



# Submission cover sheet

## Inquiry into the Liquor Amendment Bill 2025

Submission number: 009

Submitter: Retail Drinks Australia

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**RETAIL  
DRINKS  
AUSTRALIA**



**SUBMISSION:  
LIQUOR AMENDMENT BILL 2025  
24 NOVEMBER 2025**



**ENHANCING THE FREEDOM TO RETAIL RESPONSIBLY**

24 November 2025

Standing Committee on Legal Affairs  
ACT Legislative Assembly  
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CANBERRA ACT 2601

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## **RE: INQUIRY INTO THE LIQUOR AMENDMENT BILL 2025**

Dear Committee members,

Retail Drinks Australia (**RDA**) welcomes the opportunity to provide this submission to the inquiry into the Liquor Amendment Bill 2025 (**Bill**). As the national industry body representing Australia's \$18 billion retail liquor sector, we bring unparalleled expertise in alcohol delivery policy, informed by six years of operating the national self-regulatory framework and extensive research encompassing over 10 million verified transactions.

While we commend the Australian Capital Territory (**ACT**) Government's commitment to minimising alcohol-related harm, we hold grave concerns that the Bill, in its current form, represents a significant regulatory overreach that will fail to achieve its stated objectives while simultaneously destroying a legitimate, responsible sector in the ACT.

Our position is clear and evidence-based:

The Bill contains four fundamentally flawed provisions that must be removed or substantially amended:

1. A mandatory delivery delay (two [2] hours) - unprecedented in Australian jurisdictions, unsupported by evidence, and likely to create perverse public safety outcomes.
2. Daily quantity limits (1.5 litres) - an arbitrary restriction that penalises legitimate consumer behaviour and has been rejected in all but the most remote communities in NT, WA and SA with acute social issues.
3. Restrictive delivery hours (10am-10pm) - disproportionately narrow compared to national frameworks and combined with the 2-hour delay, effectively prohibits orders after 7pm.
4. Onerous record-keeping requirements - creates substantial privacy risks, is an administrative burden, and increases compliance costs without commensurate benefit.

Conversely, we support and advocate for targeted harm-minimisation measures that are both evidence-based and operationally feasible:

- Mandatory self-exclusion and third-party review
- A government run exclusion register to ensure all excluded individuals are blocked from purchasing alcohol and do not receive alcohol advertising
- Enhanced mandatory training for delivery workers and providers
- Prohibitions on unattended same-day delivery, delivery to intoxicated persons, and delivery to prescribed public spaces (as per the Bill).

These measures align with our globally recognised [Online Alcohol Sale & Delivery Code of Conduct \(Online Code\)](#), which has achieved a 94% compliance rate across ~40,000 independent audits.

If the Bill is enacted without amendment, it will render same-day alcohol delivery commercially unviable in the ACT, denying Canberrans conveniences enjoyed by all other Australians, disadvantaging local businesses against interstate competitors, reducing employment, and potentially increasing drink-driving incidents as consumers resort to physical store visits after commencing consumption.

Our submission provides the Committee with opportunities and enhancements that incorporates interstate comparisons, considers operational impacts, and provides practical Bill amendments that would achieve the Government's harm-minimisation objectives without the collateral damage inherent in the current Bill.

If the ACT wants to be the leader in alcohol related harm minimisation the Committee should recommend the Government initiate approaches where evidence supports them and where existing frameworks are inadequate. Under the Bill, the ACT would not be leading, it would be imposing restrictions rejected by other jurisdictions after assessment, creating a regulatory framework that will fail to achieve objectives while imposing unnecessary costs.

If the ACT Government truly want to address the problem they would adopt best-practices from industry, and other jurisdictions (like NSW) and build on their frameworks to more directly target the problem. They would also enhance elements where evidence supports additional measures (e.g. exclusion registers), invest in evaluation and monitoring to build the evidence base, and introduce targeted innovative harm-minimisation measures that do not rely on blunt whole of population restrictions.

We respectfully urge the Committee to recommend substantial amendments to ensure the ACT adopts a balanced, evidence-based regulatory framework consistent with proven approaches operated by industry and are evident in other jurisdictions, particularly NSW.

By way of background and for further consideration, we attach a copy of our submission on 19 September 2025 to the Justice and Community Safety Directorate's (**JACS**) consultation on the draft Liquor (Amendment) Bill 2025. Note that the eventual Bill introduced to the Legislative Assembly by Minister Cheyne on 21 October 2025 was unchanged from the consultation draft provided to stakeholders on 08 September 2025.

A full list of proposed amendments to the Bill are available in the Appendix.

Once again, RDA appreciates the opportunity to provide a submission in response to the draft Bill. Should there be any matters raised in this submission which you wish to discuss directly, I may be contacted

Sincerely,

**Michael Waters**  
**Chief Executive Officer**

## KEY RECOMMENDATIONS

Below are those recommendations provided to JACS original consultation on the consultation draft Bill:

### DRAFT BILL AMENDMENTS:

**RECOMMENDATION 1:** Remove the proposed requirement to provide notice of who sells liquor by same day alcohol delivery to the Commissioner.

**RECOMMENDATION 2:** Remove the proposed liquor limit for same day alcohol delivery

**RECOMMENDATION 3:** Remove the proposed delay for same day alcohol delivery

**RECOMMENDATION 4:** Enable exemptions to the delivery of liquor to certain public spaces on request to the Commissioner, as per 143ZC, to allow for events or other special circumstances.

**RECOMMENDATION 5:** Provide flexibility in same day alcohol delivery certification by recognising industry and interstate training programs and granting the Commissioner powers to approve certification.

**RECOMMENDATION 6:** Remove the proposed requirement to provide written reports of all incidents within 24 hours to the Commissioner and replace with a requirement to maintain a register of all incidents which must be provided to the Commissioner upon request.

**RECOMMENDATION 7:** Remove the proposed requirement to maintain records for the supply of same day alcohol delivery.

**RECOMMENDATION 8:** Amend the proposed reporting requirements to provide for an equivalent interstate certification approved by the Commissioner.

**RECOMMENDATION 9:** Align same day alcohol delivery operating times with store opening hours as per the business licence and in all other circumstances maintain the existing hours of 7am to 11pm.

**RECOMMENDATION 10:** Remove the proposed exemption from delayed delivery for liquor sold with a meal.

**RECOMMENDATION 11:** Align the ACT same day alcohol delivery framework with the RDA Online Sale & Delivery Code of Conduct by including third-party exclusion, ban on same-day unattended delivery, and deliveries to a nominated adult.

### AMENDMENT TO PREVIOUS RECOMMENDATION:

**NEW RECOMMENDATION 12:** Introduce third-party review and an exclusion register for same-day alcohol delivery, maintained by the Commissioner, that is practical, privacy compliant, and interoperable with existing systems.

## BACKGROUND

### ABOUT RDA:

RDA is the peak national industry body representing the interests of packaged liquor retailers across all channels throughout Australia. Our membership represents most of all packaged liquor (retail) licences and encompasses:

- *Independent Retailers* operating under a known retail banner, or their own.
- *Chain Retailers*, including Coles Liquor and Endeavour Group.
- *Online Retailers*, marketplaces, and delivery partners.
- *Retail Banner Groups*, including Independent Brands Australia (Cellarbrations, The Bottle-O, IGA Liquor, Porter's Liquor), Liquor Marketing Group (Bottlemart), Independent Liquor Retailers (Local Liquor, Countrywide Liquor, etc), Liquor Legends (Liquor Legends & Urban Cellars), Independent Liquor Group (Bottler, Fleet Street, Super Cellars, etc) and Liquor Stax; and
- Small and large beverage producers, suppliers, and service providers to the retail liquor industry.

In the ACT, our membership represents most of all ACT off-licences whether directly or through their retail banner groups. It also includes almost all major retailers, online marketplaces, delivery providers, and a significant proportion of independent operators engaged in same-day alcohol delivery.

### Our expertise and credentials:

RDA's expertise in online alcohol sale and delivery policy is unmatched globally. We have developed and operated our Online Code since 2019, with current direct and indirect signatories representing ~90% of the entire online alcohol sale and delivery market in Australia. This self-regulatory framework predated all Australian government regulation and has informed legislative frameworks in multiple jurisdictions.

The Online Code's credibility rests on: (1) its strong governance; (2) an extremely high proportion of signatories across retailers, marketplaces and delivery companies; and (3) its extensive and robust monitoring through an independent mystery shop compliance audit program.

We have achieved recognition from the [International Alliance for Responsible Drinking \(IARD\)](#) as delivering global 'best practice' in online alcohol delivery governance, with our framework now informing global standards development across Europe, South America and Asia.

We've also commissioned extensive research including:

- The [Frontier Economics: Online alcohol sales and delivery in Australia report \(2023\)](#) analysed over 10 million verified transactions representing approximately 70% of the \$2.1 billion online alcohol sale and delivery market in Australia in 2022.
- The [Online Sale & Delivery of Alcohol: Consumer Survey Report \(2025\)](#) examining consumer online purchasing and consumption behaviour across 1,600 Australian households.

The insights garnered from the de-identified data provides valuable quantitative and qualitative insights on what and when individuals purchase online, why they purchase when they do, why they choose different delivery options, and their demographic profile.

### THE RDA ONLINE CODE:

The Online Code launched in 2019 following extensive consultation with industry operators across all channels and government regulators. It was developed in recognition that online alcohol delivery was

emerging rapidly, government regulation was absent or lagging, and industry had both opportunity and obligation to establish best practice.

The Online Code is principles-based. The core principles impacting same-day delivery are outlined below. Note that each of these are accompanied by multiple clauses providing specific detail on actions expected of Code signatories:

1. **Same-day unattended alcohol deliveries** - are not permitted under any circumstances.
2. **Age Verification Procedures** - Retailers and Third-Party Marketplaces must adopt adequate procedures which verify that Customers are aged over 18 and consisting of more than manual date of birth entry by the customer.
3. **Online Responsible Supply Principles Manager** - Retailers and Third-Party Marketplaces must nominate a dedicated and trained online Responsible Supply Principles Manager (Responsible Manager) with responsibility for the following Code compliance matters.
4. **Data Monitoring** - Retailers and Third-Party Marketplaces should ensure that their systems have the ability to flag potentially high-risk transactions or ordering patterns for further review and actioning.
5. **Self-exclusion** - Retailers and Third-Party Marketplaces must enable a customer to self-exclude themselves.
6. **Third-Party Review Request** - Retailers and Third-Party Marketplaces should provide the ability within their online ordering systems to enable a Third-Party to lodge a Request to review a customer. If it is deemed that further action is required, the customer is not only provided relevant educational materials but also has their account suspended or revoked.
7. **Cooling Off Period** - Any reinstatement request will be subject to a minimum 24-hour 'cooling off' period.
8. **Dry Zones** - The Code prohibits any alcohol deliveries, including hampers and gift products containing alcohol, in designated Dry Zones as prescribed in liquor regulations.
9. **Other Prescribed Zones** - In addition to prescribed dry zones, RDA may also apply additional restrictions to other areas due to the presence of significant alcohol related crisis or high-risk factors
10. **Block-out Period** - Between 12am and 6am no deliveries of alcohol may occur, and signatories must also abide by additional time periods of the relevant state and territory regulation and/or individual licence conditions.
11. **Education and Training** - All Delivery Agents must be provided with appropriate Responsible Supply Principles training, which is specifically tailored to the online delivery environment, prior to conducting any alcohol deliveries.
12. **No penalties for complying with the Code** - Delivery Agents are not financially penalised where goods have not exchanged hands.
13. **Records of Incidents** - Retailers and Third-Party Marketplaces will be required to keep a record of all non-completed deliveries due to perceived conflicts with the Responsible Supply Principles for a minimum period of 12 months from the date of any incident recorded.

As of 2025, Online Code Signatories direct and indirect represent ~90% of Australia's online alcohol delivery market by transaction volume. This coverage is extremely high for a voluntary self-regulatory scheme and demonstrates industry commitment to responsible delivery.

To date over 40,000 audits have been conducted with more than 8,000 every year across the country. This represents the largest independent compliance monitoring program for alcohol delivery globally. The audits are conducted independently where individuals place real orders across diverse operators, locations, and scenarios. Auditors test every aspect of the delivery journey from online age verification, delivery timeliness, ID checking at delivery, refusal protocols, driver behaviour, unattended delivery compliance and more. Audits are unannounced and operators are unaware of which orders are test purchases.

Importantly, failed audits trigger immediate follow-up with operators, root cause analysis, remedial action, and re-auditing. This has seen significant compliance improvements since the program began with the compliance rate as high as 94% across all audit criteria. It means that in 94% of all cases, every requirement

was met perfectly, including age verification online, ID checked at delivery, driver checked for signs of intoxication or secondary supply, customer instructions followed and more. The 6% failure rate includes any deviation from Online Code principles, even minor issues. For instance, a delivery failed compliance as the order was provided to an over 18 individual of a residence, but the specific instructions given by the purchaser were for it to be delivered to another individual in the house (as it was a gift).

Industry benchmarking shows this compliance level far exceeds many regulatory compliance frameworks.

The Online Code demonstrates that self-regulation can work when comprehensive standards are established addressing all significant risk factors, not just convenient or easy ones. Independent monitoring is robust, extensive, unannounced, and genuinely independent, consequences for non-compliance are meaningful, including remedial action requirements, and potential removal from the Online Code for persistent failures. It means that industry leadership is genuine, with major operators committed to responsible practice and willing to invest in compliance.

### **Our commitment to responsible retailing:**

RDA has a demonstrated commitment to the responsible promotion, sale and supply of alcohol. To ensure the reputation of our sector, we promote standards of operation beyond the required standards of legal compliance, and have implemented a range of voluntary promotion, product, sales and service control, as well as safety and security initiatives adopted by members and the broader industry.

We do not oppose appropriate and proportionate regulation, it is the reason we established self-regulation in online alcohol sale and delivery in lieu of any government regulation at the time. Our Online Code in fact goes beyond any regulation or legislation in the country. Industry holds itself to higher standards than Government; beyond our Online Code we also maintain the following industry responsibility initiatives:

- **Choose to DrinkWise** – RDA, in partnership with DrinkWise, has developed *Choose to DrinkWise*, an initiative, promoting responsible alcohol consumption, via consistent retail moderation messages.
- **ID25 & Don't Buy It For Them** - RDA developed these initiatives to discourage underage attempts at purchase, and to educate parents, adults and the broader community about their responsibility to not secondary supply or purchase alcohol on behalf of minors.
- **Product Ranging Guidelines** – The RDA Product Ranging Guidelines help liquor store operators make product ranging choices to minimise potential misuse and subsequent harm related to excessive alcohol consumption.
- **Safe to Serve** – Retail crime, violence and anti-social behaviour have increased in recent years, particularly in retail liquor stores. Our Safe to Serve initiative tackles retail liquor crime by creating a secure environment for employees and customers and promoting a culture of safety, respect, and responsibility.

## **THE ACT RETAIL LIQUOR SECTOR:**

The ACT's retail liquor (off-licence) sector represents a significant component of the Territory's economy, both directly and through supply chain linkages.

The sector employs several thousand ACT residents across retail operations, delivery services, warehouse and distribution functions, and administrative roles. Same-day delivery specifically employs dedicated delivery drivers (many working flexible hours, including students, retirees supplementing income, and individuals with caring responsibilities requiring flexible work), customer service staff managing online orders, technology and logistics personnel, warehouse and inventory staff supporting rapid fulfilment.

The sector generates substantial revenue, a significant proportion of which remains in the local economy through wages paid to ACT residents, rents paid to ACT property owners, purchases from local suppliers and service providers, taxation revenue to ACT Government through payroll tax, rates, and licensing fees.

The sector supports numerous other businesses including transport and logistics providers, technology providers and software developers, marketing and advertising services, professional services (legal, accounting, consulting), maintenance and facilities management.

Same-day delivery provides tangible benefits to ACT consumers, providing:

- Convenience for time-poor households
- Accessibility for individuals with mobility constraints, disabilities, or lack of transport
- Product range exceeding typical physical store offerings
- Competitive pricing through online comparison
- A safe alternative to driving to stores after consumption has commenced.

## CONSULTATION FAILURE:

While our submission to the Government's draft consultation Bill (attached) outlines our dismay at the Government's lack of genuine consultation in its drafting, the concern that remains for us and our members is that the [Explanatory Statement](#) accompanying the Bill names our businesses as being 'consulted'.

Any reasonable person would **not** consider an 11-day turnaround on a 44-page draft Bill that included multiple new elements with significant operational impacts, without any evidence base or policy justification as 'consultation'. The fact is the Government and JACS sat on the submissions to a 9-page list of 'ideas' for almost two years, only producing a listening report (a summary of submissions to those ideas) in that time, before disseminating a handful of stakeholders a draft Bill that signalled changes not previously mentioned.

To label the process as 'consultation' is simply false, and we take issue with our organisation being listed in the Explanatory Statement as a consulted party. We also strongly believe the Government breached its own stated standards for policy development and regulatory reform. The ACT Government Legislative Handbook states: *"The provision of exposure drafts should be routinely prepared for all major pieces of government reform legislation and made available for community comment and consideration in a timely manner."*

We further note the *Legislation Act 2001* requires consideration of regulatory impacts, including impacts on business, competition, and the community. It is unclear whether a robust Regulatory Impact Statement was prepared given the lack of evidence presented for key provisions.

On this basis we are very thankful this Committee saw the need for an Inquiry into the Bill, in lieu of the Government and JACS fulfilling their obligations. We therefore urge the Committee to treat this inquiry as the genuine consultation process that should have occurred during Bill development, and to make recommendations that reflect evidence, operational reality, and national consistency.

## EVIDENCE BASE

### THE ONLINE ALCOHOL SALES AND DELIVERY IN AUSTRALIA:

The July 2023 Frontier Economics report [Online alcohol sales and delivery in Australia](#) represents the most comprehensive quantitative analysis of online alcohol delivery ever conducted in Australia, and arguably globally. Its methodology and scale provide unparalleled insights into consumer behaviour. It provides:

- Analysis of over 10 million verified transactions over the 2021-2022 financial year
- Represents approximately 70% of Australia's total online alcohol delivery market
- Data was sourced from major platforms across all Australian jurisdictions
- Distinguishes between same-day delivery (including express delivery under 2 hours), next-day delivery, and longer-timeframe delivery
- Analyses delivery times, order sizes, geographic patterns, and time-based patterns (weekday vs weekend, time of day).

#### Key findings on express delivery (under 2-hours):

- Only 14% of all online alcohol sales were delivered within two hours of ordering. This immediately contradicts any suggestion that rapid delivery dominates the online market or represents typical consumer behaviour.
- Of that 14%, the vast majority occurred during predictable, non-problematic timeframes – particularly late afternoon and early evening, strongly correlating with mealtimes rather than late-night or opportunistic ordering.
- Peak ordering times for same-day delivery are between 5pm and 8pm on both weekdays and weekends. This pattern is entirely consistent with consumers ordering alcohol to accompany an evening meal or planned social gathering.
- There is no spike in same-day orders during late evening hours that would suggest use of delivery services to extend drinking sessions. Weekend patterns mirror weekday patterns, rather than showing the elevated late night ordering that would be expected if express delivery were being used problematically.

Importantly, the report explicitly tested the hypothesis that express delivery was being used to extend drinking sessions and concluded on page 5: *“The time that same day sales are delivered is concentrated in the late afternoon/early evening and varies little by day of the week. This goes against the idea that same day deliveries are used to extend drinking sessions.”*

#### Key findings on consumer behaviour:

- The median customer places only one to two orders per year via same-day delivery. This is inconsistent with problematic use patterns and instead suggests infrequent, occasion-specific purchasing.
- Order sizes for same-day delivery are typically modest - commonly a few bottles of wine, a case of beer, or spirits for a specific purpose. There is no evidence of bulk purchasing via express delivery that might suggest stockpiling or problematic consumption patterns.
- Same-day delivery usage is concentrated in metropolitan areas with established availability and infrastructure. This reflects the service model (convenience for urban consumers) rather than targeting of vulnerable populations.
- Regional areas predominantly use longer-timeframe delivery, often to access product ranges not available locally. Therefore, it addresses a legitimate consumer need.

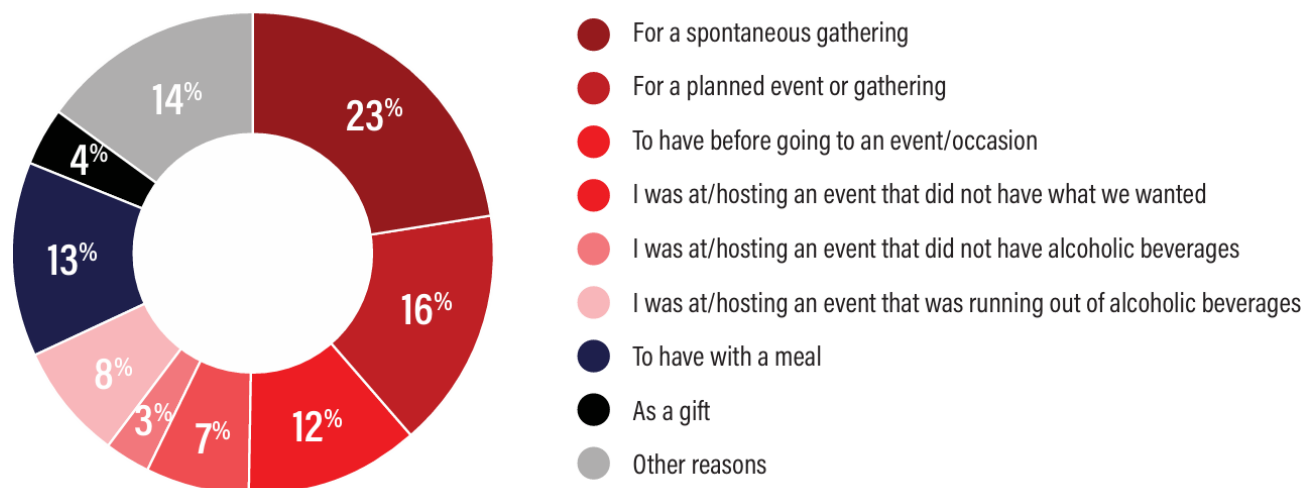
## THE ONLINE SALE & DELIVERY OF ALCOHOL: CONSUMER SURVEY REPORT:

Our July 2025 Consumer Survey Report complemented the Frontier Economics quantitative analysis with qualitative insights into consumer motivations, behaviours, and outcomes. Survey methodology involved 1,600 Australian households with detailed questioning of those who had used express alcohol delivery services, finding:

- Only 11% of households surveyed had used express delivery (under 2 hours) for alcohol in the past year. This reinforces that express delivery is not mainstream behaviour but rather a niche service used occasionally
- Of households using express delivery, the average frequency was once or twice per year, with some using it 3-4 times. Very few households were frequent users, contradicting suggestions of dependency or problematic use.

### Motivations for using express delivery:

69% of express delivery orders were for social gatherings or meals:



Only a very small minority cited reasons that might raise concerns, and even these were ambiguous. For example, the 8% that indicated using express delivery due to “*running out during an event*” could mean a responsible host ensuring adequate supply for guests because more people than anticipated attended their lunchtime BBQ, rather than problematic consumption.

### Consumption patterns after express delivery:

The critical point is not just the about the motivation for purchasing online for express delivery but what actually happened once they received the order.

- Only 31% of express delivery orders were opened within 2-3 hours of delivery. This is a crucial finding that directly contradicts the assumption underpinning the mandatory delay - that express delivery is immediately consumed to extend drinking sessions.
- 28% of orders were not opened until the following day or later, further demonstrating that speed of delivery does not correlate with immediate consumption.
- Only 24% of items delivered were finished the same day/night, with 69% finishing the following day, later that week, or another week entirely. 7% of delivered items had not been finished or even opened at the time of the survey.

Another important fact is that 63% of express delivery orders contained five items or fewer. This is inconsistent with problematic bulk purchasing and instead reflects typical dinner party or small gathering quantities. Larger orders (6 or more items) were typically associated with planned events with multiple attendees, as would be expected for responsible hosts catering for guests.

### **Behaviour if express delivery were unavailable:**

This question produced the most policy-relevant finding. When households were asked what they would do if express delivery were not available (i.e., if a mandatory delay was imposed), respondents said:

- 65% would travel to a physical bottle shop
- 16% would use a different online service (potentially interstate or unregulated)
- 10% would ask someone else to purchase alcohol for them
- Only 9% said they would simply wait longer for the delivery.

The 65% who would travel to a physical store represents a significant public safety concern. Many of these consumers would be travelling after already commencing consumption (hence the desire for quick delivery). The risk of drink-driving incidents, pedestrian accidents, or other harms associated with travel potentially exceeds any theoretical harm from rapid delivery.

### **OTHER RELEVANT AVAILABLE DATA:**

As provided in our submission to the consultation draft Bill, a number of other factors must be considered when assessing policies to address alcohol-related harm.

Firstly, at the same time as the number of liquor licences has grown, online retailing has ballooned, and marketing has become more sophisticated, alcohol consumption is at the lowest levels in decades (now 10 litres annually per capita).

Secondly, according to NSW BOSCAR alcohol related violence and assaults have declined substantially in the past 20 years (down 43%), while non-alcohol related assaults have increased (46.3%). The total number of non-alcohol related assaults represents 77.4% of all assaults. It is concerning that the Bill dedicates substantial regulatory attention to alcohol delivery while no corresponding legislative attention is given to non-alcohol domestic violence drivers, which is surging.

Thirdly, hospitalisation due to “*Mental & behavioural disorders due to use of alcohol*” according to Table 6 in the ACT Government’s [Leading causes of hospitalisation in the ACT, 2016-17 to 2020-21](#) report was the lowest leading principal diagnosis of hospitalisations among ACT residents over the period. Moreover, it is understood that the reporting on alcohol related hospitalisations is inherently flawed with individuals being identified as an alcohol related hospitalisation if they consumed alcohol in the past 24 hours. This is despite any alcohol related cognitive or physical impairment no longer present at the time of hospitalisation.

Lastly, drug use in the ACT has risen substantially. The latest [ACT data](#) from the National Wastewater Drug Monitoring Program operated by the Australian Criminal Intelligence Commission (**ACIC**), shows the decline in alcohol use in the past five years compared to significant increases in the use of illicit drugs - particularly cocaine, heroin, and ketamine. Moreover, according to data from the Federal department of Infrastructure, Transport, Regional Development, Communications and the Arts (ITRDCA), of the 1,567 drug tests conducted in 2024 in the ACT 14.5% were positive with 227 charges and 36 arrests. This exceeds the number of charges and arrests for speeding.

If online delivery, accessibility, and availability were driving harm, we would expect to see alcohol related harm indicators to increase. However, we see the opposite - delivery expansion has not prevented or reversed long-term declines. This challenges claims that delivery is the primary harm driver requiring severe restrictions. For further detail on these matters please refer to our submission to the consultation draft Bill (attached).

## WHAT THE EVIDENCE DOES NOT SHOW:

It is important to be explicit about what the comprehensive datasets do not show.

- **No evidence of use to extend drinking sessions.** Despite this being a primary concern of some stakeholders, neither the quantitative transaction data nor qualitative consumer research supports this. Time based patterns, consumption patterns, and motivations all contradict it.
- **No evidence of facilitating underage drinking.** Express delivery users tend to be older populations (predominantly 40+) and those with higher discretionary income (reflecting delivery costs). LGA data found no correlation between delivery locations and those suburbs with a larger proportion of teenagers.
- **No evidence of harm spikes in jurisdictions with express delivery.** NSW has operated with same-day delivery and without delays or quantity limits for several years. If express delivery were contributing to harm, this should be evident in NSW BOCSAR data. It is not.
- **No evidence that delays would reduce harm.** The Consumer Survey Report demonstrates that even if delivery were delayed, almost all consumers would simply access alcohol through alternative means. Moreover, delays would not reduce overall harm and in fact might increase other specific harms (drink-driving).
- **No evidence supporting the 2-hour delay.** Even accepting delay as a concept, no evidence supports 2-hours as opposed to any other arbitrary period. The threshold appears plucked from thin air rather than derived from any empirical, peer reviewed research or analysis.
- **No evidence supporting quantity limits.** There is simply a lack of evidence that demonstrates proposed quantity limits preventing harmful consumption. Moreover, those who misuse and abuse alcohol can easily circumvent limits through multiple orders from different suppliers, stockpiling, or other strategies. Meanwhile, legitimate consumers hosting events are penalised.

### The evidence that is available but has been ignored:

While evidence for the Bill's restrictive provisions is absent, substantial evidence exists for alternative approaches. NSW's framework has operated successfully since 2021 without delays, quantity limits, or 10pm cutoffs. Compliance is high, harm measures have not increased, and the framework is widely regarded as effective by regulators, industry, and community stakeholders. Victoria's approach similarly demonstrates that targeted measures (training, ID verification, refusal of supply to intoxicated persons) achieve harm minimisation without arbitrary restrictions.

The Online Code's six years of operation provides robust evidence that industry self-regulation, properly structured and monitored, can deliver strong outcomes. Our 94% compliance rate across ~40,000 audits demonstrate this.

Evidence-based policy requires that:

1. Problems are clearly identified and quantified - There are no indication of the specific harms the Bill is addressing. What is their incidence? How does ACT compare to other jurisdictions?
2. Proposed solutions are logically connected to identified problems - How would a 2-hour delay reduce the identified harms? What is the causal mechanism?
3. Evidence supports that solutions will be effective - Has this approach been tried elsewhere? What were the outcomes? What does research suggest about likely effectiveness?
4. Unintended consequences are considered - What might go wrong? Could the proposed solutions lead to worse outcomes?
5. Proportionality is demonstrated. Are restrictions proportionate to harms? Are alternatives available?

The Bill, in its current form, fails to meet these standards for its most restrictive provisions. The Committee should seek to elevate the evidence base and steer regulation toward measures that meet these tests.

## INTERSTATE REGULATORY COMPARISON AND NATIONAL CONSISTENCY:

While alcohol regulation remains primarily a state and territory responsibility, the emergence of online alcohol delivery creates a strong case for national consistency. This is extremely important in the ACT given its location within the boundaries of NSW and the adjoining population centres on the borders. For businesses operating across multiple jurisdictions, consumers expect comparable service levels regardless of location, and regulatory arbitrage opportunities emerge when frameworks diverge significantly. The below table provides a simple snapshot of the differences across jurisdictions and with the Online Code.

	RDA ONLINE CODE	NSW	VIC	QLD	SA	WA	TAS	ACT	NT
Ban on deliveries to minors	YES	YES	YES	YES	YES	YES	YES	YES	YES
ID check on delivery	YES	YES	YES	Not specified	YES	YES	NOT REQUIRED	Proposed	YES
Age Verification Procedures	YES	YES	YES	Not specified	YES	YES	YES	Proposed	YES
Ban on deliveries to intoxicated	YES	YES	YES	YES	YES	YES	YES	YES	YES
Ban on deliveries to Dry Zones	YES	YES	YES	YES	Not specified	YES	Not specified	Not specified	YES
Third-Party Exclusion	YES	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED
Self-Exclusion	YES	YES	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	Proposed	NOT REQUIRED
Ban on Same-day Unattended	YES	YES	YES	Not specified	Not specified	YES	Not specified	Proposed	Not specified
Next-Day Unattended Permitted	YES	YES	YES	Not specified	YES	YES	YES	Not specified	Not specified
Deliveries to a Nominated Adult	YES	YES	YES	Not specified	YES	YES	YES	Not specified	Not specified
Mandatory Driver Training	YES	YES	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	YES	NOT REQUIRED	Proposed	YES
Delivery block-out period for Same-day delivery	12am–6am (Mon–Sun)	12am–9am (Mon–Sat) 11pm–9am (Sun)	After 11pm–opening hours of licensee	10pm–10am	10pm–8am	12am–9am (same-day) 12am–6am (non-same-day)	12am–5am	Proposed 10pm–10am	Varies by region

On measures where there is national consensus – age verification, ID checking, refusal to intoxicated persons and minors, dry zone compliance – the Bill aligns appropriately with other jurisdictions and the industry Online Code. On measures where the Bill proposes new restrictions (the 2-hour mandatory delay, daily quantity limits, and onerous record-keeping) the ACT would become a complete outlier, with no other Australian jurisdiction adopting these approaches.

This is not a case of the ACT being slightly more conservative than other jurisdictions but rather represents a fundamental departure from the national consensus on what constitutes proportionate, evidence-based regulation. When one jurisdiction proposes restrictions rejected by all others, it bears a heavier burden of justification.

Either the Government has identified harms or risks invisible to other jurisdictions (possible but requiring evidence), or they are proposing restrictions without adequate justification (which appears to be the case).

## IMPACT OF THE BILLS RESTRICTIVE PROVISIONS

Further to our submission to the consultation draft Bill, we reiterate that the Bill's restrictive provisions (specifically the 2-hour delay, quantity limits, 10pm cutoff, and onerous record-keeping) will have severe and compounding impacts.

### IMPACT ON BUSINESS VIABILITY:

The 2-hour delay fundamentally breaks the value proposition of same-day delivery. Consumer research demonstrates that convenience and timeliness are primary drivers of same-day delivery use. A mandatory 2-hour delay transforms same-day delivery into "delayed same-day delivery" - a product category that research shows 91% of consumers will abandon in favour of alternatives.

For businesses, the operational impacts are enormous:

- Delivery logistics systems must be entirely re-engineered to enforce delays while maintaining efficiency
- Peak delivery windows shift unpredictably, complicating workforce scheduling
- Vehicle utilisation declines as routes become less optimised
- Customer service complexity increases exponentially (managing expectations, handling complaints, coordinating timing)
- Technology systems require substantial investment to manage order queues, communicate delays, and prevent non-compliance.

These costs are immediate and substantial. For smaller operators, we fear they may force market exit.

The 10pm cutoff, combined with the 2-hour delay, creates a last order at 7pm. This eliminates evening ordering, precisely when consumer demand peaks for dinner parties, spontaneous gatherings, and hospitality events. Transaction data shows ordering is popular between 6pm – 9pm. This entire window would be largely eliminated.

Quantity limits impose artificial constraints on legitimate consumer behaviour. Households hosting events, purchasing gifts, or stocking for the week may legitimately require quantities exceeding proposed limits. Limits force these consumers to either make multiple orders from different suppliers (increasing costs and complexity), abandon online delivery in favour of physical store visits, stockpile in advance rather than purchase as-needed (potentially increasing household alcohol availability), resort to other illegitimate methods to obtain products, cease hosting events or reduce hospitality.

Record-keeping requirements also impose a substantial administrative burden. Maintaining detailed personal information on every recipient requires:

- Secure data storage systems compliant with privacy legislation
- Staff training in data handling and privacy compliance
- Audit and compliance systems to ensure data security
- Legal advice on privacy obligations
- Insurance for data breach liability.

These costs scale with transaction volume. For high-volume operators, annual compliance costs could reach hundreds of thousands of dollars. For smaller operators, they may exceed profitability entirely.

Importantly, the Bill requires businesses to meet reporting requirements that for all intents and purposes sets them up to fail. For example, the need to notify JACS of a delivery incident within 24 hours is unreasonable.

For any incidents requiring immediate attention ACT Police are notified. In this sense the Government already has the incident notification.

Secondly, for minor incidents it may take longer than 24 hours of the incident for it to be reported internally, let alone for a notification to JACS. This is because for less extreme situations it is up to the delivery driver to determine whether the incident reached thresholds warranting reporting. It is common for such incidents to only arise during a team meeting later that week.

No justification has been provided as to why JACS requires this information in such a rapid timeframe and given the size of the penalties it could only be seen as a government revenue-raising exercise.

## **COMPETITIVE DISTORTIONS AND MARKET IMPACTS:**

The Bill's benefits have not been articulated or quantified. No evidence demonstrates that delays, quantity limits, or 10pm cutoffs would reduce harm. No modelling shows that benefits would exceed costs. No analysis demonstrates proportionality. This is not evidence-based regulation but regulation by assumption, with potential costs exceeding any plausible benefits.

### **Competitive imbalances:**

The Bill creates significant competitive imbalances between ACT based operators and interstate competitors. While the Bill purports to apply to all same day delivery in the ACT, enforcement mechanisms are unclear for operators based in NSW serving ACT customers.

NSW based operators with ACT delivery capability face:

- NSW regulatory framework (no delays, no quantity limits, 11pm cutoff, minimal record-keeping)
- Lower compliance costs
- Simpler operational systems
- Greater service flexibility.

An ACT based operator faces:

- ACT regulatory framework (2-hour delays, quantity limits, 10pm cutoff, extensive record-keeping)
- Higher compliance costs
- Complex operational requirements
- Reduced service offering.

The inevitable outcome is that ACT-based operators lose market share to NSW-based competitors or relocate operations to NSW to avoid ACT restrictions. ACT loses economic activity, employment, and tax revenue. This concern is not theoretical. During consultation, multiple RDA members indicated they would consider ceasing ACT service entirely if the Bill passes unamended.

### **Favouring restaurants over bottle shops:**

The proposed meal exemption (Section 30E of the regulations) creates extraordinary competitive distortion. Restaurants and venues supplying meals can deliver alcohol without delay, while bottle shops face the full 2-hour restriction.

This treats economically similar transactions differently based on licence type rather than harm risk. A customer ordering wine with a meal delivered from a restaurant is subject to no delay yet the same customer ordering wine from a bottle shop to accompany a home-cooked meal faces a 2-hour delay. There is no evidence that these scenarios present different harm risks, yet the Bill treats them dramatically differently.

The meal exemption will create perverse incentives:

- Bottle shops may seek to add minimal food offerings to qualify for exemptions
- Restaurants gain artificial competitive advantage in alcohol delivery
- Consumers may order food they don't want simply to avoid delays
- Regulatory complexity increases as authorities must determine what constitutes a "meal" and police the 50% cost threshold.

This is poor regulatory design, economically inefficient, and anti-competitive.

#### **Market concentration:**

High compliance costs and operational complexity favour large, well-resourced operators over smaller independents. Large chains can absorb technology investments and compliance costs across thousands of transactions. Independent bottle shops cannot.

The Bill risks accelerating market concentration, reducing diversity and competition in the ACT liquor retail sector. This is contrary to general competition policy principles favouring diverse, competitive markets.

#### **Employment and consumer impacts:**

If express same day alcohol delivery becomes commercially unviable in the ACT (as we predict), direct employment losses include delivery drivers, order fulfilment and logistics staff, customer service personnel, and IT system support roles. These are real jobs held by real ACT residents, many of whom value the flexibility of delivery work to balance study, caring responsibilities, or other commitments. Further, supporting industries (transport, technology, professional services) will see reduced demand from the liquor retail sector, creating flow-on employment impacts.

Even if services continue at reduced scale, hours available for existing employees will decline as order volumes fall. This impacts casual and part-time employees with limited options for replacement hours.

ACT consumers will also lose access to a service their interstate counterparts enjoy. This is particularly significant for mobility-impaired individuals relying on delivery, households without vehicles, time-poor families juggling work and other responsibilities, and residents in areas with limited access to the products they prefer.

Higher compliance costs will inevitably be passed to consumers through increased delivery fees, higher product prices, and reduced promotional activity and discounting. As operators exit the market or reduce service offerings, consumer choice declines. Product ranges narrow, competitive pressure reduces, and service quality suffers.

Lastly, businesses will be required to keep and store detailed personal information for every transaction, creating legitimate privacy concerns in an era of increasing data breach awareness. For small businesses this is a further impediment to market entry.

#### **Unintended public safety consequences:**

Perhaps most concerning, the Bill may inadvertently increase certain public safety risks. The Consumer Survey Report found 65% of consumers denied express alcohol delivery services would travel to physical stores to access alcohol. Some of these trips would occur after consumption had commenced (hence the desire for delivery).

The resulting drink driving risk could exceed any theoretical harm reduction from delivery delays.

According to data from the Federal department of Infrastructure, Transport, Regional Development, Communications and the Arts (ITRDCA) in 2024, 80,098 random breath tests were conducted in the ACT leading to 644 charges and 55 arrests at a positive test rate of 0.8%. In 2019 this was 1%.

Reducing convenient legal access will create unintended consequences, including increased risky behaviour to access alcohol (drink driving, walking while intoxicated), displacement to unregulated suppliers, stockpiling behaviour increasing household availability.

Restrictions on legitimate, licensed, regulated businesses create market opportunities for unregulated operators. This includes unlicensed delivery services operating outside regulatory frameworks, peer-to-peer supply arrangements, interstate operators not complying with ACT law. Unregulated suppliers do not check ID, refuse intoxicated persons, comply with self-exclusion registers, or maintain delivery standards. The Bill, in effect, displaces consumers toward such suppliers increasing harm rather than reducing it.

## OPPORTUNITIES TO ENHANCE AND STRENGTHEN THE BILL

RDA is *not* arguing that alcohol delivery should be unregulated. We strongly support:

- Age verification and ID checking
- Refusal to intoxicated persons and minors
- Prohibition on unattended same-day delivery
- Mandatory training for delivery personnel
- Self-exclusion registers – though this should include third-party review and exclusion.
- Prohibition on delivery to prescribed locations.

These targeted, evidence-based measures address genuine risks without the costs and unintended consequences of excessive restrictions.

What we oppose is disproportionate regulation unsupported by evidence, disconnected from actual harm trends, creating regulatory complexity while genuine priorities go unaddressed. Below are opportunities we consider effective, evidence-based, and operationally feasible to reduce alcohol related harm.

### THIRD PARTY REVIEW AND EXCLUSION:

Third-party exclusion enables concerned family members or others to request review of a customer's ordering patterns. The provider reviews the situation, may contact the customer to discuss concerns, provide education materials, and potentially restrict or refuse future orders if concerns are substantiated. The exclusion is a targeted approach, directly addressing those who misuse and abuse alcohol rather than broadbrush interventions that penalise entire populations, such as many of the provisions in the Bill.

In the Online Code, the provisions concerning third-party exclusion are outlined in 4.1.8 and 4.1.9:

#### 4.1.8: Third-Party Review Request:

- *Retailers and Third-Party Marketplaces should provide the ability within their online ordering systems to enable a Third-Party to lodge a Request to review a customer.*
- *A Third-Party Review Request may relate to concerns as to whether ongoing supply to a customer complies with the Code, or State and Territory government legislation or regulation. The Request may also relate to concerns regarding the Customer's alcohol consumption habits.*
- *Upon receipt of a Third-Party Review Request, and provided a Retailer or Third-Party Marketplace does not form a view (acting reasonably) that the Third-Party Review Request is frivolous or being made for an improper purpose, a Retailer or Third-Party Marketplace should conduct a review of the Customer with the potential (but not obligation) to raise the relevant concerns or risks with the Customer.*
- *Should the Retailer or Third-Party Marketplace deem that further action is required, in addition to any other action the Retailer or Third-Party Marketplace deem appropriate, the Customer who is the subject of action due to a Third-Party Review Request may be:*
  - *Advised that their ordering history has been reviewed; and*
  - *Provided relevant information and/or educational materials.*
- *Due to privacy requirements, a Retailer or Third-Party Marketplace can only confirm to the Third-Party lodging the original Request that the request was considered and reviewed, but cannot provide any further information and in particular, may not confirm what action (if any) was taken.*

#### 4.1.9: Cooling Off Period:

- *Any Customer who has their access to a Retailer or Third-Party Marketplace's online ordering system suspended or revoked, pursuant to the processes described in either clauses 4.1.7 or 4.1.8, may apply for their access to be reinstated.*
- *Any reinstatement request will be subject to a minimum 24-hour 'cooling off' period from the time when the request is granted, and access is reinstated.*

The process works because many individuals who misuse and abuse alcohol have family and friends who may be aware of the problem before formal interventions occur. Third-party exclusion empowers concerned loved ones to seek assistance and makes it a requirement for businesses to act.

The key issue with the current industry only third-party exclusion approach is that due to Privacy laws operators are unable to share information on the individuals who have been excluded. This then requires individuals to contact every retail and online alcohol business to have an individual's account reviewed and for their accounts to be suspended or revoked.

If the exclusion register was held centrally by the ACT Government (JACS), it would be incumbent on individual businesses to ensure all those on the register could not access alcohol, with appropriate penalties applying if this was not done. It would also provide an avenue for ACT Courts and officials to add individuals to the register if there was a history of alcohol misuse and abuse.

*RDA strongly recommends the ACT Government introduce third-party review and exclusion and an exclusion register for same day alcohol delivery, maintained by the Commissioner, that is practical, privacy compliant, and interoperable with existing systems.*

## MANDATORY TRAINING:

While the Bill does address many of the principles of training it does not obviously recognise training already undertaken in other jurisdictions nor industry training. The Bill proposes creating a new training framework at considerable cost and effort to the ACT Government while also forcing businesses to undertake multiple training and accreditations.

NSW's Responsible Supply of Alcohol Training (**RSAT**) specifically for alcohol delivery has operated successfully since 2021, with high completion rates and positive feedback from trained personnel and employers. While the NSW Government did develop this course, it did so with significant input from RDA as the RSAT was derived from our Online Code delivery driver training framework.

Importantly the NSW Government enables industry to offer the training if it meets the framework/criteria and recognises other RTO and industry course equivalents. The Government also requires that all delivery providers pass the government managed assessment to receive certification.

For RDA members and Online Code signatories training is mandated across the country with many already fulfilling and applying the requirements of the NSW RSAT in all other jurisdictions, just without the jurisdiction-specific certification.

Importantly, RDA is at the pilot phase of a new Responsible Supply & Delivery of Alcohol (**RSDA**) national training course which will be the most robust training in the country. Taking 3-4 hours to complete and including all the components of RSA (for a retail and delivery environment) and RSAT, the training also includes a world-first 1-hour module on domestic and family violence (**DFV**) awareness. This module will train delivery providers to learn the signs of DFV and to act accordingly.

Rather than creating ACT specific training (which does not yet exist), the Bill should:

- Grant the Commissioner power to approve equivalent training, including NSW RSAT and the forthcoming RSDA national training course.
- Recognise interstate certifications to enable workforce mobility.
- Focus on outcomes where providers demonstrate competency in a government mandated assessment; and
- Include domestic and family violence awareness (as RDA's forthcoming RSDA course will).

This approach will reduce cost, accelerate implementation, and leverage existing high-quality training rather than reinventing the wheel.

## CONCLUDING REMARKS

RDA and our members are committed to responsible alcohol retailing and support evidence-based regulation that genuinely reduces harm.

We do not oppose regulation of same-day alcohol delivery, we pioneered self-regulation through the Online Code and have consistently advocated for targeted, proportionate regulatory frameworks.

However, the Liquor Amendment Bill 2025, in its current form, represents a significant regulatory failure that will fail to achieve harm reduction objectives. It lacks evidence supporting key provisions, creates perverse incentives, and creates displacement effects likely to increase other certain harms (drink-driving or the proliferation of illegitimate channels).

The Bill will destroy a legitimate sector by rendering same-day delivery commercially unviable through the combination of 2-hour delays, quantity limits, restrictive hours, and excessive compliance costs.

This will only disadvantage ACT consumers who will be denied conveniences enjoyed by all other Australians, face reduced choice and higher costs, and potentially face increased risks from displacement to riskier alternatives. It will place ACT as a regulatory outlier inconsistent with national frameworks, creating competitive distortions and making ACT an unattractive market for investment and employment.

We strongly support and advocate for targeted harm-minimisation measures that are both evidence-based and operationally feasible:

- Mandatory self-exclusion and third-party review
- A government run exclusion register to ensure all excluded individuals are blocked from purchasing alcohol and also do not receive alcohol advertising
- Enhanced mandatory training for delivery workers and providers
- Prohibitions on unattended same-day delivery, delivery to intoxicated persons, and delivery to prescribed public spaces (as per the Bill).

These measures are evidence-based, operationally feasible, aligned with national frameworks and the Online Code, and will genuinely reduce harm without destroying legitimate business or creating perverse consequences.

Regardless of the Committee's recommendations, RDA and our members remain committed to responsible alcohol retailing that minimises harm and serves legitimate consumer needs. Our Online Code will continue to be maintained and complied with and will undergo review every two years as it has since inception. Our mystery shop audit and compliance regime will continue.

We hope the Committee will recommend a regulatory framework that reflects these commitments, achieves genuine harm reduction, and enables responsible business operations. We stand ready to work constructively to achieve this.

## APPENDIX: RDA PROPOSED AMENDMENTS TO THE LIQUOR AMENDMENT BILL 2025

SECTION	CONTENTS	RDA COMMENTS	PROPOSED WORDING
Part 2 Division 8A.2 Sale of liquor supplied by same-day delivery	<b>143K Same-day delivery provider must give notice of who sells liquor supplied by same-day delivery</b>	There is a lack of detail on the policy intent of these proposed amendments and how they will operate in practice. Given the large movements in the number of same-day operators and the large penalties involved, further work is required including, consultation with industry.	Deletion of this entire proposed section until further clarity is obtained.
Part 2 Division 8A.3 Same-day delivery restrictions	<b>143M Daily liquor limit for same-day delivery</b> (1) A person commits an offence if— (a) the person is a same-day delivery provider; and (b) the person takes a delivery order from a customer for the supply of liquor by same-day delivery; and (c) on a day, the person or a delivery person supplies the liquor to the customer or someone else under the order; and (d) the amount of liquor supplied exceeds the amount prescribed by regulation, including any other liquor supplied by same-day delivery on that day under delivery orders taken from the customer by the provider.	We do not support any liquor limits being applied to same-day alcohol deliveries.	Deletion of this entire proposed section.
	<b>143N Same-day delivery of liquor must be delayed</b> (1) A person commits an offence if— (a) the person is a same-day delivery provider; and (b) the person takes a delivery order for the supply of liquor by same-day delivery; and (c) a delivery person supplies the liquor to someone else under the order; and (d) the supply happens before the end of the delayed delivery period for the order.	We do not support any delay being applied to same-day alcohol deliveries.	Deletion of this entire proposed section.
	<b>143O Permitted times for same-day delivery of liquor</b>	While we support permitted times for same-day delivery, for 30C of the accompanying regulation strongly consider aligning times with store opening hours.	See comments regarding 30C of the accompanying regulation below.
	<b>143P Same-day delivery of liquor not permitted to certain public places</b>	We support the inclusion of prohibition in identified public spaces, however the Government should ensure that during special events or if alcohol is being supplied to businesses within the 50m radius, exemptions can be granted.	After all mentions in 143P of “ <i>the place of delivery is a prohibited public place</i> ” add “ <i>and no exemption has been granted by the Commissioner as per 143ZC</i> ”. This shall then read: “ <i>the place of delivery is a prohibited public place and no exemption has been granted by the Commissioner as per 143ZC.</i> ” Those relevant sections being:

			143P (1) (d) and (2) (c)
<b>Part 2</b> <b>Division 8A.4</b> <b>Responsible service of alcohol by same-day delivery</b>	<b>143Q Self-exclusion from same-day delivery of liquor</b> (4) A person commits an offence if— (a) the person is a same-day delivery provider; and (b) the person takes a delivery order from a customer for the supply of liquor by same-day delivery; and (c) a self-excluded person is— (i) the customer; or (ii) specified in the delivery order as the person to whom the liquor will be delivered.	While we agree strongly with self-exclusion, it is extremely difficult for a business to ascertain whether a self-excluded individual has been nominated as a person to receive the order on behalf of someone else. Current system functionality does not enable checking the nominated recipient information against self-exclusion records held by a licensee or same-day delivery provider. Self-exclusion is voluntary, and it would be a potential breach of privacy laws if the business was to disclose to a third-party that the individual was self-excluded or blocked as a recipient. Further the self-excluded person can refuse receipt at the point of delivery. We therefore recommend alignment with the RDA Code and section 114O of the <i>Liquor Act 2007</i> (NSW) and regulation 107F of the <i>Liquor Regulation 2018</i> (NSW).	Delete 143Q (4) (c) (ii).
	<b>143R Same-day delivery provider and delivery person must have same-day delivery RSA certificate</b>	While we agree with the principle, there is currently no ACT same-day delivery RSA certificate that exists. We also note that signatories to the RDA Online Code are already required to meet mandatory training requirements in line with NSW Responsible Supply of Alcohol Training. Further, in NSW it is mandatory for delivery providers to have completed an online assessment.  The ACT Government should adopt a similar approach, requiring mandatory assessment to obtain the certificate only and providing training organisations or existing providers to have their courses approved by the Commissioner.	After all mentions in 143R of “ <i>current same-day delivery RSA certificate</i> ” add “ <i>or equivalent approved by the Commissioner</i> ”. This shall then read: “ <i>current same-day delivery RSA certificate or equivalent approved by the Commissioner.</i> ” Those relevant sections being: 143R (1) (c), (2) (d), (3) (c), and (5).
	<b>143Z Same-day delivery provider must report incidents</b> (2) The same-day delivery provider who took the delivery order must give the commissioner a written report about the incident within 24 hours after it happened.	We support the policy intent of this proposed amendment, however there is a lack of detail on the policy intent and consideration of its practical implications.  Importantly the Commissioner can obtain the information from the ACT Police for those incidents reported. Any duplication between different ACT Government agencies would add unnecessary red tape and should be avoided.  Given the nature of the incidents in the purview of this amendment and high likelihood of police reporting for the most severe incidents, it is practical for reporting to be in the form of a register and only provided to the Commissioner upon request.	Amend “ <i>a written report about the incident within 24 hours after it happened.</i> ” to “ <i>a register of all incidents provided upon request.</i> ”.
	<b>143ZB Same-day delivery provider must keep records of supply and refusal to supply</b>	While we support the maintenance of records for the refusal to supply alcohol in the same-day delivery environment, we strongly oppose the need to maintain records of every same-day delivery transaction.  There’s a lack of detail on the policy intent and consideration of its practical implications. It would only add unnecessary red tape and stymie growth in the sector.	In all mentions in 143ZB of “ <i>record[s] of supply and refusal to supply</i> ” remove “ <i>supply and</i> ” This shall then read: “ <i>record[s] of refusal to supply.</i> ” Those relevant sections being: 143ZB, 143ZB (2), (5) (a)

<p><b>Division 12.1A Preliminary</b></p>	<p><b>193 Meaning of <i>general RSA certificate and same-day delivery RSA certificate</i></b></p>	<p>The meaning in “(1) <i>same-day delivery RSA Certificate (b) an interstate RSA certification about the responsible same-day delivery of alcohol</i>” is ambiguous as no interstate certification currently exists. The closest is the NSW Responsible Supply of Alcohol Training certification which applies to all alcohol deliveries both same-day and non-same-day.</p> <p>However, this would not technically meet the definition in this section. It is more practical for the Commissioner to approve and maintain a list of approved interstate certificates.</p> <p>Further, the proposed requirement for a digital version of the certificate in 2(b) is restrictive and ambiguous.</p>	<p>Amend 193 (1) same-day delivery RSA certificate (b) to “<i>an equivalent interstate certificate approved by the Commissioner</i>”.</p> <p>Amend 193 (2) (b) to remove the word “<i>digital</i>”.</p>
<p><b>Part 3 Liquor Regulation 2010 Part 7A Same-day delivery</b></p>	<p><b>30B Minimum delay for same-day delivery—Act, s 143N (4), def <i>delayed delivery period</i></b> The prescribed period is 2 hours.</p>	<p>We do not support any delay being applied to same-day alcohol deliveries.</p>	<p>Deletion of this entire proposed section.</p>
	<p><b>30C Times of day for same-day delivery—Act, s 143O (1) (d) and (2) (c)</b> The prescribed times are 10 am to 10 pm.</p>	<p>Same-day delivery times should be aligned with an the opening hours of an Off licence. The arbitrary time limits on same-day delivery does not correspond with any evidence-base and only stymies consumer choice and convenience.</p>	<p>Amend this section to: “<i>The prescribed times aligned to the prescribed opening hours of Off licences.</i>”</p>
	<p><b>30D Records of supply and refusal to supply liquor by same-day delivery—Act, s 143ZB (3)</b></p>	<p>As per our comments on 143ZB, RDA supports the maintenance of records for the refusal to supply alcohol in the same-day delivery context but strongly opposes the need to maintain records of every same-day delivery transaction.</p>	<p>In all mentions in 30D of “<i>record[s] of supply and refusal to supply</i>” remove “<i>supply and</i>” This shall then read: “<i>record[s] of refusal to supply.</i>” Those relevant sections being: 30D, 30D (1), (1) (e), (f), (2).</p> <p>Further, as per the comments regarding 30E below, remove 30D (1) (i).</p>
	<p><b>30E Exemption from delayed delivery for liquor sold with meal—Act, s 143ZC</b> The Act, section 143N (Same-day delivery of liquor must be delayed) does not apply in relation to the supply of liquor if— (a) the liquor was sold with a meal that is also delivered by the delivery person; and (b) the volume of liquor is 1.5L or less; and (c) the amount paid for the liquor is not more than half of the total amount paid for the meal and liquor (disregarding any service or delivery fees).</p>	<p>There is a lack of detail on the policy intent of this proposed amendment and how it will operate in practice. RDA strongly opposes this proposed amendment given the ambiguity of what constitutes a “<i>meal</i>”, the arbitrary correlation between the cost of a “<i>meal</i>” and the cost of the “<i>volume of liquor of 1.5L or less</i>”, the lack of appreciation of how same-day delivery operates, and the anti-competitive nature of the proposal by favouring licenced restaurants over other licence types.</p>	<p>Deletion of this entire proposed section.</p>

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