



VICTORIA POLICE



Mansfield Shire Licensing Accord 2022 – 2025



MANSFIELD SHIRE

Mansfield Police
Version 6 – October 2022

OFFICIAL: Sensitive



VICTORIA POLICE

ACKNOWLEDGEMENTS

Through the focus of the Mansfield Police the development of the Mansfield Shire Licensing Accord has been created.

Mansfield Police would like to thank the following organisations for their input and support.

Australian Hotels Association

Mansfield Shire Council

Mansfield Crowd Controllers/Security Representatives

Mansfield Liquor Licensees

Liquor Control Victoria (LCV)

For further information contact:

***Licensing Sergeant, Mansfield Police
92 High Street, Mansfield – (03) 5775 2555***

This Mansfield Shire Licensing Accord document
Compiled by VPS Julie King, Mansfield Police



MANSFIELD SHIRE

MANSFIELD SHIRE LICENSING ACCORD

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INTRODUCTION

The district of Mansfield has in excess of 60 licensed premises, which include a number of hotels and licensed venues. This Mansfield Shire Licensing Accord is introduced in response to community and police concerns regarding alcohol-related crime, property damage, violence and loss of amenity. Numerous events are also held in the area and often incorporate liquor sales to the public. Police records reveal that Mansfield has a low level of offences occurring in and around the precincts of licensed venues.

Victoria Police, Mansfield Shire Council and LCV have significant statutory obligations in this and related fields and as such are committed to working together to achieve the objectives of this Accord. A demonstrable effort to comply with the Accord will be highly regarded in the decision-making processes each organisation is required to perform. Conversely, the absence of any meaningful commitment to the Accord will also be a factor in the decision making process. Victoria Police, LCV and Mansfield Shire Council highly regard any establishment that demonstrates a strong ethic in compliance with this Accord.

The purpose of an Accord is to draw together representatives of key establishments to recognise and address issues covering the excessive consumption of alcohol and the general compliance with legislation. Unacceptable practices that contribute to community and social problems are identified and addressed. A uniform Accord enables licensees to take self-governing approach when dealing with responsible service of alcohol.

OBJECTIVES

The following objectives are designed to prevent excessive alcohol consumption:

1. Eradicate practices that lead to the misuse of alcohol.
2. Eliminate illegal underage patronage at all licensed premises.
3. Adopt and support the Responsible Service of Alcohol.
4. Maintain a free and competitive market between licensed venues whilst discouraging promotions and practices that encourage the irresponsible service and consumption of alcohol.
5. Adopt the Alcoholic Beverages Advertising Code Scheme outlined at Appendix 5 of this document. Adhere to 'Responsible Advertising and Promotion Guidelines' published by LCV, and available at www.vgccc.vic.gov.au.
6. Create a safe environment in and around licensed premises through a commitment to staff training and the proper use of professional crowd controllers.
7. Promote and support the use of the appropriate taxi services.

BEST PRACTICE

In order to achieve the best possible outcomes from this Accord, management of all licensed premises should adopt the following set of best practices:

1. Insist on the production of evidence of age documents, as specified by the *Liquor Control Reform Act 1998*, for entry to all licensed venues where appropriate.
2. Other than as provided by licensing laws, deny underage attendance on, and discourage underage attendance at or near licensed premises.
3. Actively discourage the incidence of underage consumption of alcohol. (This includes the supply of alcohol to persons who a licensee believes may be providing the alcohol to under-aged persons illegally).
4. Encourage and reinforce the LCV 'Responsible Service of Alcohol' philosophy.
5. Adopt the voluntary Alcoholic Beverages Advertising Code Scheme outlined at Appendix 5 of this document. Adhere to the 'Responsible Advertising and Promotion Guidelines' published by the LCV and available at www.vgccc.vic.gov.au.
6. Actively discourage irresponsible alcohol consumption practices such as:
 - Free or heavily discounted drinks on entry or during the night at licensed venues;
 - Extended Happy Hours, free or heavily discounted drinks;
 - Lay backs, two for one drinks, short term price reductions and the indiscriminate distribution of drink cards (distribution of free drink cards must be in a direct sponsorship or formally structured promotional plan);
 - All-inclusive events which have the potential for alcohol abuse;
 - Serving of liquor to persons already adversely affected by alcohol.

NOTE:

To assist licensees and their employees in regulating this area, intoxication guidelines together with some identifiable behavioural signs of undue intoxication can be found in Appendix 2 of this document.

7. Ensure water and non-alcoholic drinks are readily available at a reasonable price. Water must be available free of charge for patrons if requested.
8. Ensure other refreshments, including food, are readily available on the licensed premises for purchase and be in a position to provide such refreshments on request at any time where liquor is available for supply. This is a legal requirement under section 99 *Liquor Control Reform Act 1998* – Exemption may apply.
9. Ensure that licensed Crowd Controllers perform their duties in a professional manner and maintain an interest in checking provided identification. Potentially troublesome patrons must be identified at an early intervention stage and managed.
10. To implement a security network between licensed venues warning of potential trouble. Policy of ‘banning’ is effective in all venues.
11. Encourage all licensees to have their staff complete the LCV ‘*Responsible Service of Alcohol*’ training course within one month of commencing employment, raising professional standards and reducing the possibility of litigation.
As of 1 July 2021, the only recognised course in Victoria is the nationally accredited RSA - Provide Responsible Service of Alcohol (SITHFAB002/021) course undertaken face to face or online by an RTO approved by LCV.
12. Ensure that the amenity of the area surrounding each licensed premise is protected by actively addressing the issues that impact on the local area.
13. Cooperate with Police, Mansfield Shire Council and fellow operators to ensure this Accord can be effectively implemented.
14. Promote compliance with other laws impacting the operation of the licensed premises including those related to food sales, no smoking within the venue and the sale of tobacco being restricted to those over the age of 18.

NOTE:

Licensees and staff should be aware that there are local laws that prohibit the consumption and possession of unsealed liquor in specific public areas within the Mansfield Shire unless a permit has been granted.

UNDERAGE REQUIREMENTS

One of the key aims of this Accord is to discourage illegal underage patronage and consumption on or from licensed premises. The legal drinking age in Victoria is 18 years.

The *Liquor Control Reform Act 1998*, outlines the legislative requirements regarding this area.

Anyone under the age of 18 years is considered a minor.

It is illegal for any person to supply alcohol to a minor on licensed premises.

It is illegal for a minor to be on licensed premises to purchase, receive or consume alcohol.

Minors are not permitted to drink alcohol on licensed premises under any circumstances.

Depending on the situation, a minor may be allowed on licensed premises if they are in the company of a *responsible* adult. A '*responsible*' adult is defined as a person who is 18 years or older and is:

- the minor's parent, step-parent, guardian, grandparent, or
- the minor's spouse who is over the age of 18 years, or
- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the minor – for example, a sporting coach.

Persons under 18 years can be legally on licensed premises if they –

- (a) Are with their parent, step-parent, guardian, grandparents, spouse or responsible adult who is exercising supervision
- (b) Are with a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the minor – for example a sporting coach.
- (c) Attend a licensed premise for the purpose of a meal (must leave when meal is completed).
- (d) Are at an '*On-premises Licence*' (restaurant) or a '*Café/Restaurant Licence*' during ordinary trading hours (until 11pm) (see Section 120 (2)(d) of the Act).
- (e) Attend alcohol free entertainment where Section 120 (2)(a) approval is given.
- (f) Junior members of a sporting club where Section 120 (2) (e) approval is in place.
- (g) Resident of premises, or a licensed premises which provides accommodation.
- (h) Completing a LCV approved training program in hospitality – the approval is normally given in writing and under the condition they are closely supervised whilst serving. or work experience, (should have documents). Section 120 (2) (b).
- (i) Employee of licensed premises not engaged in sale or supply of liquor.

DOCUMENTARY PROOF

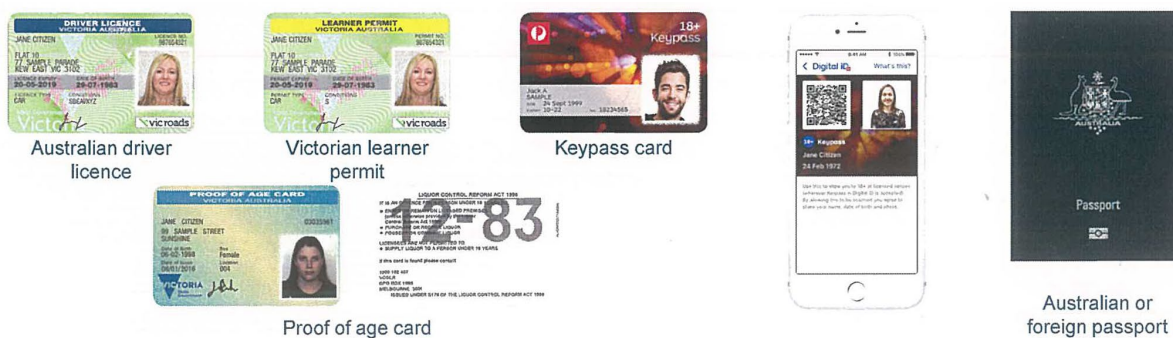
If there is any doubt as to the age of a person, licensees or their agents should insist on the production of documentary proof prior to entry. A certified copy of the original document is not an acceptable means of identification.

Acceptable evidence of age documents under the *Liquor Control Reform Act 1988* are:

- Australian driver licence (including NSW & SA (including NSW & SA [digital drivers licence](#)))
- Victorian learner permit
- Foreign driver licence in the English language or if not in the English language, must be accompanied by an official English translation (e.g. by any [NAATI](#) accredited translator) or an International Driving Permit
- [Victorian proof of age card](#) or an equivalent from another state or territory of Australia
- Keypass card (including [digital keypass](#))
- Australian or foreign passport
- Victorian marine licence

The licensee or their employee can seize any evidence of age that has been produced, with the exception of a driver licence, if they reasonably believe that the document is false or misleading. This document **MUST** be handed to Police within 28 days.

This Accord requires all licensees to prominently display approved signage, which discourages under aged patronage.



CROWD CONTROLLERS

The State Government has implemented *The Private Agents Act* and set up the Private Agents Register within the structure of the Victoria Police.

Both the Statutory and the Regulatory bodies are required to screen, control and monitor the behaviour and the bona fide's of all persons employed for this purpose.

This has extended to requiring all such persons that are employed in the capacity of crowd controllers to be licensed and to abide by the operational requirements of the Act.

The Private Agent's Act at Part 1 VA, contains legislation covering the keeping of Crowd Controllers Register, and the identification required to be worn by persons employed for that purpose.

This Accord requires all licensees who employ crowd controllers to be thoroughly conversant with their obligations under the Private Agents Act, and to ensure that all persons employed in that capacity are properly licensed and work in a professional manner.

It is noted that crowd controllers employed at licensed premise within the Mansfield Shire area are predominantly male. In order to reflect the mix of patrons, security companies and licensees should actively seek to employ female crowd controllers. A balance of male and female crowd controllers is encouraged.

Crowd controllers must adopt effective conflict resolution and communication skills with the aim of reducing violence on or around licensed premises.

This proposal also stresses the proposition that licensees have a duty of care with respect to their patrons, and that this duty of care should be demonstrated through the professional application of crowd controllers and bar staff to the principles of 'Responsible Service' and the creation of a safe environment.

It is suggested that venues, which provide entertainment, should employ adequate crowd controllers in order to ensure the provision of that safe environment.

(Recommend two crowd controllers for the first 100 patrons, one extra crowd controller for each additional 100 patrons).

Conferences and courses held to update crowd controllers on techniques and best practice should be encouraged by licensees, as well as the necessity to expose crowd controllers to the Responsible Service of Alcohol training sessions in order to highlight, better equip and assist the proactive aspects of their duties.



CERTIFICATE OF COMMITMENT

Licensees adopting this Accord will be invited to sign a standardised '*Certificate of Commitment*' to the objectives of the Accord. The Benalla Police Service Area Licensing Inspector will also endorse the certificate.

It is requested of licensees that the '*Certificate of Commitment*' be displayed in a conspicuous place on the licensed premises in a manner that invites public attention.

Example of '*Certificate of Commitment*' see [Appendix 1](#).

LCV BANNING GUIDELINES

The *Liquor Control Reform Act 1998* provides that two or more licensees or permittees may enter into a liquor accord with the approval of the Chief Commissioner of Police and Liquor Control Victoria (LCV), for the purpose of minimising harm arising from the misuse or abuse of alcohol.

The terms of a liquor accord may make provision for licensees or permittees to cease to supply liquor or allow the consumption of liquor at their licensed premises or ban access to the premises by the public or individual members of the public.

Liquor accord bans should be implemented only for the purpose of minimising harm arising from the misuse and abuse of alcohol in relation to behaviour that has occurred in or around licensed premises. It is recommended that parties to an accord:

- ensure that a decision to ban is fair and reasonable, providing the banned person with an opportunity to respond to or apply for reconsideration of the decision to ban them;
- ensure that a ban is non-discriminatory and made for a clear harm minimisation purpose;
- ensure that the privacy of personal information in relation to banned persons is maintained;
- ensure that a ban complies with the provisions of the [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#);
- do not ban persons for unreasonable periods of time (maximum 12 months) unless clearly justified by the circumstances; and
- appropriately notify the subject of a ban that a decision has been made to exclude them.

From 31 January 2022, the maximum period for which a person may be banned under a liquor accord is 12 months.

A licensee or permittee may consult Victoria Police to assist with developing or enforcing a liquor accord.

Release of information for the purpose of enforcing an accord ban

The Commission or a police officer may disclose to a licensee or permittee who is a party to a liquor accord that contains a liquor accord ban information about a person who is the subject of a ban. It is a criminal offence for a person to use or disclose any information received from us or Victoria Police regarding banned persons except for the purposes of enforcing a liquor accord ban or other purposes required by law, with a maximum penalty of 60 penalty units (Refer to Section 146DA of the Liquor Control Reform Act 1998).

Information will only be disclosed by LCV in accordance with section 146D of the Liquor Control Reform Act 1998 where necessary for the purposes of the effective and efficient enforcement of the ban. When determining whether to disclose information, LCV may require a party to an accord to undertake to not keep the information private.



CONCLUSION

This Accord encourages an integrated group of harm minimisation strategies. It relies on mutual co-operation and open communication between all key stakeholders. It is not to say that licensed venues do not already conduct themselves in accordance with these practices. More so, the Accord seeks to document licensed venue practices, particularly in the area of liquor supply responsibilities, to ensure transparency, open communication as well as creating uniformity in compliance of the *Liquor Control Reform Act 1998*, across the Mansfield Shire.

Operators of licensed venues have an obligation to their local community not to adopt practices that contribute to social disorder, crime and violence through alcohol abuse or otherwise. Patrons have a right to enjoy lawful social and entertainment activities in a safe and violence-free environment. This is the primary focus of this Accord.



Mansfield Shire Licensing Accord

CERTIFICATE OF COMMITMENT

VENUE NAME _____

Aims to contribute to the safe and quiet enjoyment of residents and visitors to the Mansfield Shire by promoting the responsible service of alcohol and maintaining high standards of behaviour in and around licensed premises.

Liquor Licence _____

OBJECTIVES

1. To promote Mansfield Shire and surrounding towns as a safe and enjoyable location.
2. Work cooperatively to protect the peace and quiet of the residents of the area.
3. To monitor and discourage anti-social behaviour both in and near licensed premises.
4. To foster an on-going relationship between licensed premises, police, local government, LCV and other interested parties towards a better community.
5. To encourage best management practices by licensees.

BEST PRACTICES

1. Work to ensure the quiet and orderly departure of patrons from premises:-
 - ◆ Ensure that the principles of Responsible Service of Alcohol (RSA) are followed by:-
Employing RSA trained staff and having a House Policy in place
 - ◆ Working to eliminate the illegal presence and/or consumption of alcohol by underage persons on licensed premises.
 - ◆ Careful management of liquor promotions that might lead to the rapid consumption of alcohol eg happy hours, VIP cards.
 - ◆ Not encouraging or condoning anti-social behaviour and drunkenness on the premises.
Ensuring a range of low and non-alcohol beverages is available to customers.
2. Implement the following harm minimisation strategies:-
 - ◆ Accept only the approved forms of photographic identification of age.
 - ◆ The entrance to all venues is well lit and signed.

Licensing Inspector
Benalla PSA

Licensee Nominee

APRIL 2016



Victorian Commission for
Gambling and Liquor Regulation

Intoxication Guidelines

These Intoxication Guidelines are issued pursuant to section 3AB (2) of the *Liquor Control Reform Act 1998* (the Act) and provide information about how to determine if a person is in a state of intoxication for the purposes of the Act, the *Casino Control Act 1991* and the *Gambling Regulation Act 2003*.

What is the law in Victoria?

The Act states it is an offence for a licensee or permittee to supply liquor to a person who is in a state of intoxication.

How can you decide if a person is in a state of intoxication?

- Consider whether the person is displaying one or more of the signs of intoxication and;
- Consider whether this is the result of the consumption of liquor, by taking into account information such as:
 - How much alcohol have you witnessed the person drink? and/or
 - Information about how much the person has had to drink and/or
 - Does the person smell of alcohol?

Signs of intoxication may include the following:

- | | |
|---|---|
| • becoming loud, boisterous | • difficulty walking straight |
| • becoming argumentative | • bumping into furniture or customers |
| • annoying other patrons and staff | • rambling conversation |
| • using offensive language | • loss of train of thought |
| • spilling drinks | • difficulty in paying attention |
| • fumbling and difficulty in picking up objects | • not hearing or understanding what is being said |
| • swaying | • drowsiness or dozing while sitting at a bar or table. |

Conditions that exhibit similar symptoms and signs to intoxication

Sometimes physical and mental disabilities exhibit some of the same signs and symptoms as alcohol intoxication. You should consider the possibility of the existence of any conditions prior to refusing service on the basis that a person is intoxicated.

Legal definition of intoxication

Intoxication is defined in Section 3AB (1) of the Act:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.



49 Elizabeth Street, Richmond VIC 3121
1300 182 457 voglr.vio.gov.au
contact@voglr.vio.gov.au

MANSFIELD SHIRE ACCORD MEMBERS

Alzburg Mansfield	39 Malcolm St Mansfield	
American Motorcycle Club Mansfield	Dead Horse Lane Mansfield	
Amongst The Sticks Restaurant	Lot 12 Bayside Blvd Goughs Bay	
Bonnie Bar	Bonnie Doon	
Bonnie Doon Central Roadhouse	PO Box 185 Bonnie Doon	
Bonnie Doon Football Club	Bonnie Doon	
Bonnie Doon Hotel	1905 Maroondah Hwy Bonnie Doon	
The Deck on High	13 High Street Mansfield	
Commercial Hotel	83 High Street Mansfield	
Commercial Hotel	Bridge Street Woods Point	
Courthouse Hotel	PO Box 19 Jamieson	
Curry Garden Mansfield	21 Highett Street Mansfield	
Delatite Cricket Club	PO Box 419 Mansfield	
Delatite Hotel	95 High Street Mansfield	
Forty One	41 High Street Mansfield	
Goughs Bay Boat Sport & Rec Club	PO Box 190 Mansfield	
Goughs Bay General Store	Govt Road Goughs Bay	
High Country Wine Cellars	Mt Buller Road Mansfield	
Howqua Valley Resort	2740 Mansfield-Jamieson Road Howqua	
Hunt Club Hotel	Omega Street Merrijig	
Kevington Hotel	Woods Point Road Kevington	
The Magnolia Mansfield	Mt Buller Road Mansfield	
Mansfield Armchair Cinema	Chenery Street Mansfield	
Mansfield Bowls Club	Ailsa Street Mansfield	

Mansfield Coffee Merchant	Highett Street Mansfield	
Mansfield Foodworks	High Street Mansfield	
Mansfield Football Club	PO Box 87 Mansfield	
Mansfield Golf Club	Kidston Parade Mansfield (PO Box 130)	
Mansfield Hotel	86 High Street Mansfield	
Mansfield Regional Produce Store	68 High Street Mansfield	
Mansfield Thai	141 High Street Mansfield	
Mansfield Valley Motor Inn	Maroondah Hwy Mansfield	
Marks' IGA Supermarket	47-51 High Street Mansfield	
Merrijig Motor Inn Resort	Mt Buller Road Merrijig	
Old Fire Station	Highett Street Mansfield	
Peppin Point Private Park	75 Peppin Drive Bonnie Doon	
The Sebel Pinnacle Valley Resort	Mt Buller Road Pinnacle Valley (PO Box 655 Mansfield)	
RSL Mansfield	Highett Street Mansfield	
BOMA Merrijig	RMB 4541 Mt Buller Road Merrijig	
Tin Shed Cider	1090 Tabletop Road Tolmie	
Tolmie Tavern	Mansfield Whitfield Road Tolmie	
Willowlake Cottages	16 Willow Lake Drive Macs Cove	
Wrong Side Brewing	5953 Eildon-Jamieson Road Jamieson	

MT BULLER ACCORD MEMBERS

ABOM (Abominable)	New Summit Road Mt Buller	
Ajax Ski Club	Stirling Road Mt Buller	
Alpine Retreat	48 Stirling Road Mt Buller	
Arlberg Hotel	Summit Road Mt Buller	
Breathtaker Hotel & Spa	Breathtaker Road Mt Buller	
Buller Grocer	Athletes Walk Village Square Mt Buller	
Buller Lodge & Powder Bar	YHA Lodge Village Square Mt Buller	
Cattlemen's	Village Square Mt Buller	
Duck Inn Mt Buller	Goal Post Road Mt Buller	
Enzian	Chamois Road Mt Buller	
Hotel Pension Grimus	Breathtaker Road Mt Buller	
Koflers Hutte	Mt Buller	
Kooroora Hotel	Village Square Mt Buller	
Mt Buller Chalet Hotel & Suites	207 Summit Road Mt Buller	
Mt Buller Fish & Chippery	Cow Camp Village Square Mt Buller	
Pat's Italian Restaurant Café & Bar	Cow Camp Village Square Mt Buller	
Po Po's Kitchen	Summit Walk Mt Buller	
Ski Club of Victoria (The Whit)	Summit Road Mt Buller	
Snow Pony	Summit Road Mt Buller	
Spurs	Top of Bonza Chairlift on-slope Burnt Hut Spur area	
Sugarbush Alpine Lodge	Delatite Lane Mt Buller	
Tyrol Lodge	At top of Northside Express Helicopter Flat Mt Buller	

ALCOHOLIC BEVERAGES ADVERTISING CODE SCHEME



ABAC RESPONSIBLE ALCOHOL MARKETING CODE

1 PREAMBLE

The ABAC Responsible Alcohol Marketing Code is designed to ensure that alcohol is marketed in a responsible manner. Signatories to the Code are committed to ensuring that their marketing complies with the Code's spirit and intent.

The Code complements Australian legislation, the MNA Code of Ethics and media-specific codes relevant to the placement of marketing.

From time to time, the ABAC Scheme may publish best practice advice to industry. That advice does not form part of the Code but complements it by assisting industry to achieve high levels of responsibility in the management of its marketing.

2 APPLICATION

- (a) The Code APPLIES to all Marketing Communications in Australia generated by or within the reasonable control of a Marketer, except as set out in Section 2(b). This includes, but is not limited to:
- brand advertising (including trade advertising)
 - competitions
 - digital communications (including in mobile and social media and user generated content)
 - Alcohol Beverage product names and packaging
 - advertorials
 - alcohol brand extensions to non-alcohol beverage products
 - point of sale materials
 - retailer advertising
 - Marketing Collateral
- (b) The Code does NOT apply to:
- (i) materials or activities whose sole purpose is to educate about misuse or abuse of alcohol beverages and which do not include a company's product branding;
 - (ii) information in company annual reports, corporate public affairs messages or internal company communications;
 - (iii) the name or packaging of an Alcohol Beverage product, including the use of a trademark on a product which a supplier can demonstrate, to the satisfaction of the Adjudication Panel, had been supplied for bona fide retail sale in the ordinary course of business in Australia prior to 31 October 2009;
 - (iv) point of sale Marketing Communications initiated by Alcohol Beverage retailers (as these are regulated by liquor licensing legislation), provided that a producer or distributor of Alcohol Beverages has no control over the point of sale Marketing Communication;
 - (v) Sponsorship.

3 STANDARDS TO BE APPLIED

(a) Responsible and moderate portrayal of Alcohol Beverages

A Marketing Communication must NOT:

- (i) show (visibly, audibly or by direct implication) or encourage the excessive or rapid consumption of an Alcohol Beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines;
- (ii) show (visibly, audibly or by direct implication) or encourage irresponsible or offensive behaviour that is related to the consumption or presence of an Alcohol Beverage;
- (iii) challenge or dare people to consume an Alcohol Beverage; or
- (iv) encourage the choice of a particular Alcohol Beverage by emphasising its alcohol strength (unless emphasis is placed on the Alcohol Beverage's low alcohol strength relative to the typical strength for similar beverages) or the intoxicating effect of alcohol.

(b) Responsibility toward Minors

A Marketing Communication must NOT:

- (i) have Strong or Evident Appeal to Minors;
- (ii) depict a person who is or appears to be a Minor unless they are shown in an incidental role in a natural situation (for example, a family socialising responsibly) and where there is no implication they will consume or serve alcohol;
- (iii) depict an Adult who is under 25 years of age and appears to be an Adult unless:
 - they are not visually prominent; or
 - they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment; or
- (iv) be directed at Minors through a breach of any of the Placement Rules.

(c) Responsible depiction of the effects of alcohol

A Marketing Communication must NOT:

- (i) suggest that the consumption or presence of an Alcohol Beverage may create or contribute to a significant change in mood or environment;
- (ii) show (visibly, audibly or by direct implication) the consumption or presence of an Alcohol Beverage as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;
- (iii) if an Alcohol Beverage is shown (visibly, audibly or by direct implication) as part of a celebration, imply or suggest that the Alcohol Beverage was a cause of or contributed to success or achievement; or
- (iv) suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

(d) Alcohol and Safety

A Marketing Communication must NOT show (visibly, audibly or by direct implication) the consumption of an Alcohol Beverage before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as the control of a motor vehicle, boat or machinery or swimming.

4 NO FAULT BREACH

A breach of this Code that is reasonably unforeseeable by or outside the reasonable control of the Marketer or their agency will be classified as a no fault breach.

5 INTERPRETATION

Compliance of a Marketing Communication with the Code is to be assessed in terms of the probable understanding of the Marketing Communication by a reasonable person to whom the material is likely to be communicated and taking its content as a whole.

Capitalised terms have the meanings set out in section 6 below.

Headings do not expand the Code.

6 DEFINITIONS

In this Code:

AANA Code of Ethics means the Australian Association of National Advertisers Code of Ethics.

ABAC Scheme means The ABAC Scheme Limited.

Adjudication Panel means the panel convened to adjudicate a complaint received by the ABAC Scheme.

Adult means a person who is of legal purchase age in Australia.

Age-Restricted Environment means:

- licensed premises that do not permit entry by Minors; or
- a non alcohol-specific age-restricted digital platform (including, for example, a social media website or application) which:
 - o requires users to register and login to use the platform, including the provision of their full date of birth; and
 - o is able to hide the existence of any alcohol-related pages, sites and content such that they are not visible other than to a user who has registered on the platform as being an Adult.

Alcohol Beverage means a beverage containing at least 0.5% alcohol by volume.

Australian Alcohol Guidelines means the 'Australian Guidelines to Reduce Health Risks from Drinking Alcohol' published by the National Health & Medical Research Council ("NHMRC") in 2020.

Available Age Restriction Controls means age restriction, targeting or affirmation technologies available to restrict a Marketing Communication to Adults, but this does not require a third party platform, website or account that is not primarily related to alcohol to be age restricted in its entirety before it can be used to place a Marketing Communication.

Code means this ABAC Responsible Alcohol Marketing Code.

Marketer means a producer, distributor or retailer of Alcohol Beverages.

Marketing Collateral means material used by a Marketer to promote a brand and support the sales and marketing of Alcohol Beverages, including gifts with purchase, competition prizes and branded merchandise.

Marketing Communications means marketing communications in Australia generated by or within the reasonable control of a Marketer (apart from the exceptions listed in Section 2(b)), including but not limited to brand advertising (including trade advertising), competitions, digital communications (including in mobile and social media), product names and packaging, advertorials, alcohol brand extensions to non-alcohol beverage products, point of sale materials, retailer advertising and Marketing Collateral.

Minor means a person who is under 18 years of age and therefore not legally permitted to purchase an Alcohol Beverage in Australia.

Placement Rules means:

- (i) A Marketing Communication must comply with codes regulating the placement of alcohol marketing that have been published by Australian media industry bodies (for example, Commercial Television Industry Code of Practice and Outdoor Media Association Placement Policy).
- (ii) A Marketer must utilise Available Age Restriction Controls to exclude Minors from viewing its Marketing Communications.
- (iii) If a digital, television, radio, cinema or print media platform does not have age restriction controls available that are capable of excluding Minors from the audience, a Marketing Communication may only be placed where the audience is reasonably expected to comprise at least **75%** Adults (based on reliable, up-to-date audience composition data, if such data is available).
- (iv) A Marketing Communication must not be placed with programs or content primarily aimed at Minors.
- (v) A Marketing Communication must not be sent to a Minor via electronic direct mail (except where the mail is sent to a Minor due to a Minor providing an incorrect date of birth or age).

Strong or Evident Appeal to Minors means:

- (i) likely to appeal strongly to Minors;
- (ii) specifically targeted at Minors;
- (iii) having a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;
- (iv) using imagery, designs, motifs, animations or cartoon characters that are likely to appeal strongly to Minors or that create confusion with confectionary or soft drinks; or
- (v) using brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors.

Sponsorship means any agreement or part of an agreement involving payment or other consideration in lieu of payment by a Marketer to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's Alcohol Beverage or outlet. Sponsorship also includes naming rights of events or teams and the inclusion of a brand name and/or logo at an event venue or on uniforms of participants (excluding branded merchandise).