



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-189

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	17
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Tuesday, 13 August 2019 10:32:17 AM

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Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:  
First Name:  
Last Name:  
Business/Organisation:  
Address:  
Suburb:  
Postcode:  
State/Territory:  
Phone/mobile:  
Email address:

A large grey rectangular area redacting the contact details provided in the form.

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

Any and all documents and other material including correspondence, emails, briefing notes and records of communication relating to the complaint about a Liquorland promotion first made by the Foundation for Alcohol Research and Education (FARE) to the Commissioner for Fair Trading on 3 May 2019, and the complaint about a Slim Chillers promotion and product first made by FARE to the Commissioner for Fair Trading on 21 December 2018.

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2019-189

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 13 August 2019.

Specifically, you are seeking: *“Any and all documents and other material including correspondence, emails, briefing notes and records of communication relating to the complaint about a Liquorland promotion first made by the Foundation for Alcohol Research and Education (FARE) to the Commissioner for Fair Trading on 3 May 2019, and the complaint about a Slim Chillers promotion and product first made by FARE to the Commissioner for Fair Trading on 21 December 2018.”*

#### **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

#### **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 10 September 2019.

#### **Decision on access**

Searches were completed for relevant documents and 31 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to seven documents relevant to your request. I have decided to grant partial access to four documents and refuse access to 19 documents as I consider they contain information that is contrary to the public interest information under schedule 1 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request; and
- the *Information Privacy Act 2014*

### **Exemption claimed**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

#### Contrary to the public interest information under schedule 1 of the Act

Documents 1-2, 3, 8-9, 12 and 14-31 contain, or are entirely composed of information that relates to the investigation of a contravention or possible contravention of the law. These documents provide details of the alleged offence, the investigation into the offence and includes details about methodologies and preliminary findings. These documents fall within the definition of information which is contrary to the public interest as prescribed in schedule 1 section 1.14(1)(a) of the Act. I am satisfied that release of this information would prejudice the ongoing investigation of these matters at this time.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you does not exceed the charging threshold of 50 pages.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log three working days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at  
<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

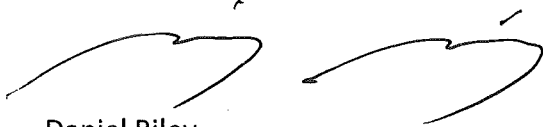
### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Daniel Riley  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

5 September 2019



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Any and all documents and other material including correspondence, emails, briefing notes and records of communication relating to the complaint about a Liquorland promotion first made by the Foundation for Alcohol Research and Education (FARE) to the Commissioner for Fair Trading on 3 May 2019, and the complaint about a Slim Chillers promotion and product first made by FARE to the Commissioner for Fair Trading on 21 December 2018.	CMTEDDFOI 2019-189

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1		Email chain	29-Apr-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
2	1	Email chain	29-Apr-2019	Partial release	Schedule 1 1.14 – Prejudice an investigation	Yes
3	2	Attachment to email	Undated	Full release	N/A	Yes
4	3	Email chain	2-May-2019	Partial release	Schedule 1 1.14 – Prejudice an investigation	Yes
5	4-5	Attachments to email	Various	Full release	N/A	Yes
6	6-7	Email chain	2-May-2019	Full release	N/A	Yes
7	8-9	Attachments to email	Various	Full release	N/A	Yes
8	10	Email	2-May-2019	Partial release	Schedule 1 1.14 – Prejudice an investigation	Yes
9	11	Attachment to email	Undated	Partial release	Schedule 1 1.14 – Prejudice an investigation	Yes
10	12	Email chain	10-May-2019	Full release	N/A	Yes
11	13	Attachment to email	10-May-2019	Full release	N/A	Yes
12	14-16	Email chain	10-May-2019	Partial release	Schedule 1 1.14 – Prejudice an investigation	Yes
13	17	Attachment to email	Undated	Full release	N/A	Yes

14		Email chain	24-May-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
15		Email chain	19-Jun-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
16		Email	1-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
17		Email chain	8-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
18		Email chain	8-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
19		Email chain	10-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
20		Email	11-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
21		Email chain	21-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
22		Attachments to email	Various	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
23		Email chain	21-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
24		Attachments to email	Various	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
25		Email chain	21-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
26		Email chain	21-July-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
27		Email chain	22-Jul-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
28		Email chain	8-Aug-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
29		Email chain	12-Aug-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
30		Email chain	11-Aug-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No
31		Email chain	11-May-2019	Exempt	Schedule 1 1.14 – Prejudice an investigation	No

**Total No of Docs**

31

**From:** "Potter, Chantel" <Chantel.Potter@act.gov.au>  
**Sent:** 29/04/2019 2:46 PM  
**To:** "Warre, Tanja" <Tanja.Warre@act.gov.au>  
**Cc:** "Alrifai, Amne" <Amne.Alrifai@act.gov.au>  
**Subject:** FW: Response to Fare [SEC=UNCLASSIFIED]  
**Attachments:** Response to Fare - 29 April 2019.docx

UNCLASSIFIED

Hi can you please check this with Giuseppe to check on the status and progress for the update Tanja?

Thanks,  
Chantel

---

**From:** Alrifai, Amne  
**Sent:** Monday, 29 April 2019 11:34 AM  
**To:** Potter, Chantel <Chantel.Potter@act.gov.au>; Warre, Tanja <Tanja.Warre@act.gov.au>  
**Subject:** Response to Fare [SEC=UNCLASSIFIED]

Hi Chantel

I've drafted a quick response to FARE. [Sch 1 1.14](#)

I hope this helps.

Thanks!

A

**Amne Alrifai** | Director - Compliance  
02 6207 5056 | 0466 949 154 | [amne.alrifai@act.gov.au](mailto:amne.alrifai@act.gov.au)  
**Access Canberra** | **ACT Government**  
GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr)







**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Mr Michael Thorn  
Chief Executive, FARE  
PO Box 19 Deakin West ACT 2600  
(Email to: [jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au))

Dear Michael

## **Liquor complaints**

Thank you for your letter, dated 24 April 2019, regarding several liquor complaints and enquiring about the review of the *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)* (the Promotion Guidelines). In response to your queries, I offer the follow.

### **Slim Chillers**

In January 2019, Access Canberra Inspectors investigated the sale of “Slim Chillers Vodka Martinis” icy poles in the ACT. It appears that Costco Wholesale Warehouse in the ACT received one batch of stock which had already been sold and did not intend to restock the product. It appears that these products have not been sold in the ACT since and have not been made available at other ACT retailers.

### **Liquor promotions**

Following your complaint, Access Canberra liaised with the licensee of Kokomo’s to ensure that their liquor promotions aligned with the Promotion Guidelines. The Compliance team has continued to monitor the situation and no further issues have been identified. Additionally, as previously advised, it is my view that the Lazy Su promotions in question do not contravene the Act or the Promotion Guidelines and no further action will be taken in relation to this complaint.

### **Promotion Guidelines Review**

The review of the Promotion Guidelines is currently in its preliminary stages. Whilst I am unable to provide you with expected timeframes for the review, please be advised that as one of our key consumer stakeholders, you will be consulted during this process. The review team will be in touch via email to engage with you and your team.

Many thanks for bringing these matters to my attention.

Yours sincerely

David Snowden  
Commissioner for Fair Trading  
Access Canberra  
April 2019

**From:** "Potter, Chantel" <Chantel.Potter@act.gov.au>

**Sent:** 02/05/2019 12:19 PM

**To:** "Warre, Tanja" <Tanja.Warre@act.gov.au>

**Cc:** "Alrifai, Amne" <Amne.Alrifai@act.gov.au>

**Subject:** FW: Response to Fare [SEC=UNCLASSIFIED]

**Attachments:** Response to Fare - 29 April 2019.docx, ATT00001.htm, Complaint\_ACT\_FARE\_Followup\_Apr2019.pdf

UNCLASSIFIED

Response and originals.

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**From:** Alrifai, Amne

**Sent:** Monday, 29 April 2019 11:34 AM

**To:** Potter, Chantel <Chantel.Potter@act.gov.au>; Warre, Tanja <Tanja.Warre@act.gov.au>

**Subject:** Response to Fare [SEC=UNCLASSIFIED]

Hi Chantel

I've drafted a quick response to FARE. [Sch 1 1.14](#)

I hope this helps.

Thanks!

A

**Amne Alrifai** | Director - Compliance

02 6207 5056 | 0466 949 154 | [amne.alrifai@act.gov.au](mailto:amne.alrifai@act.gov.au)

**Access Canberra** | **ACT Government**

GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr)





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Mr Michael Thorn  
Chief Executive, FARE  
PO Box 19 Deakin West ACT 2600  
(Email to: [jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au))

Dear Michael

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Many thanks for bringing these matters to my attention.

Yours sincerely

David Snowden  
Commissioner for Fair Trading  
Access Canberra  
April 2019





Foundation for Alcohol Research & Education

24 April 2019

Mr David Snowden  
The Commissioner for Fair Trading  
GPO Box 158  
CANBERRA ACT 2601

[david.snowden@act.gov.au](mailto:david.snowden@act.gov.au)  
cc [ben.mcmahon@act.gov.au](mailto:ben.mcmahon@act.gov.au)

Dear Commissioner

**OUTSTANDING COMPLAINTS FILED ON 21 DECEMBER 2018 AND 4 JANUARY 2019**

I refer to my letters of 21 December, 4 January and 7 January, and also your response of 17 January 2019.

Please could you advise as to when I can expect a response about the outcome of the complaints about Slim Chillers vodka icy poles and Kokomo's liquor promotions and discounts. I note that the Access Canberra website advises that complaints are usually resolved within 20 business days and that where the response will take longer, the complainant will be kept informed.

The equivalent complaint about Slim Chillers vodka icy poles made to the Victorian regulator has now been actioned. The Victorian regulator advises it does not have the power to prohibit a liquor product, but it has issued a banning notice for selected Slim Chillers social media promotions.

I take from your letter of 17 January that you have dismissed the complaint about Lazy Su's bottomless drinks packages. Please could you confirm whether this is the case?

Finally, thank you for letting us know that the *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)* are scheduled for review this financial year. Please could you advise of the expected timeframe for the review and how stakeholders will be alerted?

Yours sincerely

A handwritten signature in blue ink that reads "Michael Thorn".

MICHAEL THORN  
CHIEF EXECUTIVE

**From:** "Potter, Chantel" <Chantel.Potter@act.gov.au>

**Sent:** 02/05/2019 1:36 PM

**To:** "Snowden, David" <David.Snowden@act.gov.au>; "Alrifai, Amne" <Amne.Alrifai@act.gov.au>; "Warre, Tanja" <Tanja.Warre@act.gov.au>

**Cc:** "McMahon, Ben" <Ben.McMahon@act.gov.au>; "Cubin, Derise" <Derise.Cubin@act.gov.au>

**Subject:** RE: Correspondence: Liquor products and promotions

**Attachments:** Response to Fare - 29 April 2019 CP cleared.docx, ATT00001.htm, Complaint\_ACT\_FARE\_Followup\_Apr2019.pdf

UNCLASSIFIED For-Official-Use-Only

Hi David, as requested- please see attached.

---

**From:** Snowden, David

**Sent:** Thursday, 2 May 2019 11:49 AM

**To:** Alrifai, Amne <Amne.Alrifai@act.gov.au>; Warre, Tanja <Tanja.Warre@act.gov.au>; Potter, Chantel <Chantel.Potter@act.gov.au>

**Cc:** McMahon, Ben <Ben.McMahon@act.gov.au>

**Subject:** Re: Correspondence: Liquor products and promotions

Morning,

I understand a further letter has been drafted on the outstanding matters. Any chance of getting that to me today?

Thanks

David

On 27 Apr 2019, at 11:43 am, Snowden, David <[David.Snowden@act.gov.au](mailto:David.Snowden@act.gov.au)> wrote:

Hi Amne,

Can I pls get an update on the progress of this matter. It's almost 3 mths since we last engaged?

David

Sent from my iPhone

Begin forwarded message:

**From:** Jenny Goodare <[jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au)>

**Date:** 24 April 2019 at 9:49:37 am AEST

**To:** "David Snowden ([david.snowden@act.gov.au](mailto:david.snowden@act.gov.au))" <[david.snowden@act.gov.au](mailto:david.snowden@act.gov.au)>

**Cc:** "Ben McMahon ([ben.mcmahon@act.gov.au](mailto:ben.mcmahon@act.gov.au))" <[ben.mcmahon@act.gov.au](mailto:ben.mcmahon@act.gov.au)>, "Danielle Kerlin" <[danielle.kerlin@fare.org.au](mailto:danielle.kerlin@fare.org.au)>

**Subject:** Correspondence: Liquor products and promotions

Dear Commissioner

Please find attached correspondence regarding several complaints made by FARE about liquor products and promotions.

Kind regards

Jenny

**Dr Jenny Goodare**  
**Senior Policy Officer**

Foundation for Alcohol Research and Education  
PO Box 19, Deakin West, ACT 2600

02 6122 8600

[www.fare.org.au](http://www.fare.org.au)



<Complaint\_ACT\_FARE\_Followup\_Apr2019.pdf>



Mr Michael Thorn  
Chief Executive, FARE  
PO Box 19 Deakin West ACT 2600  
(Email to: [jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au))

Dear Michael

### Liquor complaints

Thank you for your letter, dated 24 April 2019, regarding several liquor complaints and enquiring about the review of the *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)* (the Promotion Guidelines). In response to your queries, I offer the follow.

#### Slim Chillers

In January 2019, Access Canberra Inspectors investigated the sale of "Slim Chillers Vodka Martinis" icy poles in the ACT. It appears that Costco Wholesale Warehouse in the ACT received one batch of stock which had already been sold and did not intend to restock the product. It appears that these products have not been sold in the ACT since and have not been made available at other ACT retailers.

#### Liquor promotions

Following your complaint, Access Canberra liaised with the licensee of Kokomo's to ensure that their liquor promotions aligned with the Promotion Guidelines. The Compliance team has continued to monitor the situation and no further issues have been identified. Additionally, as previously advised, it is my view that the Lazy Su promotions in question do not contravene the Act or the Promotion Guidelines and no further action will be taken in relation to this complaint.

#### Promotion Guidelines Review

The review of the Promotion Guidelines is underway and is an important component of Access Canberra's work in maintaining the currency of our harm reduction approach. The timing has been extended to allow for engagement with stakeholders. As one of our key stakeholders, you will be contacted as part of that consultation. The review team email shortly to start this engagement.

Many thanks for bringing these matters to my attention.

Yours sincerely

David Snowden  
Commissioner for Fair Trading  
Access Canberra  
April 2019

**Commented [PC1]:** David, I would like to extend the offer to meet with them with relevant AC people including Amne and happy to send an email after this is sent to set something up.

Derise thought you might like to start with the Liquor Advisory Board before anyone else and settle on a list for this piece of work.

Separate to whether we meet them with this being the central purpose, it might be useful for our compliance program to understand what national issues there are given our recent RSA focus and leading into Estimates we are resolving our narrative around that so we could meet more generally to kick off that dialogue.





Foundation for Alcohol Research & Education

24 April 2019

Mr David Snowden  
The Commissioner for Fair Trading  
GPO Box 158  
CANBERRA ACT 2601

[david.snowden@act.gov.au](mailto:david.snowden@act.gov.au)  
cc [ben.mcmahon@act.gov.au](mailto:ben.mcmahon@act.gov.au)

Dear Commissioner

**OUTSTANDING COMPLAINTS FILED ON 21 DECEMBER 2018 AND 4 JANUARY 2019**

I refer to my letters of 21 December, 4 January and 7 January, and also your response of 17 January 2019.

Please could you advise as to when I can expect a response about the outcome of the complaints about Slim Chillers vodka icy poles and Kokomo's liquor promotions and discounts. I note that the Access Canberra website advises that complaints are usually resolved within 20 business days and that where the response will take longer, the complainant will be kept informed.

The equivalent complaint about Slim Chillers vodka icy poles made to the Victorian regulator has now been actioned. The Victorian regulator advises it does not have the power to prohibit a liquor product, but it has issued a banning notice for selected Slim Chillers social media promotions.

I take from your letter of 17 January that you have dismissed the complaint about Lazy Su's bottomless drinks packages. Please could you confirm whether this is the case?

Finally, thank you for letting us know that the *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)* are scheduled for review this financial year. Please could you advise of the expected timeframe for the review and how stakeholders will be alerted?

Yours sincerely

A handwritten signature in blue ink that reads "Michael Thorn".

MICHAEL THORN  
CHIEF EXECUTIVE



**From:**"Snowden, David" <David.Snowden@act.gov.au>

**Sent:**02/05/2019 5:44 PM

**To:**"Potter, Chantel" <Chantel.Potter@act.gov.au>;"Alrifai, Amne" <Amne.Alrifai@act.gov.au>;"Warre, Tanja" <Tanja.Warre@act.gov.au>

**Cc:**"McPherson, Alex" <Alex.McPherson@act.gov.au>;"Cubin, Derise" <Derise.Cubin@act.gov.au>

**Subject:**Response to Fare - 29 April 2019 CP cleared (002) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

**Attachments:**Response to Fare - 29 April 2019 CP cleared (002).docx

Tks for the draft response. Pls see attached with edits. [Sch 1 1.14](#)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Cheers

David

Mr Michael Thorn  
Chief Executive, FARE  
PO Box 19 Deakin West ACT 2600  
(Email to: [jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au))

Dear Mr Thornichael

### Liquor complaints

Thank you for your letter, dated 24 April 2019, regarding the status of several liquor complaints and enquiring about the review of the Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1) (the Promotion Guidelines). I apologise for the delay in providing a final response. In response to your queries, I offer the follow.

#### Slim Chillers

In January 2019, Access Canberra Inspectors investigated the sale of “Slim Chillers Vodka Martinis” icy poles in the ACT. It appears that Costco Wholesale Warehouse in the ACT received one batch of stock which had already been sold and advised they did not intend to restock the product. It appears that these products have not been sold in the ACT since and have not been made available at other ACT retailers.

#### Liquor promotions

Following your complaint, Access Canberra engaged liaised with the licensee of Kokomo’s to ensure that their liquor promotions aligned with the Promotion Guidelines. As part of routine liquor compliance inspections, The Compliance team has continued to monitor the situation and no further issues have been identified with this licensee regarding liquor promotions. Additionally,  
As previously advised, it is my view that the Lazy Su promotions in question do not contravene the Act or the Promotion Guidelines and I confirm no further action will be taken in relation to this complaint.

#### Promotion Guidelines Review

The review of the Promotion Guidelines is underway and is an important component of Access Canberra’s work in maintaining the currency of our harm reduction approach. The timing has been extended to allow for engagement with stakeholders. As one of our key stakeholders, you will be contacted as part of that consultation. The review team email shortly to start this engagement.

Thank you for Many thanks for bringing these matters to my attention.

Yours sincerely

David Snowden

Sch 1 1.14

**Commented [PC2]:** David, I would like to extend the offer to meet with them with relevant AC people including Amne and happy to send an email after this is sent to set something up.

Dense thought you might like to start with the Liquor Advisory Board before anyone else and settle on a list for this piece of work.

Separate to whether we meet them with this being the central purpose, it might be useful for our compliance program to understand what national issues there are given our recent RSA focus and leading into Estimates we are resolving our narrative around that so we could meet more generally to kick off that dialogue.

**Commented [SD3]:** Before any engagement with FARE is contemplated I would like to know exactly what the Liquor Compliance program is as its news to me about a focus on RSA. Is there a scoping document, what is the extent of the problem? In terms of national issues, are you suggesting to get a steer from FARE? I'd like to discuss with you.

**From:**"Snowden, David" <David.Snowden@act.gov.au>

**Sent:**10/05/2019 3:32 PM

**To:**"Potter, Chantel" <Chantel.Potter@act.gov.au>;"Alrifai, Amne" <Amne.Alrifai@act.gov.au>;"Warre, Tanja" <Tanja.Warre@act.gov.au>;"Cubin, Derise" <Derise.Cubin@act.gov.au>;"Mangeruca, Giuseppe" <Giuseppe.Mangeruca@act.gov.au>

**Subject:**Fwd: Correspondence from Mr David Snowden to Mr Thorn - Liquor complaints

**Attachments:**20190510 Correspondence from Mr Snowden to Mr Thorn.pdf, ATT00001.htm

Pls see attached reply to Mr Thorn. Could I pls get an indicative timeframe for considering the s213 issue.

Tks

David

Sent from my iPhone

Begin forwarded message:

**From:** "Snowden, David" <[David.Snowden@act.gov.au](mailto:David.Snowden@act.gov.au) >

**Date:** 10 May 2019 at 3:00:01 pm AEST

**To:** "[michaelthorn@fare.org.au](mailto:michaelthorn@fare.org.au) " <[michaelthorn@fare.org.au](mailto:michaelthorn@fare.org.au) >

**Cc:** "[jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au) " <[jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au) >, "Snowden, David" <[David.Snowden@act.gov.au](mailto:David.Snowden@act.gov.au) >

**Subject:** Correspondence from Mr David Snowden to Mr Thorn - Liquor complaints

Dear Mr Thorn

Please find attached correspondence from Mr David Snowden.

With best wishes

Alex

Alex McPherson | Executive Officer

Phone: 02 6207 4412 | Email: [Alex.McPherson@act.gov.au](mailto:Alex.McPherson@act.gov.au)

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

TransACT House, 470 Northbourne Avenue, Dickson ACT

Cosmopolitan Centre, 21 Bowes Street, Woden ACT | GPO Box 158, Canberra ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Mr Michael Thorn  
Chief Executive, FARE  
PO Box 19 Deakin West ACT 2600  
(Email to: [jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au))

Dear Mr Thorn

### **Liquor complaints**

Thank you for your letter, dated 24 April 2019, regarding the status of liquor complaints and enquiring about the review of the *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)* (the Promotion Guidelines). I apologise for the delay in providing this response.

#### **Slim Chillers**

In January 2019, Access Canberra Inspectors investigated the sale of "Slim Chillers Vodka Martinis" icy poles in the ACT. Costco Wholesale Warehouse in the ACT had received one batch of stock which had already been sold. Costco does not currently have these products in stock. Notwithstanding this, I share your concerns and will be investigating this issue further, having regard to s213 of the *Liquor Act 2010*, noting that any final decision to declare a prohibited product is ultimately a matter for the responsible Minister.

#### **Liquor promotions**

Access Canberra engaged with the licensee of Kokomo's to ensure that their liquor promotions aligned with the Promotion Guidelines. No issues were identified with this licensee regarding liquor promotions on routine inspections. As previously advised, it is my view that the Lazy Su promotions in question do not contravene the Act or the Promotion Guidelines and I confirm no further action will be taken in relation to this complaint.

#### **Promotion Guidelines Review**

The review of the Promotion Guidelines is underway and is an important component of Access Canberra's work in maintaining the currency of our harm reduction approach. The timing has been extended to allow for engagement with stakeholders. As one of our stakeholders, you will be contacted as part of that consultation.

Thank you for bringing these matters to my attention.

Yours sincerely

David Snowden  
Commissioner for Fair Trading  
Access Canberra

(6<sup>th</sup> May 2019)

**From:**"Potter, Chantel" <Chantel.Potter@act.gov.au>

**Sent:**10/05/2019 10:15 AM

**To:**"Snowden, David" <David.Snowden@act.gov.au>

**Cc:**"Alrifai, Amne" <Amne.Alrifai@act.gov.au>;"Warre, Tanja" <Tanja.Warre@act.gov.au>;"McPherson, Alex" <Alex.McPherson@act.gov.au>

**Subject:**Response to Fare - 10 May 2019 [SEC=UNCLASSIFIED]

**Attachments:**Response to Fare - 10 May 2019.docx

David please find amended response for your consideration

Ta,  
Chantel

# Sch 1 1.14

Sch 1 1.14

Sch 1 1.14



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Mr Michael Thorn  
Chief Executive, FARE  
PO Box 19 Deakin West ACT 2600  
(Email to: [jenny.goodare@fare.org.au](mailto:jenny.goodare@fare.org.au))

Dear Mr Thorn

## **Liquor complaints**

Thank you for your letter, dated 24 April 2019, regarding the status of liquor complaints and enquiring about the review of the *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)* (the Promotion Guidelines). I apologise for the delay in providing this response.

### **Slim Chillers**

In January 2019, Access Canberra Inspectors investigated the sale of “Slim Chillers Vodka Martinis” icy poles in the ACT. Costco Wholesale Warehouse in the ACT had received one batch of stock which had already been sold. Costco does not currently have these products in stock however inquiries suggest they will be restocked in Spring of 2019. Ahead of this anticipated reorder Access Canberra is considering if these products should be prohibited for being likely to have a special appeal to children or confused with confectionary or a non-alcoholic drink. Access Canberra has made inquiries of other jurisdictions to assist in our deliberations. We will be in touch once we have reached a decision.

### **Liquor promotions**

Access Canberra engaged with the licensee of Kokomo’s to ensure that their liquor promotions aligned with the Promotion Guidelines. No issues were identified with this licensee regarding liquor promotions on routine inspections. As previously advised, it is my view that the Lazy Su promotions in question do not contravene the Act or the Promotion Guidelines and I confirm no further action will be taken in relation to this complaint.

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The review of the Promotion Guidelines is underway and is an important component of Access Canberra’s work in maintaining the currency of our harm reduction approach. The timing has been extended to allow for engagement with stakeholders. As one of our key stakeholders, you will be contacted as part of that consultation.

Thank you for bringing these matters to my attention.

Yours sincerely

David Snowden  
Commissioner for Fair Trading  
Access Canberra  
May 2019