

6 September 2024

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Deputy Director-General  
Justice Policy and Reform  
Department of Justice and Attorney-General  
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Dear Ms Connors,

### **FEEDBACK ON EXPOSURE DRAFT LIQUOR AND OTHER LEGISLATION AMENDMENT ACT 2024**

The Foundation for Alcohol Research and Education (FARE) is pleased to have the opportunity to provide feedback for the draft bill. We note, the proposed amendments within the *Liquor and Other Legislation Amendment Act 2024* include changes to both the Liquor Act 1992 and the Wine Industry Act 1992.

FARE is a not-for-profit organisation with a vision for an Australia free from alcohol harms – where communities are healthy and well and where laws, policies and programs are fair, equitable and just. Working with local communities, people with lived experience of alcohol harm, values-aligned organisations, health professionals, researchers and governments across the nation, we are improving the health and wellbeing of everyone in Australia.

FARE was pleased to see some of the amendments made within this draft. Particularly the following:

- Clause 20 section 173QR, making it an offence to deliver to people who are unduly intoxicated and also in clauses 24 and 31, making it an offence to deliver and sell to people under the age of 18.
- Clause 20 sections 173NV, 173QM and 173QV, which requires licensees and engaged delivery services to keep records of orders, deliveries, and delivery refusals.
- Clause 20 section 173QT, establishing that delivery persons cannot be financially penalised for the uncompletion of orders based on compliance with this Act.
- Clauses 24 and 31, ensuring that licensees and delivery companies (including bottle shops and online delivery providers), share liability for delivery breaches, such as delivery to children or people who are intoxicated.
- Clause 20 section 173QR, requiring delivery persons to, in the case of same day deliveries, sight the persons identification before the order can be delivered.
- Clause 20 section 173QD, establishing a delivery training course specific for persons delivering alcohol. This will help in safeguarding delivery persons and ensuring they are equipped with tools that will assist them in dealing with difficult situations.

Some of the amendments have taken into consideration the recommendations proposed within our previous submissions but have not gone as far as we have suggested. Specifically in relation to how these changes are an amendment of preexisting licences rather than establishing a new licence for

online sale and delivery, the lack of a 2-hour safety pause, and inconsistency in regulations across same day and different day deliveries.

### **Same Day Delivery Timeframes**

As mentioned in your correspondence and noted within the drafting notes, clause 20, section 173QO explores two different options of 10pm and 11pm for same day delivery cut offs. In our original [submission](#) on this matter, FARE strongly advocates for this cut off to be 10pm.

As it stands, alcohol can be sold for takeaway until 10pm and may leave the premises up until 10:30pm. Extending these late-night hours further, for delivery to homes in Queensland, will undoubtedly increase the risk of alcohol-related harms in the home. Alcohol-related family and intimate partner violence peaks later in the evenings, with assaults increasing substantially between 6pm and 3am and over 57 per cent of late-night assaults being instances of domestic violence. Suicides and sudden or unnatural deaths involving alcohol also predominantly happen at night, in the home environment.<sup>1</sup> Extending the online sale and delivery of alcohol to 11pm could have devastating effects.

The 10pm cut-off option is supported by the majority of Queenslanders. In a study FARE conducted in October of 2023, over 55 per cent of participants believed that the Queensland Government should limit alcohol deliveries by 10 pm and only 20.4 per cent disagreeing with this.<sup>2</sup> We have seen other jurisdictions legislate the 10 pm cut-off and we urge this option to be pursued.

The need for tight regulations has been highlighted by the evident intersection between domestic violence and the online sale and delivery of alcohol. The NSW Bureau of Crime Statistics and Research (BOCSAR) undertook research looking in to how domestic and intimate partner violence increased when bottle shop trading hours were extended in 2016. The study found that the extension to trading hours was associated with a statistically significant increase in the trend in late-night domestic violence assaults.<sup>3</sup>

On the 23rd of August 2024, we saw the release of the rapid review undertaken by the Federal Government to explore evidence-based approaches to prevent gender-based violence.<sup>4</sup> The Review recommends that state and territory governments adopt clear primary objectives in their liquor regulatory regimes to prevent gender-based violence, alongside existing objectives around alcohol harm reduction. Recommendation 17 of the review explains that this should be accompanied by evidence-based reforms to address availability and access, including regulations on liquor store density and operating hours, and online delivery. We strongly urge the legislation to reflect this recommendation of the rapid review and acknowledge the potential consequences of not implementing the 10pm cut off time for alcohol delivery and online sale.

### **2 Hour Safety Pause**

It was disappointing to discover that the Queensland Government has not, at this stage, chosen to adopt a safety pause for rapid delivery of alcohol products. A safety pause is a vital measure to safeguard

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<sup>1</sup> <https://pubmed.ncbi.nlm.nih.gov/19220656/>

<sup>2</sup> <https://fare.org.au/wp-content/uploads/Online-sale-and-delivery-of-alcohol-in-Queensland.pdf>

<sup>3</sup> <https://bocsar.nsw.gov.au/research-evaluations/2022/cjb247-pagesummary-takeaway-alcohol-sales-and-violent-crime.html>

<sup>4</sup> <https://www.pmc.gov.au/resources/unlocking-the-prevention-potential>

people from risky drinking behaviours. A VicHealth survey found 77 per cent of people who ordered rapid delivery would have stopped if it was unavailable.<sup>5</sup>

FARE strongly urges the Queensland Government to reconsider introducing a 2-hour safety pause between order and delivery of alcohol to stop rapid delivery of alcohol, which is found to contribute to higher risk drinking. Rapid delivery and mobile packaged liquor outlets have created a step change in availability and risk that is unacceptable. Rapid delivery capitalises on impulsive purchases and encourages the continuation of an existing alcohol session, when alcohol supply has been exhausted. A VicHealth survey found 77 per cent of people who ordered rapid delivery would have stopped if it was unavailable.

### **Other Concerns**

Whilst the aim of this legislation is to reduce the harms associated with alcohol online sale and delivery, there are still a multitude of amendments within this legislation that could be improved upon to ensure the health and safety of communities across Queensland.

Without a separate licence category for the online sale and delivery of alcohol, monitoring compliance will become increasingly challenging. FARE has consistently advocated for a separate licence category for online sale and delivery, and its absence in the draft legislation represents a significant missed opportunity for the Queensland Government.

The draft legislation repeatedly emphasises the importance of compliance, tasking investigators with ensuring that businesses, third-party delivery providers, and delivery personnel adhere to the regulations. Effective enforcement is crucial to upholding the Act and protecting community interests. FARE is concerned that the current framework does not adequately support investigators' ability to effectively monitor the online sale and delivery of alcohol.

There are provisions in this legislation that require licence holders and delivery persons to keep records of orders, deliveries, and delivery refusals, and provide these to the commissioner only upon request. FARE is pleased to see this requirement, but there also needs mandatory reporting of these records regularly to the commissioner. This data could greatly assist the Government in monitoring the efficacy of the Act by ensuring that alcohol companies and delivery persons are complying with legislation. The Queensland Government should make this data available to researchers and community advocates for monitoring and evaluation of online sales and delivery.

The draft lacks provisions for test purchasing, a key compliance tool used in other jurisdictions. For instance, the ACT Liquor Act includes provisions allowing a young person, under supervision, to attempt to purchase alcohol as part of a compliance test. This method helps gather evidence for prosecuting those who illegally supply alcohol to minors. FARE strongly recommends that similar measures be included in the Liquor and Other Legislation Amendment Bill 2024 to strengthen compliance and enforcement.

Within the legislation, there are several measures that particularly apply to same day deliveries. Some of these being, identification checks upon delivery, penalties for leaving deliveries unattended, delivery persons required to undergo training. These regulatory measures should not only be required for same day deliveries but for other forms of alcohol delivery also, as they are important safeguards. Keeping regulations consistent across all variations of alcohol sales and delivery is key to ensuring that the Act is adhered to and enforced by OLGR.

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<sup>5</sup> <https://www.vichealth.vic.gov.au/news-publications/research-publications/demand-alcohol-delivery-services-and-risky-drinking>

FARE would be interested to continue working with the Queensland Government on this legislation regarding ID verification processes. The legislation states that it will be the regulation that prescribes these processes. It is important that these processes require effective digital ID verification at point of sale and at point of delivery, for every sale and every delivery. As we highlighted in our previous submission, manual self-reporting is not a form of digital age verification.<sup>6</sup>

FARE sincerely thanks the Queensland Government for their work in progressing reforms to the regulation of online sale and delivery of alcohol. We look forward to seeing the outcome of this consultation. If you have any further questions, please do not hesitate to contact [catherine.earl@fare.org.au](mailto:catherine.earl@fare.org.au) or 0417 835 693.

Yours sincerely,



Dr Catherine Earl  
**DIRECTOR OF POLICY AND RESEARCH**

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<sup>6</sup> <https://fare.org.au/wp-content/uploads/FARE-Submission-on-Qld-Digital-Age-Verification-Record-keeping.pdf>