# Same day delivery of alcohol in Canberra

The ACT Government has proposed legislative measures to address the delivery of alcohol in a Discussion Paper released for public consultation in August 2023.

The ACT’s regulatory environment for the supply of alcohol was designed for bricks-and-mortar stores, with no reference to retail alcohol delivery. The health and safety checks and balances that the ACT community expects to be in place, are significantly lacking when it comes to the online sale and delivery of alcohol. These include age verification, responsible service of alcohol (RSA) and community consultation on new liquor licences.

The Discussion Paper proposed some evidence-based measures to address the risk of harms from online sales and delivery of alcohol. These included effective ID checks for online sales and delivery, prohibiting delivery to intoxicated people and children, supporting delivery staff and enforcing compliance.

However, there were also some significant gaps in the proposals that can allow the risk of harms from online sales and delivery of alcohol to continue to increase. These include late night delivery until 11pm, no restrictions on rapid deliveries within two hours, and a licencing system that lacks both oversight of delivery companies, and adequate community engagement.

FARE responded to the ‘Regulation of Same Day Liquor Delivery Providers’ Discussion Paper.

## FARE recommendations:

### Health and human rights

* Adopt a health and human rights approach to alcohol harm, (such as harm from the rapid increase of online sale and delivery of alcohol), by protecting people with effective harm minimisation measures.

### Purpose, scope and definitions

* Prioritise harm minimisation in legislative measures, above other considerations, as a principal object of the *ACT Liquor Act*.
* Establish a separate, specific liquor licence category for online alcohol sales and delivery. This is to align the administration, licence fees and conditions with the business model, entities and risks of alcohol harm associated with online alcohol sales and delivery.
* Define all commercial entities involved in the online sale or delivery of alcohol, (not just ‘same day delivery’) as being subject to the harm reduction measures in the Act.

### Point of sale

* Require alcohol companies with online advertising, to clearly display on their websites at least three prescribed rotating health warning statements about the risk of harm from alcohol, with a link to the Australian guidelines to reduce health risks from drinking alcohol.
* Prohibit direct links from advertisements to alcohol retail, such as ‘*buy now’* buttons and push notifications. This is to prevent predatory marketing by alcohol companies that promotes excessive and rapid alcohol use.
* Expand the *Responsible Promotion of Liquor Guidelines* to capture examples directly relevant to online retail marketing. Grant the commissioner discretion over determining which other marketing practices are also harmful.
* Help prevent data-driven predatory marketing by supporting strong privacy reforms at the Commonwealth level, such as legislating strong protections in the new *Privacy Act*.

### Delivery of the order

* Define rapid alcohol delivery as the delivery of alcohol within two hours of placing an order.
* Introduce a 2-hour safety pause between order and delivery of alcohol-only orders to stop rapid delivery of alcohol, which is found to contribute to higher risk drinking.
* Require the Commissioner to publish frequent reports on monitoring and enforcement activity including online sales data, and delivery data such as refused deliveries.
* Limit all alcohol deliveries to between 10am and 10pm, on any day, to reduce the risks of alcohol-related family violence and suicide, which peak late at night in the home.

### Compliance

* Establish a specific offence for leaving an alcohol delivery unattended.
* Expand the current program of compliance tests to online sales and delivery of alcohol.

### Risk-based licencing

* Establish a risk-factor for online sales and delivery, that would be reflected in higher licence fees for alcohol companies that sell online or deliver alcohol.
* Incorporate a risk factor for supply density, (as an equivalent for outlet density), for online sales and delivery of alcohol in a geographic area.

### Community consultation

* Prescribe an effective community impact process, (eg. community impact statement), for online sales and delivery, publishing full licence applications with risk-assessment management plans.
* Ensure engagement with all relevant stakeholders, by providing resourcing for targeted and independent support for members of the public impacted by increases in liquor supply density.

[view submission](https://fare.org.au/wp-content/uploads/FARE-submission-ACT-online-sale-delivery-consultation.pdf)