

# Fact Sheet: Additional Information for Members of Parliament

# Liquor Amendment (24-Hour Economy) Bill 2020

#### Why regulate online sales and home delivery?

- The sale and supply of alcohol is regulated in every jurisdiction in Australia to minimize the risks and harms of consuming alcohol.
- Currently in Australia, there are loopholes in the regulation of online sales and home delivery of alcohol. Online alcohol retailers should be held to the same standards as bricks and mortar licensees, such as not selling alcohol to children and people who are intoxicated.
- Alcohol causes more than 200 health and injury conditions<sup>i</sup> and is well established as a group one carcinogen that causes cancers of the mouth, pharynx, larynx, oesphagus, breast, bowel, liver and stomach.<sup>ii</sup>
- It is one of the leading contributors to death and disability, responsible for almost 2,000 deaths and almost 47,000 hospitalisations each year in NSW.<sup>iii</sup>
- Alcohol is also implicated in a wide range of health, social and economic harms including drink-driving accidents, domestic violence, assaults, and child neglect (additional information on the health, social and economic impacts of alcohol related harm provided below).

# Why verify age at point of sale and point of delivery?

- The liquor Act clearly outlines that it is illegal to (a) sell and (b) supply alcohol to a child.
   In a bricks and mortar store, the point of sale and the point of supply are combined in one transaction.
- With online sales and home delivery these two points are separated geographically and
  often undertaken by different companies, some of whom are not licensed. This creates
  two points at which there is risk of underage access rather than one.
- The Bill proposes that age is verified at the point of sale and delivery for same day delivery. This should also be extended to other deliveries.
- Risk of underage access must be addressed at both of these points.



- The single most important intervention is to prevent underage alcohol sale happening in the first place. This means verifying age at point of sale.
- This is a standard requirement of bricks and mortar licensees and online licensees should be held to the same standard.
- At point of delivery, photo ID should be checked to ensure the alcohol is being delivered
  to an adult whose name matches that on the order. This would reduce the risk of
  supplying alcohol to a child at the point of delivery.

#### Doesn't the use of a credit card in the sale prevent children from buying alcohol?

 No, most online alcohol retailers accept debit cards and Paypal. Both can be used by children.

#### Why verify age for all online sales and home deliveries and not just same day delivery?

- The community expects that alcohol companies are not allowed to sell alcohol to children, and this principle is enshrined in the NSW liquor Act. This principle applies regardless of the speed at which the alcohol arrives. A licensed venue would not be allowed to sell alcohol to a child if they promised not to drink it until the next day. Online retailers should be held to this same standard.
- 'Next day delivery' includes bottle shops like Dan Murphy's and BWS selling alcohol for next day delivery.
- Under the current proposal in the draft Bill, there is no age verification at point of sale for a next day delivery, and next day deliveries can be left unattended. This means a child could easily place an order on a Friday night and have it delivered on a Saturday afternoon for a teenage party while their parents are away for the weekend. Under the current draft Bill, this sale and supply of alcohol would be completely anonymous.

## How do you verify age at point of sale?

- Online age verification is standard practice. It is already in operation today, particularly in the UK where thousands of age checks are completed each week, not only for alcohol but for vaping products, knives, acids, fireworks etc. It is also used in the gambling sector in Australia.
- Age verification products such as Yoti Digital ID and AV Yourself can be plugged into an
  online shop to provide proof of age in an online purchase. This is much like how Paypal
  works as a payment plug-in during an online purchase. The product verifies governmentissued ID by combining document scan with a live photo comparison.



- Typically, these plug-ins take hours not days to add to an online shop and cost the
  retailer as little as 14 cents per new customer (charge once per customer then free
  thereafter). The age verification requirement will only apply when an age-restricted good
  is added to the shopping cart.
- <u>Try here</u>: download the app to smartphone then use it in <u>Yoti's demo online shop</u>.

#### How do you verify age at point of delivery?

 At point of delivery, photo ID should be checked to ensure the alcohol is being delivered to an adult whose name matches that on the order.

#### Is there evidence that children are accessing alcohol by online sales and home delivery?

- It is currently illegal in NSW to conduct underage mystery shopper tests known as Controlled Purchase Operations (CPOs). This means it is impossible to collect evidence. This is a black spot which is easily addressed.
- The Bill should introduce a power to conduct underage mystery shopper tests known as Controlled Purchase Operations (CPOs) so that evidence can be gathered and compliance and enforcement activities undertaken.
- Studies into the practices of online alcohol retailers indicates there is both substantial risk of, and substantial opportunity for, underage access:
  - A 2020 analysis of the 65 most visited online alcohol retailers in Australia found that none of them verify age at point of sale. Yet most (75%) advertise a willingness to leave alcohol unattended at an address.<sup>iv</sup>
  - Adverts for online sales and home delivery of alcohol are prolific on social media and adult content is not effectively age restricted.<sup>v</sup>
  - A 2019 Australian research study found that more than one-third (36%) of respondents aged 25 years and under did not have their ID checked when receiving their last alcohol order.<sup>vi</sup> A 2020 Victorian survey found that almost a third of people (31%) received an order without their ID being checked, including a quarter (24%) of people aged 18-24.<sup>vii</sup>
  - The Foundation for Alcohol Research and Education's 2020 Annual Alcohol Poll found that, of people who used alcohol delivery in the last 12 months, a quarter (25%) had a delivery left unattended at home, and only 41% of 18-24 year olds said their ID was checked when receiving an alcohol delivery.



A 2020 study in England and Wales found that 8 per cent of young people who had just turned 18 reported having successfully obtained alcohol via online sales and delivery as under 18s, while 12 per cent knew of others who had successfully done so.<sup>ix</sup> This shows that underage access via online sales and home delivery is happening in a country with a comparable alcohol culture.

# Why should delivery agents have accredited RSA training?

- Currently there is no requirement for alcohol delivery companies to train their staff in Responsible Service of Alcohol (RSA) principles which are designed to reduce the risk of alcohol supply to children or people who are intoxicated.
- Division 1A of the Act outlines that for licensed premises, RSA training must be accredited and delivered by an accredited person. However, the Bill allows the same-day delivery provider to develop their own training.
- There should be a government prescribed training course for alcohol delivery companies.
- A foundation exists in the current RSA training framework, which the NSW Government should extend to online sales and delivery of alcohol.
- The information and skills required in the responsible service of alcohol is the same regardless of whether the supply of alcohol is happening in a club, pub or being delivered. The course could focus on the legal obligations alcohol delivery companies have, including ensuring alcohol is not supplied to children or people who are intoxicated. The course could also properly prepare employees so they feel confident in fulfilling these duties, such as refusing delivery, while also ensuring they can safely do so.
- It is also important to note that RSA training is only one element of preventing alcohol supply to children or people who are intoxicated and is only effective if accompanied by strong regulation and compliance testing.

#### Why should deliveries of alcohol stop at 9pm?

- Currently alcohol can be delivered to homes in NSW until midnight.
- Alcohol harm in the home is likely to occur late at night. Alcohol-related assaults increase substantially between 6pm and 3am, with 37 per cent of alcohol fueled assaults occurring in the home and more than half (57%) of those being family violence.<sup>x</sup>
   Suicides and sudden or unnatural deaths involving alcohol predominantly happen at



- night, in the home environment.xi The rapid delivery of alcohol to the home, late at night, only further exacerbates these known risks.
- When sale of takeaway alcohol was limited to 9pm and earlier in parts of Switzerland, hospital admissions for alcohol intoxication reduced significantly across a wide age range. Similar results have been seen elsewhere in Switzerland and in Germany.xii
- The last time for delivery should be brought forward to 9pm, and earliest time in the day set at 12pm (midday).

## Why should there be a 2 hour delay between purchase and delivery of alcohol?

- 'Rapid delivery' of alcoholic products means alcohol that is delivered within 2 hours of ordering. Orders are often fulfilled very quickly (within 30 minutes), including through the use of refrigerated vans, which are essentially mobile packaged liquor outlets stocked with common items, and circulating the area like Uber drivers. Alcohol is often delivered cold and ready to drink.
- Rapid delivery and mobile packaged liquor outlets have stepped-up the availability and
  risk of alcohol related harm. Rapid delivery enables impulsive purchases and enables
  continuation of an existing alcohol session when the alcohol supply has been exhausted.
- Rapid delivery fuels higher risk alcohol use and contributes to people 'topping up' with alcohol when they normally would have stopped drinking. A 2020 Victorian survey found that for some people, rapid delivery enabled them to keep drinking when they would have otherwise had to stop. 40% reported that on some, most or all occasions they would have had to stop drinking if not for the availability of rapid delivery. This increased to 77% for weekly rapid delivery users.xiii
- The 2020 FARE annual alcohol poll found that, of people who use rapid delivery, the
  majority (70%) drank at a risky level (5 or more standard drinks) on the day of delivery,
  including more than a third (38%) who drank at a very high risk level (11 or more
  standard drinks).xiv
- The more intoxicated a person is, the more likely they are to harm themselves or others. Alcohol intoxication fuels death<sup>xv</sup>, suicide<sup>xvi</sup>, disease<sup>xvii</sup>, injury<sup>xviii</sup>, violence<sup>xix</sup>, domestic violence<sup>xx</sup>, mental illness<sup>xxi</sup>, road accidents<sup>xxiii</sup>, child neglect and abuse<sup>xxiii</sup>.
- The Bill should mandate a delay of at least two hours between purchase and home delivery of alcohol to reduce the risk of delivery to people who are already intoxicated.



## Why should delivery to a person who is intoxicated be an offence?

- Currently it is not an offence in NSW to supply alcohol by delivery to a person who is intoxicated.
- Clause 114J of the Bill creates a new offence of supplying alcohol to a person who is intoxicated by same-day delivery. This is a really important change that will reduce the risk of such supply.
- However, it should be extended to all deliveries since supply to a person who is intoxicated is equally problematic regardless of when the delivery is received.
- A 2020 Victorian survey found that it is common for alcohol to be delivered to people
  who are already intoxicated. Of those people who ordered a rapid delivery while
  intoxicated, most (69%) were still given their order.xxiv
- The more intoxicated a person is, the more likely they are to harm themselves or others. Alcohol intoxication increases the risk of death<sup>xxv</sup>, suicide<sup>xxvi</sup>, disease<sup>xxvii</sup>, injury<sup>xxviii</sup>, violence<sup>xxix</sup>, domestic violence<sup>xxx</sup>, mental illness<sup>xxxi</sup>, road accidents<sup>xxxii</sup>, child neglect and abuse<sup>xxxiii</sup>. Therefore, it is in the best interests of the community, if the supply of alcohol can be appropriately regulated to limit dangerous level of drinking.
- The new provision in Clause 114J of the Bill should be extended to all deliveries of alcoholic products.
- Supplying alcohol to a person who is intoxicated should always be an offence.

# Additional evidence of the health, social and economic impacts of alcohol related harms

- There is an extensive body of evidence cataloguing the health, social and economic impacts of alcoholic harms;
  - Health Stats NSW data shows that, in NSW in 2018, alcohol was responsible for 1,929 deaths.xxxiv
  - Alcohol abuse costs the NSW government more than \$1 billion every year. This
    does not include the cost of treatment of chronic conditions linked to alcohol
    use.xxxv
  - Recently released data demonstrates that in 2019, 32.8% of the total NSW adult population drank alcohol at rates that increased their long-term risk of harm.xxxvi This proportion has been increasing each year since 2016.xxxvii



- There has been a steep rise in calls to the National AOD Hotline from people seeking support with alcohol and drug use, and a significant increase in reports of alcohol's involvement in family violence in NSW since the pandemic began.
- Productivity losses was the single largest cost of alcohol misuse, representing 42.1% of the estimated \$14.35 billion social cost of alcohol abuse in Australia in 2010.xxxix

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