



Public Health Association
AUSTRALIA

Public Health Association of Australia submission on the proposed Qld regulatory framework for online liquor sale and delivery consultation

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Preamble

The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public's health in Australia.

The PHAA works to ensure that the public's health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people's health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.



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Introduction

PHAA welcomes the opportunity to provide input to the Queensland proposed regulatory framework for online liquor sale and delivery consultation.

The avenues for marketing and selling alcohol have rapidly evolved in recent years. Queensland legislation currently does not reflect the increasing prevalence of online sale and delivery of alcohol, which is making alcoholic products more accessible. The proposed reform measures represent a much needed policy update to reflect contemporary business practices and address compelling evidence of the associated increased risk of alcohol related harms. However, there are some key gaps that we are keen to highlight in this submission.

We make the following recommendations:

Licensing: Rather than just extending the authority of existing licenses to cover online sales and delivery of alcohol, a specific and mandatory license category should be developed with community engagement and impact assessment.

Online sales: Websites selling alcohol products must require effective age verification at the point of sale, mandatory rotating health warning statements, and be free of exploitative marketing and payment methods.

Delivery: No alcohol delivery should be left unattended, regardless of whether it is a same day or non-same day delivery. Effective age verification and review of inebriation level must be required at point of delivery, as well as support and protect of delivery staff. Evidence-based action is needed to regulate emerging drone delivery technologies for alcohol deliveries.

Time of delivery: We do not support different requirements for same day and non-same day deliveries. There should be no delivery of alcohol between 10pm and 10am and a minimum two-hour delay between online purchase and delivery of alcohol should be introduced.

Compliance and enforcement: Online delivery-specific RSA must be developed and prescribed to ensure compliance. Additional offences for irresponsible provision of alcohol (i.e., leaving deliveries unattended) must be created with delivery companies being liable. Robust test purchasing programs, and regular reports on monitoring and enforcement activity should also be implemented.

PHAA Response to the Qld proposed regulatory framework for online liquor sale and delivery consultation Terms of Reference

Licensing

PHAA strongly believes that the Queensland Online Liquor Sales and Delivery Framework must also consider new licensing and obligations for online delivery of alcohol.

As it stands, the Framework has excluded a review of current liquor licence types from its scope. This is in contradiction of the purpose of license categories, which are in place to reflect different business types, and align administration processes, conditions, and licensing fees with these, and with the different risks of alcohol harm for each. To not review the license categories neglects the fact that online delivery does increase the risk of harm from alcohol.

We do not support extending existing licence conditions to cover third-party delivery providers, instead of establishing a new licence category type for online sales and online delivery.

Stretching existing licence conditions over fundamentally different business models will require multiple exclusions, exemptions and does not align with administrative processes. E.g., applying for a liquor licence requires providing a plan of the physical premises. These conditions then must be applied to separate business entities to the licensee.

It is administratively simpler to create a license category for online sales and delivery of alcohol and apply appropriate risk-based conditions to this licence. This can also ensure that the community is adequately consulted on new applications for online sales and delivery of alcohol.

Recommendations:

- The framework must review existing licence types for suitability for online sales and delivery of alcohol.
- Do not just extend the authority of existing licences to cover online sales and delivery.
- Introduce a specific licence category for online sales and delivery with appropriate prescribed community engagement and impact assessment. Require retailers to have this license to sell alcohol online or to deliver alcohol.

Online Sales

Digital age verification

PHAA firmly supports the need for a digital age verification check for online sales of alcohol. This will ensure there are extra protections for children against alcohol access.

Alcohol use can cause irreparable damage to the developing brain.⁽¹⁾ Alcohol is an addictive psychoactive drug that diminishes responsible decision-making, leading to greater likelihood of risky behaviours, thereby magnifying the vulnerabilities of children. Alcohol contributes to the three leading causes of death among adolescents: unintentional injuries, homicide, and suicide.⁽²⁾

Currently, the only barrier to a child ordering alcohol online is a box to check whether they are overage. This is clearly not a fool-proof way of verifying age at the point of purchase. We cannot rely on age verification at point of delivery either, with a 2022 study finding that 50% of people who ordered alcohol online were not asked to show ID to receive delivery.⁽³⁾

We urge that at a minimum, there needs to be verification processes in place like the Australia Post Keypass ID check.

Recommendation:

- All online purchases of alcohol must require *effective* age verification at the point of sale, such as Australia Post Keypass ID check. Current measures are insufficient and could risk children's lives.

Health warnings

We also urge that it be mandatory for alcohol websites to carry rotating health warning statements about the risk of alcohol use, with a link to the Australian guidelines.

More than 1,000 people in Queensland die each year of alcohol-attributable disease and injury, and more than 30,000 Queensland hospitalisations are attributable to alcohol.^(4,5) Alcohol abuse is killing Queenslanders and online delivery makes it easier for people to access and over-consume alcohol. This was made evident by a VicHealth survey found 77% of people who ordered rapid delivery would have stopped if it was unavailable.⁽⁶⁾

It is important that prior to purchasing, people can be informed of the health risks associated with alcohol.

Recommendation:

- Mandatory rotating health warning statements about the harms of alcohol use must be required for all websites selling alcohol products.

Allowable payment methods and predatory sales

Young people are heavily exposed to alcohol marketing in many different forms including television, radio, social media, online video channels, mobile phones, sponsorship of sporting and music events, and outdoor media.⁽⁷⁾ Exposure to alcohol advertising influences young people's attitudes about drinking and increases the likelihood that adolescents will start to use alcohol and will drink more if they are already using alcohol.^(8,9) Children under 18 years should not be exposed to advertisements for online sales and delivery of alcohol.

Recommendation:

- Ban exploitative alcohol marketing behaviour and payment methods. This includes advertisements for online sales and delivery of alcohol, incentivising bulk purchasing alcohol, buy-now-pay-later schemes, push notifications, direct prompts, or 'buy-now' buttons.

Delivery

ID check and intoxicated persons

Currently, Queensland requires that a person's ID must be checked for their age and alcohol must not be provided to an intoxicated person.^(10,11) Despite this, there is evidence that between 24-50% of the time, people's ID are not being checked at time of delivery.^(3,12,13) In addition to inconsistent ID checks, 75% of people ordering alcohol delivery while intoxicated are never, or only sometimes, refused delivery.⁽³⁾

Additionally, a study regarding unattended delivery found that 22% of the time, alcohol is left at the door.⁽³⁾ The Consultation paper indicates that there will be no restriction on unattended non-same day delivery where instructions for a secure delivery location have been provided. This lack of rigour at point of delivery provides avenues for children to access alcohol.

The safety of delivery staff is also important to consider. If the customer appears intoxicated, the deliverer by law cannot provide them with alcohol. However, without the support of other staff or security, this places the deliverer in a vulnerable position to verbal or physical abuse.

Recommendations:

- No alcohol delivery should be left unattended, and all alcohol deliveries (both same day and non-same day) should require effective age verification as well as review for intoxication at time of delivery.
- Delivery staff need support to carry out their work safely and in compliance with the law and must have completed appropriate RSA training prior to delivering liquor.
- We support the recording of all incomplete deliveries including reasons for non-delivery.

Drone delivery

Home delivery options for takeaway food in Australia have exploded since the pandemic. However, policy makers were behind the ball in creating regulations for this industry, resulting in over 80% of advertising on these platforms being for junk-food and poor working conditions for deliverers.⁽¹⁴⁾ The increased usage of food delivery has spurred on the creation of drone delivery services.

This technology is here and currently being trialled in South-East Queensland.⁽¹⁵⁾ If pre-emptive regulations are not created, there will be no way for a drone to discern the age or identification of customer, nor can it ensure that the person who ordered the alcohol will be the one to receive it, nor can it judge the sobriety of the customer. The expansion of alcohol home delivery services represents a shift in alcohol availability.

Recommendations:

- The QLD Office of Regulatory Policy must act now to create regulations on drone delivery technology based on what will reduce or prevent harm from alcohol.
- Regulations may include a minimum two-hour delay between ordering and delivery, setting a cut off time, and maintaining that licensed premises must have a fixed address.⁽¹⁶⁾
- Be mindful that there is no clear answer how this technology could confirm presence of minors or inebriation level of the recipient or anyone else in their company.⁽¹⁶⁾

Time of delivery

Time is an important factor affecting levels of alcohol harm. Alcohol-related assaults increase substantially between 6pm and 3am (peaking between midnight and 3am), and most of these are in the home and involve domestic violence.⁽¹⁷⁾ Acute alcohol consumption increases the risk of attempted suicide, and at a population level, greater consumption is associated with increased suicide risk.^(18,19) In Australia, suicides and sudden or unnatural deaths involving alcohol predominantly happen at night, and in the home.^(20,21)

The Consultation paper indicates that the same day home delivery of alcohol can occur until 11pm on normal trading days and until midnight on special days. There is no proposed delivery time restriction on non-same day deliveries. In light of the evidence regarding the risk of violence, suicide, and unnatural deaths due to alcohol, regardless of when it was ordered, these timeframes for alcohol delivery are not appropriate.

Furthermore, the Consultation paper does not include regulation to prevent rapid delivery. On the contrary, the delivery 'cut-off' time for same day deliveries was proposed to allow time for alcohol ordered at 10pm to be delivered on the same day. Of Australian adults using alcohol delivery, 20% used a service to continue a home drinking session, 38% of whom drank over 10 standard drinks on these occasions.^(22,23) With 77% of rapid delivery users reporting they would have stopped drinking if the service were unavailable, explicit restriction of rapid alcohol delivery is needed to avoid perpetuating alcohol related harms.⁽⁶⁾

Recommendations:

- No delivery of alcohol between 10pm and 10am any day of the week, including on special days, and regardless of when the order was placed.
- Introduce a delay of two hours between purchase and delivery of alcohol, to stop rapid supply of alcohol to people who may be intoxicated or dealing with alcohol dependence.

Compliance and enforcement

There must be adequate compliance and enforcement of reform measures to ensure a reduction in harm to individuals and the community and to ensure that delivery staff / contractors are safe and understand their rights and responsibilities in delivery of alcohol.

Current RSA guidelines are designed for alcohol supply within premises and have not kept pace with the evolution of alcohol marketing, sales, and delivery. An online delivery-specific RSA needs to be designed, prescribed, required, and monitored with record-keeping of refusals and test purchasing (as recommended by the National Alcohol Strategy).⁽¹²⁾

We support the following being an offense to which liability is shared with delivery companies (including bottle shops and online delivery providers): the online sale or delivery of alcohol to people under 18, not maintaining online sales transaction records, not maintaining records of refused or incomplete deliveries, delivery of alcohol outside prescribed hours, delivery of alcohol to an intoxicated person, leaving a delivery unattended, breaching RSA requirements, and breaching conditions of the relevant liquor licence.

Recommendations:

- Prescribe and require specific RSA training for online delivery of alcohol.
- Establish and prescribe test purchasing.
- Establish offences for unlawful delivery and provision of alcohol.

Conclusion

PHAA supports the broad directions of the proposed regulatory framework for online liquor sale and delivery. However, there are some key gaps in the framework, which we are keen to ensure are addressed in line with this submission. We are particularly keen that the following points are highlighted:

- Include a review of alcohol licenses as part of the scope.
- Require separate licences for online delivery with appropriate prescribed community engagement and impact assessment.
- Ensure the integrity of online sales systems, including effective age verification, mandatory health warnings, and banning predatory marketing behaviour and payment methods.
- Enforce the law regarding unattended deliveries, deliveries to intoxicated persons and deliveries to minors.
- Prohibit all alcohol deliveries between 10pm and 10am, and institute a minimum two-hour delay between purchase and delivery.
- Support delivery providers through online delivery-specific RSA training and ensure compliance through test purchasing and regular reporting.
- Establish offences for the irresponsible provision of alcohol (outlined previously), ensuring delivery companies are liable.

PHAA appreciates the opportunity to make this submission and contribute to minimising the risk of alcohol related harms. We look forward to consulting on subsequent versions of the proposed framework.

Please do not hesitate to contact me should you require additional information or have any queries in relation to this submission.



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