highlighting irresponsible liquor promotions across Australia.

Where do I go for more information?

[Office of Liquor and Gaming Website](#)

[NSW Liquor Act 2007](#)

[NSW Gaming and Liquor Administration Act 2007](#)

[NSW Liquor Regulations 2008](#)

[Liquor Promotions Guidelines](#)

[Fact Sheet on Applications for Review under Section 36A of the *Gaming and Liquor Administration Act 2007*](#)

[Alcohol Advertising Review Board Website](#)

[Alcohol Beverages Advertising Code Website](#)