

Review of Alcohol Delivery Reforms – Stage 1

Discussion Paper, July 2022

Table of contents

Background	2
About the review	4
How to give feedback	5
Stage 1 questions for stakeholder comment	6
Next steps	7
Appendix	8

Background

The NSW Government is reviewing the alcohol delivery reforms which were introduced in November 2020 through Schedule 3 of the *Liquor Amendment (Night-time Economy) Act 2020*. The reforms took effect from July 2021 and aim to better regulate alcohol delivery services and address the heightened risk of minors or intoxicated people accessing alcohol through delivery services.

The reforms specify that for all liquor deliveries:

- ▲ Liquor must not be delivered to a minor.
 - It is now an offence for a licensee or any person delivering packaged alcohol on behalf of a licensee or other business to make a delivery to a minor.
 - This offence has a maximum penalty of \$11,000 or 12-months imprisonment (or both).
- ▲ Liquor must not be delivered to an intoxicated person.
 - It is now an offence to deliver packaged alcohol to an intoxicated person, where it has been sold by retail and is being delivered within NSW as part of a commercial arrangement.
 - This offence has a maximum penalty of \$11,000.

Due to the increased risks associated with same day delivery, the alcohol delivery reforms brought in the following additional laws that apply only for same day alcohol deliveries:

- ▲ Age must be verified upon delivery if the recipient looks under 25.
- ▲ Only the adult named on the order is able to accept the delivery and identity must be verified.
- ▲ Licensees and other providers are unable to impose financial penalties on same day delivery drivers for refusing delivery to an intoxicated person, or when the recipient's age or identity cannot be verified.
- ▲ The Responsible Supply of Alcohol Training (RSAT) course is mandatory for all same day alcohol delivery drivers from 1 December 2021.
- ▲ Delivery providers must provide an online method for customers to self-exclude.
- ▲ Same day alcohol cannot be delivered before 9am on any day, after midnight from Monday to Saturday or after 11pm on Sunday.
- ▲ Same day alcohol cannot be delivered to public areas where alcohol cannot be consumed.
- ▲ Same day delivery providers are required to record and report on same day alcohol sales and any deliveries that are refused.
- ▲ From 1 June 2022 all same day delivery providers are required to verify age online at the point of sale under the *Liquor Act 2007*. Providers have been provided with a transition period and have until 1 September 2022 to fully comply. Providers have been provided three options to verify age online:
 - Option 1: Age verification using the Trusted Digital Identity Framework
 - Option 2: Use of an alternative artificial intelligence system (temporary option, initially available until 31 May 2023)

- Option 3: Requiring the purchaser to make a statement confirming they will provide ID for age verification purposes upon delivery (temporary option, initially available until 31 May 2023).

Further information about the laws is available at:

<https://www.liquorandgaming.nsw.gov.au/resources/alcohol-delivery-laws>.

About the review

Liquor & Gaming NSW (L&GNSW) is reviewing the alcohol delivery reforms in two stages.

The first stage, which is currently open for consultation, will focus on the respective requirements to provide evidence of age and identity for same day deliveries and other liquor deliveries, and the Responsible Supply of Alcohol Training (RSAT) course.

The second stage, which will open for consultation from July 2023, will focus on whether the reforms are addressing the policy objectives, any relevant emerging trends and technology, and whether additional harm-minimisation strategies are required.

More information about the review can be found in the review plan available at:

<https://www.haveyoursay.nsw.gov.au/78717/widgets/376734/documents/238223>

How to give feedback

L&GNSW is seeking feedback from 18 July until 12 August 2022.

You may be interested in sharing your views if you are:

- ▲ a liquor licensee, operator, or industry representative
- ▲ an alcohol delivery provider or delivery driver
- ▲ a government or non-government body with an interest in the reforms
- ▲ a community group or member of the public with an interest in providing feedback.

If you need to access a translating and interpreting service, please telephone 1300 651 500 or visit the Language Services page of the Multicultural NSW website:

<https://multicultural.nsw.gov.au/services/>

Written submissions

You can upload your submission to the Have Your Say NSW Government consultation page.

Your submission will be published on the Have Your Say and L&GNSW websites after the closing date unless you request otherwise. When lodging your submission, you can request that all or part of your submission remain confidential. You should give a reason for requesting confidentiality.

The key consultation questions are included on pages 6 to 7 of this discussion paper to help you prepare your submission. These are the areas the review will focus on. You can choose to answer the consultation questions or use them to guide your written submission.

Interviews

L&GNSW will conduct interviews with key industry, government and non-government stakeholders. L&GNSW will be contact these stakeholder representatives directly. Any other stakeholders that would like to be interviewed can contact

evaluation@liquorandgaming.nsw.gov.au to request an interview.

There will be further opportunities to provide feedback in stage two of the review.

Stage 1 questions for stakeholder comment

You are invited to give feedback to L&GNSW in response to any or all of the questions listed below or on any other issues you consider relevant to the first stage of the review.

Awareness of requirements

- ▲ To what extent has the strategy for communicating the alcohol delivery reforms by L&GNSW been effective?
- ▲ To what extent are stakeholders aware of the age and identity verification requirements for liquor deliveries?
- ▲ What factors, if any, have affected stakeholder awareness of the respective age and identity verification requirements for same day and non-same day liquor deliveries?

Compliance with requirements

- ▲ To what extent have liquor providers complied with the requirements banning delivery of alcohol to minors or intoxicated people? Are there any barriers to compliance, and if so, what are they?
- ▲ To what extent have liquor providers complied with the requirement to provide evidence of age and identity for same day alcohol deliveries? Are there any barriers to compliance, and if so, what are they?
- ▲ Should the definition of “evidence of age document” (see Appendix) or other relevant regulations be amended so delivery people can accept additional digital forms of ID to verify age and identity? If so, what relevant emerging technologies or additional documents should be considered?
- ▲ To what extent are liquor providers prepared to comply with online age verification requirements on 1 September 2022? Are there concerns about the current online age verification requirements? If yes, please explain.

Proof of age requirements for non-same day deliveries

- ▲ What harms, if any, have been associated with provision of alcohol to minors during liquor deliveries that are not same day deliveries?
- ▲ Is there a risk of harm to minors for liquor deliveries that are not same day deliveries?
- ▲ Should additional requirements to provide evidence of age be included for non-same day deliveries?
- ▲ If additional proof of age requirements were to be required for liquor deliveries that are not same day deliveries, what requirements would be appropriate?

Responsible Supply of Alcohol Training (RSAT)

- ▲ To what extent has the strategy for promoting the RSAT course by L&GNSW been effective?
- ▲ To what extent are delivery staff aware of the requirement to complete the RSAT course in order to undertake same day alcohol deliveries?

- ▲ To what extent are stakeholders satisfied with the RSAT course and the requirement to complete the training?

Next steps

L&GNSW will consider stakeholder feedback received in response to this discussion paper. It will use this feedback, along with other relevant information and data, to inform the findings and recommendations of the review.

Appendix

Under section 4 of the *Liquor Act 2007* "**evidence of age document**" for a person means any of the following documents that bears a photograph of the person and that indicates (by reference to the person's date of birth or otherwise) that the person has attained a particular age, but does not include any such document that has expired or otherwise appears not to be in force:

- (a) a motor vehicle driver or rider's [licence](#) or permit issued by Transport for NSW under the [Road Transport Act 2013](#) or by the corresponding public [authority](#) of another State or Territory or under the law of another country,
- (a1) a digital driver [licence](#) within the meaning of the [Road Transport Act 2013](#),
- (b) a Photo Card issued under the [Photo Card Act 2005](#),
- (b1) a digital Photo Card within the meaning of Part 2A of the [Photo Card Act 2005](#),
- (c) a document (referred to as **"an existing RTA proof of age card"**) issued by the Roads and Traffic [Authority](#) under [section 117EA](#) of the [Liquor Act 1982](#) and in force immediately before the repeal of that section by this Act,
- (d) a proof of age card (however described) issued by a public [authority](#) of the Commonwealth or of another State or Territory for the purpose of attesting to a person's identity and age,
- (e) an Australian or foreign passport,
- (f) any other class of document prescribed by the regulations for the purposes of this [definition](#).