



Public Health Association
AUSTRALIA

Public Health Association of Australia submission on New South Wales Alcohol Delivery Reforms (Stage 2)

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Contents

Preamble	3
The Public Health Association of Australia	3
Vision for a healthy population	3
Mission for the Public Health Association of Australia	3
Introduction	4
PHAA Response to the Stage 2 Discussion Paper	4
1. Implementation and operation of same day alcohol reporting requirements	4
2. Validity of the policy objectives in relation to same day delivery, and appropriateness of the reforms	5
3. Emerging trends and technologies relevant to other liquor deliveries that are not same day	6
4. Additional harm minimisation strategies that may be appropriate for other liquor deliveries that are not same day	6
5. Direct and social media marketing and consumer data that have been used in relation to other liquor deliveries that are not same day.....	6
Conclusion	7
References	8

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 New South Wales (NSW) Government's Alcohol Delivery Reform review (stage 2).

In Australia, alcohol is the most widely used drug.⁽¹⁾ Alcohol consumption is deeply embedded in Australia's culture and its regular use is vastly perceived as acceptable for the purposes of socialisation, relaxation and/or commiseration.⁽²⁾ However, alcohol-related harms are responsible for a substantial burden of death, disease and injury in Australia, which is influenced by not only unsafe drinking patterns but by the interactions between age, genetics, physical, cultural, social and environmental determinants of health.⁽³⁾

Alcohol is the fifth leading risk factor to the burden of disease in Australia, contributing to several cancers, chronic liver disease and injuries such as road incidents and self-inflicted injuries.⁽⁴⁾ In NSW, alcohol accounts for 39.9% of the drug and alcohol treatment services required,⁽⁵⁾ and between 2018 to 2019, alcohol related harms were estimated to have cost the NSW healthcare system \$257.4 million dollars in alcohol related hospitalisations.⁽⁶⁾

The online sale and delivery of alcohol has rapidly increased over recent years, particularly due to the COVID-19 pandemic altering purchasing habits.⁽⁷⁾ In 2020, the online sales and delivery of alcohol more than tripled 2019 figures (from 3.5% to 11.3%).⁽⁸⁾ Consequently, research into the impacts of online sale and delivery of alcohol is still being generated and the required regulatory measures are playing catch-up. PHAA is deeply concerned about the increased risk that underregulated online sale and delivery of alcohol has on alcohol-related harms in the NSW community.⁽⁹⁾

PHAA supports the NSW Government's review of current online sale and delivery laws. Where "Stage 1" of the review focused on same day delivery (alcohol ordered, dispatched and delivered on the same day) and rapid delivery (alcohol ordered, dispatched and delivered in under 2 hours),⁽¹⁰⁾ "Stage 2" will be reviewing non-same day delivery (alcohol dispatched and delivered one day or more from the date of order).⁽¹⁰⁾

PHAA Response to the Stage 2 Discussion Paper

1. Implementation and operation of same day alcohol reporting requirements

The data reporting requirements for same day alcohol delivery has been critical as it enables easier data collection on the demography, frequency and types of alcohol delivery in NSW.

The reporting of same day alcohol delivery data (such as Local Government Area data) captures the demographics of people accessing the service and illuminates the frequency of incidents (such as refused deliveries).^(11,12) This reporting provides evidence to assist policymakers and other stakeholders to make informed, evidence-based policy and regulatory measures that will reduce the impact of alcohol harm.⁽¹³⁾

Alcohol sales data reporting must extend to non-same day delivery. The risk of alcohol harm to individuals, families and communities remains, regardless of same or non-same day delivery. Reporting non-same day data will also establish supply density and complete the picture of alcohol online sales and delivery in NSW.

PHAA Recommends:

- Continue collecting same-day alcohol delivery data and extend to non-same day deliveries.

- Government and health bodies must utilise this data to create evidence-informed policies to reduce the risk of harms from alcohol.
- Include online delivery as a risk factor when calculating alcohol outlet density in a geographic area.

2. Validity of the policy objectives in relation to same day delivery, and appropriateness of the reforms

The policy objectives remain valid. However, upon reviewing Stage 1 findings and other recent research, current alcohol online sale and delivery processes are preventing the *Alcohol Act's* objectives from being achieved. The objectives must be bolstered by implementing better evidence-based regulatory measures.

Objectives (1) (a)(b)

These objectives state that their aim is to “regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community” and “facilitate the balanced development, in the public interest, of the liquor industry” respectively.⁽¹⁴⁾

Yet, third party deliverers and alcohol companies can deliver alcohol within two hours from individuals placing an order, which promotes impulsive buying and the continuation of a drinking session.⁽¹¹⁾ Thus increasing the risk of people being subjected to or causing alcohol related harms.⁽¹⁵⁾

Objective (2) (a)

This objective states that licensees must “minimise harm associated with misuse and abuse of liquor”.⁽¹⁴⁾ However, recent research found that almost one third of people 25 years and younger did not have their identification verified when receiving an alcohol delivery.⁽¹⁶⁾ Deliveries are also being left unattended and/or being delivered to people who are intoxicated.⁽¹¹⁾ This correlates with the Stage 1 findings where 1 in 10 alcohol delivery drivers were unaware of age and identity verification requirements.⁽¹⁷⁾

These findings show that risk is not being minimised appropriately with the current legislation. Online sale and delivery of alcohol is putting vulnerable and underaged people at a higher risk of alcohol harm.

Objective (2) (b)

This objective asserts that licensees must “encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor”.⁽¹⁴⁾ Meaning that deliverers must be equipped with the ability, and “responsible attitudes” to refuse the supply of alcohol if supply could cause increased risk of harm.

Currently, individuals can make and receive deliveries late at night which places the safety of alcohol delivery drivers at greater risk, as late-night consumption of alcohol correlates with the increased the risk of alcohol-related violence and suicide.⁽¹¹⁾ Deliverers can become subjected to aggressive behaviour, particularly if they identify that delivery should be refused.

PHAA Recommends:

- Limit late-night alcohol deliveries to 10am-10pm, every day of the week.
- Prevent rapid delivery, allowing for a 2-hour safety pause between the order and delivery.
- Retain current online identification requirements and extend to non-same day deliveries.
- Responsible Supply of Alcohol Training (RSAT) requirements must be extended to non-same day deliveries. Further support and education regarding de-escalation techniques should be provided to delivery drivers.
- Retain that companies be liable for fines and that drivers not penalised for non-deliveries. This should be extended to non-same day deliveries.

- Conduct test purchasing (e.g., ensuring deliverers are checking identification) and retain compliance checks for same and non-same day delivery.
- Establish a specific liquor licence for online alcohol sales and delivery.

3. Emerging trends and technologies relevant to other liquor deliveries that are not same day

Emerging drone delivery options for fast-food has swelled in recent years⁽¹⁸⁾ and will potentially expand to non-same day deliveries as demand grows. Alcohol drone delivery poses a significant public health risk. Unmanned deliveries cannot obtain RSAT and cannot verify identification or assess inebriation level.⁽¹⁹⁾

Drone delivery will increase alcohol availability, thus may increase the prevalence and volume of home drinking.⁽¹⁹⁾ As alcohol drone deliveries are currently not legislated, the NSW Government must proactively create legislation to stymie this risk.

PHAA recommends

- NSW Government must prevent drone delivery of alcohol until independent research shows that drones can: correctly identify age, intoxication level and refuse delivery. A health risk assessment must be conducted to show no increased risk of alcohol harm.

4. Additional harm minimisation strategies that may be appropriate for other liquor deliveries that are not same day

Alcohol is linked to a substantial burden of death, disease, and injury in Australia, affecting not only the drinkers themselves, but also their families and broader community.⁽²⁰⁾ Harm from alcohol is preventable. The risk of harm to health increases with increasing use; the less a person drinks, the lower their risk of health, social and psychological harm from alcohol.⁽¹⁾ Therefore, there is no safe level of alcohol use.

PHAA recommends

- The harms associated with same day delivery are the same for non-same day delivery, thus all same-day harm minimisation strategies need to be extended to non-same day delivery.

5. Direct and social media marketing and consumer data that have been used in relation to other liquor deliveries that are not same day

Predatory targeted advertising

Alcohol is addictive and harmful, yet alcohol retailers continuously promote alcohol delivery and price specials.⁽¹⁵⁾ All while internet user's data are collected from search engines, e-commerce platforms and social media.⁽²¹⁾ Resulting in data being analysed, sold, and used to create personalised advertising; tailored and targeted towards people's interests and preferences.⁽²¹⁾

This is most concerning for populations, such as children, young adults and people experiencing alcohol dependence.⁽²¹⁾ Predatory marketing tools like 'Show Now' buttons, buy-now-pay-later, notifications, discounts and deals, influence impulsive buying that applies to same and non-same day online sale and delivery of alcohol.⁽¹⁵⁾

Industry self-regulation is a conflict of interest

NSW online sale of alcohol legislation does not protect the community from data driven digital marketing. Industry self-regulation of alcohol marketing is a conflict of interest, does not protect vulnerable groups and promotes harmful messaging.⁽²²⁾ Self-regulation fails to protect young people and the community, and it must be replaced by independent, government-led regulation with sanctions for non-compliance.^(23,24)

A legislative approach is required as regulation by government can ensure effective, independent controls on all forms of alcohol advertising and promotion, focusing on strong privacy reforms and minimising the harms from digital marketing that promote same day and non-dame day alcohol delivery services.

PHAA recommends:

- NSW government must regulate the marketing of alcohol products, including data driven digital marketing.
- Appropriate sanctions must be in place for any non-compliance of the strengthened regulation.
- Require alcohol retail websites to display at least three rotating alcohol harm warning statements.

Conclusion

PHAA supports the direction of NSW Government's Stage 2 Alcohol Delivery Reform. However, urge the Government to include the following key measures to bolster new online sales and delivery legislation:

- All same day harm minimisation measures and data reporting must apply to non-same day.
- Limit late-night deliveries, prevent rapid delivery, bolster online and delivery identification checks.
- All delivery drivers must have RAST, receive safety support and are not liable for non-deliveries.
- NSW government must regulate the marketing of alcohol products, including data driven digital marketing, sanctions for non-compliance and health warnings on retailer's websites.

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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