



Submission cover sheet

Inquiry into the Liquor Amendment Bill 2025

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Submitter: Uber Eats

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Standing Committee on Legal Affairs
ACT Legislative Assembly
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Dear Committee Members

Subject: Inquiry into the Liquor Amendment Bill 2025

Uber Eats welcomes the opportunity to provide a submission to the Inquiry into the Liquor Amendment Bill 2025 (the Bill). We are committed to working with the Australian Capital Territory (ACT) Government to ensure a safe and responsible environment for the sale and supply of liquor, while also fostering a vibrant and economically sustainable industry.

Uber Eats launched marketplace alcohol deliveries through the Uber Eats app in the ACT in July 2023. We now support scores of local businesses and make thousands of deliveries to Canberrans every month. For many Australians, the responsible consumption of alcoholic beverages play an important role in social and cultural life, marking special occasions such as birthdays, weddings and holiday celebrations. In recent years, the ACT has grown its national and global reputation as a leading food and wine destination, supported by a number of prominent local wineries, breweries and distilleries. Uber Eats is proud of the role it plays supporting local businesses and providing a convenient delivery option for responsible Canberrans. However we appreciate the need, and the ACT Government's appropriate concern, to minimise harm and restrict access to at-risk drinkers.

Uber Eats wants to work with the ACT Government to reduce harm and support at-risk drinkers

Uber Eats believes new technology provides an opportunity to improve alcohol safety and better target at-risk drinkers. We have adopted and built on many of the existing best-practices within the sector as well as using technology to innovate and improve safety in ways that cannot be replicated by brick and mortar venues. They include:



- **Drinkwise Data Monitoring Program:** Uber Eats has partnered with Drinkwise to develop a program analysing individual alcohol purchase patterns over time; sending targeted education and even temporarily or permanently restricting access to at-risk users.
- **Auditable sobriety and ID checks:** Completing a sobriety and ID check is a compulsory step in the Uber Driver App as part of every alcohol delivery. This data allows us to confirm delivery people are refusing service, monitor and potentially restrict access to certain users. As this is completed for every delivery, we also have an auditable trail of data.
- **Self exclusion and third-party exclusion:** Consumers are able to self-exclude from alcohol purchases, or third parties such as loved ones and/or licensees can also request exclusion. Our 24/7 Safety Support team will review and take appropriate action.
- **Delivery people criteria and education:** Delivery people must meet eligibility criteria (e.g. complete an amount of trips) to receive alcohol delivery requests. They also must complete a compulsory education module, including information identifying signs of intoxication and refusing service, and pass an assessment with a 100% pass rate.
- **Weekly mystery shopping:** Third party mystery shopping ensures our safety measures are effective and delivery people are meeting their compliance obligations. From 01/01/2024-31/12/2024, delivery people in the ACT requested ID on 99.4% of deliveries. From 01/01/2025-31/10/2025, delivery people in the ACT requested ID on 100% of deliveries.

Retail Drinks Australia's [Code of Conduct](#), of which Uber Eats, Doordash, and many online alcohol retailers are signatories to, outlines the safety measures required. Many of these safety measures go beyond regulatory requirements.

This Bill does not effectively target at-risk drinkers and perpetrators of domestic violence, potentially creating more harm and unintended consequences

We appreciate the ACT Government's concern regarding at-risk drinkers and we are aligned that their access to alcohol should be restricted. However, we believe our existing measures of the Drinkwise Data Monitoring Program and third party-exclusion are more targeted and effective than the provisions outlined in the Bill.

The 2 hour delay proposal is particularly concerning as it lacks any evidence, and it could lead to serious unintended consequences in the ACT including:

- **Drink Driving:** A 2-hour delay may prompt already-intoxicated consumers to drive to purchase alcohol, with studies showing many would seek other means, raising concern given that drink driving accounts for about 30% of fatal crashes in Australia.
- **Increased Consumption:** A 2-hour delay may cause consumers to buy alcohol in larger quantities to avoid running out, potentially increasing consumption.
- **Black Market Activity:** The inconvenience of a delay could push consumers toward unsafe black-market alcohol sources.



- **Unintended Consumption Patterns:** Because most online alcohol orders occur at dinner time and two-thirds of consumers eat while drinking, a 2-hour delay could shift drinking later into the evening without food, posing potential health risks.

The 2 hour delay will mostly inconvenience everyday Canberrans who are drinking responsibly and supporting their local small businesses. It is not targeted at the specific behaviours it is intended to address, such as domestic violence and risky alcohol consumption patterns.

The current Bill includes numerous unpractical new provisions, that would make it hard for Uber Eats to continue operations

In addition to our concerns regarding the efficacy of some of the provisions, they are complex, onerous and some would be impossible to comply with. For example, the requirements under 143Z state that reporting must occur within 24 hours of an incident 'happening' despite the fact Uber Eats may not know about it for 24 hours. In addition, under 143Q we would be required to block deliveries to an excluded person when they are not the purchaser; for example an employer sending their employee a bottle of wine for Christmas. This would be impossible to implement while protecting the excluded individual's privacy. Please see below for our detailed feedback on select sections of the Bill.

Other provisions would require Uber Eats to make prohibitively expensive investments in technical changes and increased ongoing operational costs, e.g. 30E the 2-hour delay exemption. At the same time, the proposed delivery delay and other measures in the Bill are likely to reduce demand for our alcohol delivery services to the extent that we will not be able to justify the investment required to continue offering our services in the ACT.

Uber Eats raised concerns regarding the Bill's onerous, and we would argue ineffective, provisions in our September Submission to the Justice and Community Safety Directorate and in a follow up meeting with departmental staff on 2 October. We were disappointed to see very little difference between the Draft Bill and the Bill introduced to Parliament.

Ceasing operations would reduce economic opportunities for ACT small businesses and delivery people, and penalise the working families using our service responsibly

Uber Eats currently facilitates thousands of deliveries a month in the ACT supporting scores of small businesses and their staff. Some of these businesses may not have the operational capacity to stand up their own delivery service, putting them at a disadvantage competing in the online delivery market without the offerings of platforms like Uber Eats. Accessing the Uber Eats platform enables them to connect with a wider variety of users and create additional revenue streams for their business. Furthermore, same-day alcohol delivery provides earning opportunities for delivery partners. We help people who could be studying or between jobs access the flexible earnings platform work provides.



Finally, the vast majority of people in the ACT who consume alcohol are doing so responsibly and use same-day delivery for the convenience it provides. Uber Eats commissioned IPSOS to research online alcohol delivery earlier this year (see attachment A). It found that the majority of Australians, 63%, purchase alcohol in the early evening; this is consistent with Uber data where 5-7pm is peak ordering time. 81% of recent users purchase wine and beer with 62% saying they drink some of their order on the day of delivery; only a minority drinking the entire order on the day of delivery. Finally, the majority of users, 67%, state that they eat while consuming their delivered alcohol.

We have provided detailed feedback below on the specific sections of the bill that are most concerning to us, and recommendations for your consideration. We strongly recommend further consultation with industry on the Bill and would be pleased to meet with you to discuss in more detail. We look forward to working constructively towards a solution that benefits all stakeholders in the ACT.

Sincerely,

Rachel Williams
Head of Regulated Goods - Grocery & Retail
Uber Eats Australia & New Zealand



Feedback on Select Sections of the Bill

143K Same-day delivery provider must give notice of who sells liquor supplied by same-day delivery

The introduction of this requirement will create additional administrative burden for same day delivery providers and licensees, especially the requirement to give notice of the specific seller. For marketplaces like Uber Eats with many sellers, this increases administrative work without any clear benefit for the government.

We propose that a simple, one-off notification of a business's intention to provide same day delivery services would suffice, without requiring ongoing notifications with respect to every new seller brought on the marketplace. We would also be happy for the Commissioner to request records as needed from Uber Eats, showing which licensees we partner with on our marketplace.

Recommendation: Require a one-off notification that a business intends to offer same-day alcohol delivery services in the ACT, but do not require ongoing notification with respect to every licensee on a same-day delivery provider's platform.

143M Daily liquor limit for same-day delivery

We believe daily quantity limits are a blunt, non-targeted and ineffective measure to reduce alcohol harm. Limits are likely to reduce the economic viability of ACT as a market for alcohol deliveries and penalise responsible consumers, while failing to achieve any meaningful impact on harm reduction.

Limits will discourage purchases from responsible consumers who have genuine reasons to purchase larger quantities, such as hosting a social gathering with many people or to take advantage of a promotion on a favourite drink. The majority of consumers are not drinking all the alcohol they purchase online on the same day that it is delivered. Uber Eats commissioned independent research through IPSOS in 2025 into online delivery of alcohol (see attachment A). This research found that most (62%) of recent users drink some of their order on the day of delivery, 20% consume most of it, and only 6% drink the entire order on the delivery day.

Additionally, consumers will be able to easily circumvent daily quantity limits, by purchasing from multiple different online retailers, or even across online and traditional, bricks and mortar stores. We suspect that at-risk consumers are also the consumers with the most motivation to circumvent these daily limits. Limits do not apply today in bricks and mortar bottle shops, and as such, this measure effectively does nothing to limit a consumer's access to large quantities of alcohol.

As discussed above, Uber Eats has partnered with Drinkwise to develop a program analysing individual alcohol purchase patterns over time; sending targeted education and even temporarily or permanently restricting access to at-risk users. This aligns with our obligations under the RDA



Code to monitor for high-risk transactions or ordering patterns. Combined with our self-exclusion and third party exclusion offerings, we feel strongly that this approach is significantly more robust than blunt quantity limits applied selectively to same-day deliveries only.

Recommendation: Remove the daily liquor limit from the Bill. To more effectively target at-risk drinkers, consider adding a requirement that same-day delivery providers offer the ability for members of the public to submit third party exclusion requests for review.

143N Same-day delivery of liquor must be delayed

Delivery delays, particularly the proposed 2-hour delay, lack evidence in terms of its efficacy in reducing family and domestic violence, and present a concerning number of unintended negative safety consequences for both the Government and the community. These include:

- **Drink Driving:** A 2-hour delay may encourage consumers who are already over the legal limit to get in their cars and drive to purchase alcohol. A recent Retail Drinks Australia study found that 91% of respondents would obtain alcohol by other means if a 2-hour delay was introduced. This is concerning as drink driving remains a major contributing factor to road fatalities, responsible for approximately 30% of fatal crashes nationwide. In a survey of over 500 Uber users taken earlier this year, 81% say Alcohol delivery from Uber Eats gives people an alternative to drunk driving.
- **Increased Consumption:** Consumers may purchase larger quantities of alcohol to avoid running out, which could lead to increased consumption.
- **Black Market Activity:** The inconvenience of the delay could encourage black market operations that do not have any safety measures in place.
- **Unintended Consumption Patterns:** Most online alcohol orders on Uber Eats occur between 5-7 PM, coinciding with dinner time, and research shows that 67% of consumers eat while consuming their delivered alcohol. A 2-hour delay could change this behavior, encouraging people to drink later into the evening without food, which has potential health impacts.

The introduction of a delay creates further complexity for businesses while reducing consumer demand for their services. A delay of any kind creates complexity, as businesses have to think carefully about timing their deliveries, and likely build in additional time to their processes to create a 'buffer' and avoid fines. For businesses that primarily offer on-demand delivery, such as Uber Eats, we are concerned that the reduction in consumer demand will make operating in ACT untenable. This is even more likely when we consider the combined implications of this requirement with section 143O, limiting the times of day for delivery. In order to comply with these sections, it's possible that our business may have to cut offer orders much earlier in the evening, significantly reducing demand for our offerings. Should on-demand delivery offerings disappear completely for consumers, the unintended consequences outlined above, such as drink driving and black market offerings, may only be more severe.



We also noted the inclusion of penalties for delivery people when there is a breach of the required delay, and consider this to be unfair. On Uber Eats, the delivery person is not made aware of the time the customer placed an order. We believe this is similar for other business models, and it would be very uncommon for the delivery person to have access to this information, limiting their ability to ensure compliance with a delay.

A 2-hour delay is an untargeted measure, impacting the broader population who are drinking responsibly while not addressing those most vulnerable. Technology presents an opportunity to more effectively target at risk drinkers, such as our Data Monitoring Program developed with Drinkwise and self-exclusion/third party-exclusion options.

Recommendation: Remove the delivery delay from the Bill. To more effectively target at-risk drinkers, consider adding a requirement that same-day delivery providers offer the ability for members of the public to submit third party exclusion requests for review.

143O Permitted times for same-day delivery of liquor

Uber Eats currently allows alcohol orders to be placed for delivery between 9:00AM - 10:00PM on Monday - Saturday, and 9:00AM - 9:00PM on Sunday. This enables all deliveries to be completed before 11:00PM (or 10:00PM on Sundays).

We urge the government to keep hours for delivery in line with the types of hours traditional, bricks and mortar bottle shops operate within in ACT. Cutting off the ability to purchase alcohol for on-demand delivery too early in the day could have a number of unintended adverse impacts, such as increasing drink driving when the services are not available. In practice, by aligning hours for delivery to the hours of the licensee, online sales will close earlier, to allow time for the delivery to take place (especially when the deliveries are packed and shipped from stores).

Recommendation: Align hours for delivery with the hours for bricks and mortar bottle shops.

143Q Self-exclusion from same-day delivery of liquor

Uber Eats is extremely supportive of self-exclusion measures. We have offered both self exclusion and third party exclusion since launching our alcohol delivery services in ACT, and we are pleased to see the inclusion of self-exclusion in the Bill.

That being said, we do have concerns about the inclusion of language that requires same day delivery providers to prevent the delivery of alcohol to a nominated person, who is not the same person as the purchaser. In these cases, we believe there could be serious privacy implications for individuals who have voluntarily self-excluded from liquor delivery. These individuals may not want the purchaser to know that they have been excluded from alcohol purchases. For example, the



purchaser could be an employer sending their team members a gift, or arranging a delivery to an office and nominating an employee present at the office as the recipient.

As a business, it is challenging to understand how we can implement this while protecting the individual's privacy. We cannot process the sale from the purchaser - and while we cannot tell the purchaser why their purchases are being blocked or refunded, it will be easily inferred by that purchaser that their nominated recipient has been excluded from alcohol purchases.

These requirements are clearly well intentioned, but we urge the government to consider the unintended consequences for individual privacy. We consider that the occurrence of these cases is likely to be infrequent, and therefore the risks may be more appropriately managed by the individual.

Recommendation: Remove the requirement to block deliveries to an excluded person when they are not the purchaser, to protect user privacy. The bill should focus on preventing the purchase of alcohol by excluded users. To strengthen the exclusion requirements and more effectively target at-risk drinkers, consider adding a requirement that same-day delivery providers offer the ability for members of the public to submit third party exclusion requests for review.

143T Same-day delivery provider must verify customer age

Section 143T sets out an offence if a same-day delivery provider "has not verified the customer's age in a way that complies with any requirements prescribed by regulation." It is unclear what 'any requirements prescribed by regulation' will be in practice however Uber Eats recommends an outcomes-based approach to regulation rather than specific requirements.

Uber Eats strongly opposes the introduction of a requirement which would give the regulator broad power to determine how a customer's age should be verified. No such similar requirements exist for bricks and mortar establishments, nor for non-same-day delivery. It is unclear why this is required for same-day delivery, but not for these other methods of purchase.

We consider this unequal treatment for on-demand delivery to further be confusing given the results that we have been able to achieve in the ACT. Uber Eats requires an ID check on all deliveries. As noted earlier in our letter, we also conduct weekly mystery shopping using a third party, with results that demonstrate that routine ID checks are occurring on our deliveries. From 01/01/2024-31/12/2024, delivery people in the ACT requested ID on 99.4% of deliveries. From 01/01/2025-31/10/2025, delivery people in the ACT requested ID on 100% of deliveries.

We are concerned that strict requirements around how age is verified may increase costs and complexity, while stifling the ability of industry to innovate and adopt new technologies that best suit their business.



The bill should instead look to achieve consistency with the requirements of other states, such as NSW, where the delivery to a minor is an offence, and a defence is available to a person who has checked an identification document and believed it to be valid. The availability of this defence further encourages same day delivery providers and delivery people to diligently check IDs on deliveries.

Recommendation: Remove the requirement to verify age in a way prescribed by regulation. Include a defence to a delivery to a minor where a person has checked an identification document and reasonably believed it to be valid. Ensure that delivery people are provided with adequate education materials on verifying age.

143Z Same-day delivery provider must report incidents

The requirements under 143Z create significant concerns for our business. In particular, we are concerned about

- The types of incidents that must be reported and the way they are described in the Act,
- The time frame for reporting (24 hours), and
- The tying of the timeframe to when the incident “happened”.

With respect to the types of incidents, we note the potential broad interpretation of ‘*abusive, threatening or intimidating behaviour*’ creating ambiguity for operators about which incidents to report. Point-to-point transport notifiable occurrence regimes across Australia provide some useful learnings here as they generally apply a severity or relevance threshold. For example:

- Reg 106(1) in WA requires reporting ‘if it is alleged that a driver of the vehicle has engaged in conduct (whether by act or omission) that a reasonable person would consider would affect the driver’s suitability to drive an on-demand vehicle’ rather than ‘dangerous or abusive conduct’
- Reg 7(1) in VIC requires reporting (a) an incident resulting in the death of or serious injury to any person; or (b) an incident resulting in attendance by a police officer or health professional, rather than ‘conduct that could cause an injury’.

Furthermore we note most Australian point-to-point transport regulation requires reporting as soon as practicable after the operator or driver becomes aware of the notifiable occurrence as opposed to within 24 hours of the incident occurring. Even the ACT’s Public Passenger Services regulation requires a complete report ‘as soon as practicable (but within 5 days) after the day of a notifiable accident’.

This provision also requires businesses to report when ‘*an incident occurs involving a person refusing to show a delivery person an identification document at the place of delivery under a delivery order.*’ This requirement is covering a broad range of circumstances and will lead to over reporting of inconsequential incidents. A consumer refusing to provide ID is not always due to nefarious motives and may be for a range of valid reasons, such as:



- Lack of familiarity with state laws and alcohol delivery processes (especially on a first order, or an order from a tourist),
- A belief amongst elderly consumers that requirements to provide ID are not likely to apply to someone at their age, and
- Concerns about privacy implications if the provider is using an ID scanning service at the point of delivery.
- Consumers losing or misplacing their ID and not realising until the delivery arrives

Despite our best efforts to notify consumers of our processes and the legal requirements for alcohol deliveries, misunderstandings still occur and consumers are not always conscious of the full extent of requirements for deliveries.

With respect to the 24 hour time frame, it is unclear to us why the government needs this report with such urgency, or what it intends to do with the information, but we are certain it will create further operational complexity and increase the costs of our operations in ACT. While we currently offer 24 hour safety and support services for our delivery people; our staff with the capabilities to collate and submit reports to liquor regulators are usually only available during normal business hours (Mon-Friday, 9:00AM - 5:00PM). This 24 hour requirement will require us to make costly changes to how we staff our business.

Additionally, the Bill requires us to *'give the commissioner a written report about the incident within 24 hours after it happened.'* We believe this should rather be when the same day delivery business was notified of the incident. The staff responsible for submitting the report will not be present when the incident occurs and in many cases will rely on the delivery person or customer reporting an incident. Any delay in reporting to Uber Eats may make it impossible to comply with this requirement.

We struggle to understand why the report must be submitted so quickly, and why it would not be acceptable to broaden the timeframe, or consider defining it in business days rather than general hours, to give businesses flexibility in how they manage their teams. We appreciate that bricks and mortar establishments in ACT are currently subject to similar 24 hour reporting requirements for incidents occurring on their premises, however, we would argue that the context of a delivery is different; given that the staff who would create and submit the report are not physically present at the moment of delivery, when the incident occurs.

Recommendation:

- *Create a clearer, less subjective framework for determining which incidents should be reported.*
- *Remove the requirement to report a refusal to provide ID, to avoid over-reporting of incidents that are benign and ultimately inconsequential.*
- *Remove the requirement to report incidents within 24 of hours of when they happened, and instead require that incidents are either recorded and made available to the*



*Commissioner at request, **or** require that they are reported within 2 business days of the same day delivery provider being made aware of the incident.*

30E Exemption from delayed delivery for liquor sold with meal

We have concerns about the proposed exemption to the delay, which places quantity limits on alcohol and requires the value of the alcohol to be no more than 50% of the value of the meal. This would be prohibitively complex to implement, in addition to the confusion it would create among our customers, resulting in a poor experience. It will be challenging for our business to justify the technical investment required to build such a complex set of rules into our platform, which will ultimately serve to significantly reduce consumer demand and revenue generating opportunities for licensees on Uber Eats.

However, we also do not believe it addresses any particular policy problem. The IPSOS research (see attachment A) showed that food already plays a crucial role in online alcohol orders. 34% of recent users typically bundle alcohol orders with food. Of those who don't bundle their orders with food, 67% still eat while consuming their delivered alcohol.

Ultimately, this section is overly complex and would lead to a confusing customer experience. As a result, our business is unlikely to implement this exemption. If Uber were to continue operating in the ACT with a 2-hour delay in place, we would simply delay all orders to comply. We would not use this exemption as it is not workable for our business.

Recommendation: Remove the delivery delay and exemption from the Bill.

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