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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

**Standing Committee on Legal Affairs – Report No. 4 –
Inquiry into the Liquor Amendment Bill 2025**

Government Response

**Presented by
Tara Cheyne MLA
Attorney-General
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Introduction

The ACT Government welcomes the Report of the Standing Committee on Legal Affairs *Inquiry into the Liquor Amendment Bill 2025* ('Bill').

The Committee's inquiry provides an important opportunity for the findings and recommendations in the Report on the Inquiry into the Liquor Amendment Bill 2025 to be considered alongside the views of the community, industry and other stakeholders in relation to the ACT's liquor regulatory framework. The Government notes the Committee's broad support for the proposed framework and has considered the recommendations in finalising the legislation and implementation arrangements. The evidence received through the inquiry will assist the Government to ensure the Bill continues to advance harm minimisation objectives while providing a practicable and workable framework for industry.

The ACT Government has a strong record of action to minimise the harms associated with alcohol consumption. The Government funds community programs that raise awareness of alcohol risks and promote reduced consumption, including through Healthy Canberra Grants that support education, prevention and early-intervention initiatives delivered by community. The Government is continuing to progress broader alcohol and drug harm-reduction measures, including under the *ACT Drug Strategy Action Plan 2022–2026*, which strengthens service access, improves treatment options, and addresses co-occurring issues across the community.

At the same time, the Government is committed to the responsible development of a diverse and vibrant night-time economy, including the liquor, live music, entertainment, tourism and hospitality industries.

In 2023, the Government began consultation on a same-day delivery framework following the release of a discussion paper *'Regulation of same day liquor delivery providers'*. The Government received 20 written submissions from industry organisations, community organisations and from individuals. A further 288 contributors responded to survey questions about the proposals on the ACT Government's *YourSay* website. The Government subsequently published a Listening Report in June 2024 outlining the feedback that was received. The measures included in the Bill reflect the outcomes of that consultation.

In October 2025, the ACT Attorney-General Tara Cheyne MLA introduced the Bill in the ACT Legislative Assembly. The Standing Committee on Legal Affairs (the Committee) commenced an inquiry into the Bill on 5 November 2025 and received 11 submissions, including a submission from the ACT Government.

The Committee tabled its report, which contains 13 recommendations and 1 finding, on 20 February 2026. The submissions and report are available on the ACT Legislative Assembly website.

Accordingly, as set out in the response to the Committee's recommendations, the Government intends to progress the Bill having regard to the agreed recommendations of the Committee.

ACT Government Response to Recommendations

Recommendation 1

The Committee recommends that the bill should be supported in principle by the Assembly with amendments as noted in this report. At a minimum, the bill should include the following requirements:

- Age verification and identity checking;
- Refusal of delivery to intoxicated persons and minors;
- Prohibitions on unattended same-day delivery;
- Prohibitions on deliveries to prescribed locations (including schools and playgrounds) with consideration of an exemption process by application to facilitate events;
- Mandatory training for delivery personnel to include the requirement to hold a Responsible Service of Alcohol (RSA) or Responsible Service of Alcohol Training accreditation, and training requirements to be consistent with New South Wales to facilitate cross border trading;
- Delivery service providers to maintain self-exclusion registers;
- Delivery service providers to be covered by RSA principles in establishing business and marketing; and
- Monitoring of the effectiveness of the legislation once passed and consideration of further reforms once data is available with local ACT context.

Agreed in principle

The Bill already gives effect to the substantive elements of the recommendation.

The Bill does not specifically ban same-day deliveries of liquor to schools or playgrounds. The prohibited delivery locations included in the Bill are intended to match the existing prohibitions related to alcohol-free public places in division 14.1 of the *Liquor Act 2010* ('Act'). Further policy analysis is required before adopting this proposal.

Schools and playgrounds are commonly used as community event spaces and alcohol consumption at these places is not currently banned. Therefore, there may be some incoherence in banning same-day delivery of liquor to these places with a goal of preventing children's access to liquor while acknowledging existing use of these spaces for community events which allow for alcohol consumption. The proposed framework includes a number of safeguards that mitigate the risks identified by the Committee – including identity verification, delivery refusal obligations and delivery controls which operate irrespective of location and are directly aimed at preventing supply to minors and intoxicated persons.

Additionally, the Act already allows 'permanent alcohol-free places' to be prescribed by regulation, and the *Liquor Regulation 2010* already prescribes certain parks for this purpose.

Consequently, the Government agrees in principle with the recommendation noting that further policy analysis is required to adopt it in full.

Recommendation 2

The Committee recommends that the ACT Government amend the bill to clarify that delivery companies are liable for delivery breaches, such as delivery to children or people who are intoxicated.

Noted

The Bill expressly defines 'same-day delivery provider' and 'delivery person' under section 143J.

The Bill makes both same-day delivery providers (SDD providers) and delivery persons liable for delivery breaches. The maximum penalty is generally 50 penalty units (PUs) for SDD providers and 10 PUs for delivery persons. This ensures that whatever the contractual arrangements between parties are, there are incentives for all parties to adhere to the SDD framework; with more severe penalties applying to SDD providers.

Regardless of the contractual arrangements between all the parties involved in a same-day delivery of liquor, the party/ies that meet the legislative definition of SDD provider (ie they advertise, offer or

otherwise indicate they will supply liquor or arrange for its supply by same-day delivery) and delivery person are liable for delivery breaches.

As the provisions already exist in the Bill, the Government notes the recommendation.

Recommendation 3

The Committee recommends that the ACT Government explore options for implementation of a centralised scheme for self-exclusion, either in the ACT or in collaboration with other jurisdictions.

Agreed in Principle

Whilst a centralised scheme for self-exclusion may have merit from a harm-minimisation perspective, further work would be needed to assess the legal, regulatory and privacy implications required. Consideration would also need to be given to meeting the cost of such a measure. Industry has also indicated their desire to run an industry-led exclusion scheme.

The Government agrees in principle with the recommendation.

Recommendation 4

The Committee recommends that the ACT Government amend the bill to require same-day delivery providers to provide consumers with the ability to opt out of any marketing and advertising of alcohol (not just same-day delivery).

Agreed in principle

The Government acknowledges a need to consider regulatory responses to harmful marketing and advertising of alcohol. The Government is already exploring options to address these issues for consideration for possible future legislation.

Recommendation 5

The Committee recommends that the ACT Government amend the bill to make harm minimisation the paramount objective of the *Liquor Act 2010*.

Not agreed

The Government notes that harm minimisation is already an important objective reflected in the current objects of the Act, as well as the harm minimisation measures proposed in the Bill.

Giving harm minimisation greater weight than other objects under the Act—including to facilitate responsible development of the liquor industry, the ACT's night-time economy and related industries such as live music, entertainment, tourism and hospitality—is likely to introduce regulatory uncertainty. The Act aims to achieve a balanced and proportionate approach to regulation that seeks to reduce alcohol-related harm while also facilitating responsible development of the liquor, hospitality and related industries and night-time economy. The existing objects of the Act already extensively incorporate harm minimisation and community safety. Further, a decision-maker under the Act already must have regard to extensive harm minimisation and community safety principles.

The Government regards the existing objectives of the Act as appropriate and does not agree to this recommendation.

Recommendation 6

The Committee recommends that the ACT Government amend the bill to remove the exemption from the same-day delivery restrictions applying to alcohol supplied with meals.

Agreed

The Government recognises that the Bill proposes a meal exemption that the majority of stakeholders regard as requiring further consideration. The Bill provides for an exemption to recognise that supply of alcohol may need to accompany a meal in circumstances where compliance with the general requirement for a delayed delivery would impose a disproportionate burden in terms of convenience to the consumer.

The Bill proposed a meal exemption modelled on existing exemptions for supply of alcohol in hampers, however, the Government acknowledges that a different approach is required.

Consequently, the Government agrees with this recommendation and does not intend to proceed with the meal exemption proposed by the Bill at this stage.

Recommendation 7

The Committee recommends that the ACT Government work with industry to develop public education materials about responsible alcohol consumption and delivery laws in plain English, Easy Read format, and community languages, based on:

- the number of people in the community who speak that language (and do not speak English well); and
- the prevalence of alcohol abuse within those language groups.

Agreed in principle

The Government agrees in principle with the recommendation and supports the intent of improving public awareness of responsible alcohol consumption and delivery laws, particularly through accessible and culturally appropriate measures. Implementation of the Bill will include development of guidance materials outlining the new same-day delivery framework for the community consistent with existing practices adopted by Access Canberra for new or changed regulatory schemes. The Government will consider the specific suggestions of the committee when undertaking public awareness activities.

Recommendation 8

The Committee recommends that the ACT Government remove the requirement to report incidents to the Commissioner for Fair Trading within 24 hours and undertake further consultation with industry to determine a reasonable reporting timeframe.

Agreed in principle

The Government notes that the requirement to report incidents to the Commissioner for Fair Trading within 24 hours aligns with existing requirements in the Act, including sections 131 and 132, that reflect the seriousness of such incidents. Incident reporting is intended to allow the Commissioner for Fair Trading to respond in a timely manner to potential regulatory non-compliance, and to assess whether there are ongoing or systemic issues that require a specific regulatory response to ensure compliance with liquor laws and regulations, and community safety.

However, the Government acknowledges that there may be workforce differences relevant to alcohol delivery such that a same-day delivery provider may require a modest amount of additional time to report an incident. Unlike existing circumstances requiring incident reporting, in the same-day delivery context a delivery driver may not be immediately available to a same-day delivery provider for the purpose of clarifying or obtaining more information prior to making an incident report. The Government is open to further industry consultation to arrive at a suitable reporting timeframe.

The Government nonetheless regards it as necessary that the Bill provide a default timeframe to ensure the reporting requirement is operationalised. The Bill will provide that incidents to the Commissioner for Fair Trading must be reported within a timeframe prescribed by Regulation. The Regulation will prescribe a timeframe of 72 hours.

Recommendation 9

The Committee recommends that the ACT Government put in place mechanisms to require retailers to collect and provide data to Government on the distribution of alcohol deliveries, to inform future consideration of liquor controls.

Noted

The Government notes that the Bill includes proposed section 143ZB, which requires same-day delivery providers to keep records of supply of liquor by same-day delivery. The Bill requires that these providers record:

- the name of the same-day delivery provider;
- the name of the person who sold the liquor;
- if the liquor was sold—
 - by a licensee in the ACT—the unique identifying number for the licence; or

- by a person in a State or another Territory—the number of any licence (however described) under the law of the State or Territory that authorises the person to sell the liquor;
- the day and time when the delivery order was made;
- the day and time when, at the place of delivery under the delivery order, the liquor was supplied or refused to be supplied;
- the name and volume of the liquor supplied or refused to be supplied;
- the name of—
 - the customer of the delivery order; and
 - any other person specified in the delivery order as the person to whom the liquor will be delivered; and
- the delivery address under the delivery order;
- whether the delivery person also delivered a meal;
- if the liquor was refused to be supplied—
 - the reason given by the delivery person to the same-day delivery provider for the refusal; and
 - the name of the delivery person.

These record keeping requirements are primarily intended to enable regulatory oversight. However, this information may also provide a substantial picture of distribution of liquor deliveries to inform future consideration of liquor regulation.

Recommendation 10

The Committee recommends the ACT Government introduce further legislative reforms to provide the ability for consumers to opt out of any marketing and advertising of alcohol (not just same-day delivery).

Agreed in principle

As noted in response to recommendation 4, the Government acknowledges that there is need to consider regulatory responses to address harmful marketing and advertising of alcohol.

The Government is already exploring options to address these issues for consideration for possible future legislation.

Recommendation 11

The Committee recommends that the ACT Government explore options to prohibit predatory marketing practices, including bans on using data to target marketing of alcohol, restrict 'buy now' buttons, and require online advertising to display prescribed health warnings.

Agreed in principle

As noted in response to recommendation 4, the Government acknowledges that there is need to consider regulatory responses to address harmful marketing and advertising of alcohol.

The Government is already exploring options to address these issues for consideration for possible future legislation.

Recommendation 12

The Committee recommends that the ACT Government explore the issues raised in evidence regarding a separate, specific liquor licence category for online sales and delivery.

Noted

Under the Liquor Act, a liquor licence typically authorises the licensee to sell liquor at a single licensed premises. Retailers that sell liquor from multiple premises must nonetheless hold a licence for each premises. Coherently applying this licensing model to introduce a licence class specific to online sales and delivery poses a range of challenges. Existing retailers who sell liquor online must nonetheless hold a licence authorising off premises consumption of liquor and attribute online sales to a physical premises. Delivery of alcohol in these circumstances may be undertaken through differing arrangements such as directly by the licensee or through the use of a third-party delivery agent that does not themselves hold a liquor licence.

While liquor sales must be attributed to an existing liquor licensee, the Bill seeks to regulate the conduct of same-day delivery of liquor sales, orders and deliveries. In effect, the Bill applies regulatory requirements to all parties, regardless of their role in the supply chain.

Recommendation 13

The Committee recommends that the ACT Government introduce amendments to section 229 of the *Liquor Act 2010* to:

- establish a risk factor for online sales and delivery to accurately reflect the increased risk of harms; and
- incorporate a risk factor for supply density (as equivalent for outlet density) for online sales and delivery of alcohol in a geographic area, to be developed, implemented and evaluated in consultation with alcohol policy experts.

Agreed in principle

The Government agrees in principle that online sales and delivery of liquor present distinct risks that warrant specific regulatory consideration, and that risk factors associated with this activity should be appropriately reflected in the licensing framework.

While the Government supports the intent of Recommendation 13, it notes that section 229 of the Act, which provides the regulation-making power, is not be the most appropriate mechanism through which to achieve this outcome.

While further work is warranted, the intent of Recommendation could be better achieved through other provisions such as:

- section 78 suitability information about a premises when considering an application for a liquor licence where the proposed licensee intends to offer online sales and delivery
- section 277 – determination of fees, consistent with the existing risk-based fees structure
- section 223 –liquor guidelines made by the Commissioner to have regard harm risks specific to online sales and delivery.

The Government agrees in principle with this recommendation but considers that further policy analysis and consultation is necessary to determine whether and how to achieve this objective.

Conclusion

The Government considers that the Bill strikes an appropriate balance between reducing alcohol-related harm and supporting a safe and well-regulated liquor industry.

The Government welcomes the Committee's support for the Bill and will continue to work with industry, community organisations and other stakeholders to implement the reforms in an effective and proportionate manner.