



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON LEGAL AFFAIRS

(Reference: Inquiry into the Liquor Amendment Bill 2025)

Members:

**MS C BARRY (Chair)
MR T WERNER-GIBBINGS (Deputy Chair)
MR S RATTENBURY**

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 5 DECEMBER 2025

**Secretary to the committee:
Ms K de Kleuver (Ph: 6207 0524)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 9.15 am

CHORLEY, MS AYLA, Chief Executive Officer, Foundation for Alcohol Research and Education

VALENTINE, MS KYM, Lived experience advisor, Foundation for Alcohol Research and Education

THE ACTING CHAIR (Mr Werner-Gibbings): Good morning, and welcome to the public hearing to the Standing Committee on Legal Affairs for its Inquiry into the Liquor Amendment Bill 2025. The committee will today hear from the Foundation for Alcohol Research and Education, the Domestic Violence Crisis Service, ATODA, Door Dash, Uber Eats, Retail Drinks Australia and the Attorney-General.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of the city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

This hearing is the legal proceeding of the Assembly and has the same standing as proceedings of the Assembly itself. Therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the Assembly. This hearing is being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and web-streamed live.

When taking a question on notice, it would be useful if witnesses use these words, "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

As this hearing may touch on sensitive matters, some witnesses or people watching these proceedings may be impacted by what is said or heard. If you need to take a break at any time, please let me know. The secretariat also has information on support services if required.

It is quarter past 9 am and we welcome witnesses from the Foundation for Alcohol Research and Education (FARE). For the Hansard record, please state your name and the capacity in which you appear.

Ms Chorley: My name is Ayla Chorley. I am the CEO from the Foundation for Alcohol Research and Education.

Ms Valentine: I am Kym Valentine. I am a lived experience advisor with FARE Australia.

THE ACTING CHAIR: Thank you, Kym. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would either of you like to make a brief opening statement?

Ms Chorley: Yes, please. We both would.

THE ACTING CHAIR: We will use that, Ayla, then we will go to Kym.

Ms Chorley: Thank you very much, committee, for this opportunity to speak with you about the Liquor Amendment Bill, which offers an unparalleled opportunity for the ACT to enact reforms that will reduce alcohol harm and keep those in our community safe.

As I said, my name is Ayla Chorley. I am the CEO for FARE, and I am joined by the formidable Kym Valentine today. Our first submission goes into more detail, but to summarise at a very high level, our ask on the ACT liquor bill is twofold. First, we urge the committee and the assembly to support this bill and not allow it to be delayed or watered down. These are vital and long overdue reforms that come at a time of great urgency as Australia is in the grip of the national epidemic of violence against women and children.

As the South Australian Royal Commission on Domestic, Family and Sexual Violence stated earlier this year, alcohol is a commercial determinant of violence—just like the federal rapid review into preventing violence against women and children found that alcohol is a significant contributor to family, domestic and sexual violence. Yet alcohol remains largely missing in legislation to address this problem.

Many members will probably have seen the extensive commentary in the media over the last two weeks about the lack of meaningful change when it comes to addressing alcohol's role in gendered violence. And we have seen this time and time again with the alcohol industry.

They undoubtedly lobby very, very hard to avoid or delay any common-sense measure of reforms, because they profit significantly from the largely loosely unregulated alcohol market. The more accessible alcohol is, the longer the delivery hours and the more rapid that delivery is, the more the harm is caused—and the more profit they enjoy.

Alcohol is not a benign commodity like rice or coffee. It is a product that causes immense harm, not just to the drinker, but those around them. I want to say that there is an immense opportunity in front of each of you today, and we are so grateful for this opportunity to be here and to present to you. The territory has an opportunity now to show leadership in this space. The decisions you make now have the potential to change the day-to-day impact of so many women and children living in the ACT. We urge you to seize this moment as it is, with the urgency that it demands. We thank you again for allowing us to come and present you today.

THE ACTING CHAIR: Thank you very much, Ms Chorley. Ms Valentine?

Ms Valentine: Thank you so much. I am representing a voice of lived experience. I cannot represent all voices but when it comes to alcohol's effect on family violence, there is an overarching theme that we hear from many victim survivors. We often hear from the adults, but we very rarely hear from what is the most important voice in this conversation—that is children.

One in six children are negatively affected by the drinking of adults around them, primarily within the home. These are children that are hiding under beds, in closets and bathrooms, hearing furniture thrown, and yelling and screaming. They know; the children who do not have a voice, and do not have a choice,

I would like you to hear from one of those children today; one victim survivor who has given me permission to share her account of being a little girl growing up in a violent home. This is from one little girl.

The yelling, the screaming, the sound of glass shattering. There is no money again. No dinner again tonight. No peace again tonight. Just terror. Just constant threat. It is only the threat level that changes. Perpetually holding her breath. Hiding under beds in closets. Being thrown over the fence to the next door neighbour in the dark of night and told to run.

Cuddling with her brother in the bathroom. Holding each other in the bathtub. Crying but trying to cry silent. Terrified, knowing all too well that what others have as safety is for us only violence and constant threat. No respite. No refuge. No safety. No home. Only survival in a house that is on fire.

Only sudden warnings, indicators, adapters and then panic stations. Not knowing what to expect and yet the only one sure thing is when he is drinking there is only one outcome: more fear, more violence and more certainty that it is only going to get worse. We will all be at the mercy in a constant state of cat-like readiness. Fight, flight, freeze, fawn, whatever we come to call it, but the only word, the only reality is fear. Pure white fear.

A real-life terrifying minefield. Tip-toeing, but not sure which toe. Just do not set that bomb off. All of our energy and focus is narrowed down to that. Bombs. Surviving the minefield. A minefield created by adults but left to us to navigate. As kids are living in the trenches. Relief is delayed while the grown-ups debate the battle of the bombs. While the adults debate how they have all the rights, but it is up to others to have responsibility.

More mines, more bombs have been detonated. Everything that causes harm or increases harm is a bomb. All bombs, all bombs harm. All bombs individually and interconnected are harmful, and all harm is important. We are telling you this is a bomb. This is hurting us. This is harmful and all harm hurts. So please believe us when we tell you that alcohol is a bomb.

Believe us when we tell you that this is hurting us. It is intensifying our experience of violence. The little girl hiding under her bed, her intoxicated parental abuser, a bomb, is banging on her bedroom door. The Uber delivery man, a directed missile, is pulling into the driveway with more ammunition.

You do not intercept it? What do you tell her? "Yes, we know you are scared. We could try to help you, but we are currently busy with other bombs at the moment. We plan on getting back to you about the missile currently hurtling towards you, hopefully around the next generation, but right now we have rights and if our rights are fuel to the fire in your home, then we are not responsible for the hit."

Children living in fear right now in this moment tonight in their own homes deserve a sense of urgency to help keep them safe. Every child who has lived or is still living with the reality of fear, they do not care about politics or profit. Without safety, convenience is a far-off luxury.

Every child who does not have a voice and does not have a choice, I am begging you, if it causes us harm, we need the adults to put it out. Or at the very least, we are depending on you to turn down the heat. Because to us it is clear, children have rights and you adults have responsibilities. Thank you.

THE ACTING CHAIR: Thank you very much. I have a couple of questions. I am going to start with you Ms Chorley. I had a briefing from FARE—it was one of the first briefings I received after coming into the Assembly—and your submission and the comments you have made are fairly clear about your support for the bill as it is. So, I might actually leave that there and take your submission as that is.

Let us assume the bill gets up, and it goes through the Assembly. Are there other, or future, legislative or regulatory reforms which, in your view, would help to decrease alcohol-related domestic, family and sexual violence harm that this Assembly, this committee, could consider? Because if this piece of legislation goes through, it will be nation-leading. What other options should the Assembly start thinking about?

Ms Chorley: Thank you for that question. We really welcome that question; it is an excellent one. I think it is excellent to see that this has the potential to be nation-leading. We would hope to see other states and territories follow soon. We have seen that South Australia has a draft bill ready, and Tasmania is looking at this at the moment, including things like the two-hour safety pause. So, we are seeing progress, but it would be wonderful to see the ACT take this leadership role.

I think in this submission, in particular, I do have one thing that we would propose that we would like to see amended before it is tabled. In our submissions, you will see a range of sensible and practical reforms. While we think we should absolutely enact these, pragmatically we understand that the government may choose to pursue them through other legislative vehicles at a later time.

But there is actually one that you could enact easily right now, in this bill; in particular, the key recommendation to make community safety and the prevention of gender violence the primary objective within the act. It is not currently proposed that it is. This change would fundamentally shift the way we view our law regulations. It tells decision makers, the legal commissioners, the community and the community of safety that the reduction of gender violence is a government priority, and it would be valued first over the development of the night-time economy and industry.

This reframing would lead to increased safety and less harm. It would also reflect the significant community appetite for change. We would strongly recommend to you that that is reconsidered, as part of this process. That would elevate the object around harm minimisation above that of industry impacts. I think that is a really important one.

Just, practically, as an example, what that would look like is when an application was put to the liquor commissioner, for example, they would have to consider the rates of assaults and the rates of family domestic violence in the surrounding areas for that application. That is a really important consideration to be looking at. And so, we would strongly recommend for this bill that that is reconsidered before it is tabled.

That recommendation was made in the rapid review commissioned by the federal

government. That recommendation was part of the South Australian royal commission as well. So, to your question around what other things there are, that is actually an option that is available to you right now, which could be implemented as part of this bill before it is tabled in the Legislative Assembly.

THE ACTING CHAIR: Thank you very much. We take that, absolutely, on board. I am more interested—because this is not my area of expertise, but certainly an area of interest—about what is next. What is next from FARE's perspective?

Ms Chorley: I guess from our perspective, but also those of lived experience and from survivors, and those in the health sector—we are amongst many—I think there are a couple of things that we would like to see.

Increasingly, we would like to see an investment in research, particularly in regard to the impacts around alcohol and gendered violence. For a very long time, it has not been part of the equation. We have seen investment from the federal government for the updated national framework for the prevention of alcohol, domestic and family violence. Through that process, and consultation with survivors and experts and health leaders, we will come to some key recommendations around what is needed further.

But what we do know fundamentally, and what we do know now and will continue to push for, is that advertising and marketing reform is particularly important. There is an opportunity for the ACT, here, to do that; to look at that more seriously. Federally as well. But for the ACT in particular there is an opportunity.

Marketing, at the moment, is predatory in nature. It is causing immense harm. And people are being tracked and targeted online, at an industrial scale. We are seeing that this marketing is overwhelmingly contributing to this harm. If we look at things like rates of family and domestic violence, they spike significantly over events like the AFL and the NRL. That is a combination of a couple of key things happening. One of those key things is the overwhelming advertising targeting that is happening over those periods of time, alongside other factors at play.

So, certainly, marketing and advertising reform is a key consideration for the ACT, but also for the federal government to consider.

THE ACTING CHAIR: Thank you very much. I think you touched on this in your answer to the first question, but do you think the liquor licensing regime, as it stands, could be more responsive to the relationship between alcohol and domestic, family and sexual violence?

You have already noted that the bill could actually be explicit about the impacts of licensing on that sort of violence. Are there other areas where that link could be strengthened, or more responsive?

Ms Chorley: Yes, absolutely. So, to summarise my first point: to elevate harm minimisation to the most important, or the paramount, object under the act is key. Including gendered violence under the definition of harm is critical.

I think the other opportunity, certainly, is to revisit the opportunities within the act

around marketing. That is a key and important thing. It goes into quite a bit of detail within our submission around what those opportunities are, but those are two I would like to highlight for you right now.

THE CHAIR: Over to you Mr Rattenbury, and apologies, I was a bit late.

MR RATTENBURY: Good morning, Chair. Thank you both for your evidence and the submission from FARE. We have seen in a number of industry submissions to the inquiry a claim there is no evidence that a two-hour delay in delivery will reduce harm. Are you able to respond to that assertion?

Ms Chorley: Of course, yes. We have heard this from the industry, and we have seen it in their submissions as well. I will state for the record: the evidence is contained within the federally commissioned rapid review into family, domestic and sexual violence, which was released in 2024. The evidence is also detailed in the recommendations from the South Australian Royal Commission into Domestic, Family and Sexual Violence, which was released in 2025. There is also other research that has been provided by multiple sources, which is quoted in FARE's submission, that supports the two-hour safety pause.

So, I think it is deeply concerning. This is a tactic we see by the industry, which is to discredit any evidence and to dismiss it as a means to prevent any commonsense reform. I think, overwhelmingly, the evidence is very clear.

Survivors have stated this for a very, very long time; about the level of harm that they experience from alcohol. It is overwhelmingly supported by survivors and by advocates. I think, certainly, that should be the most considered thing when we think about what it is that we are talking about, when the industry makes remarks of that nature.

It was only this week that the South Australian Police Commissioner, Grant Stevens was asked a question regarding the two-hour safety laws, and he said, "If it allows a situation to diffuse or if it does not pour petrol on the situation, then I think that is a sensible move and one that we would support."

You are hearing this from the South Australian Police Commissioner. I think there is overwhelming evidence supported by multiple reports. Survivors have been calling for it. And then you have got other evidence as well that is cited in the report in our submission, that will detail the requirement for the two hours, at a minimum.

MR RATTENBURY: Thank you. Similarly, we have seen assertions that if we put a two-hour safety pause in place, this will cause an increase in drink driving. In FARE's work, have you come across any evidence of that, or to the contrary?

Ms Chorley: I think it is understandable that that question has been raised, and I see the industry raising it in each of their submissions as well. I think, honestly, drink driving has devastating consequences on our community, and it is not an issue that should be taken lightly in any respect.

I, again, have spoken to the police regarding this question in particular, and they made the statement to say, "Unfortunately, those who will drink drive will drink drive", and

there is no indication to them, in their experience, that this would shift that in any way.

I think when we look at the evidence in regard to drink driving levels, we saw a small dip when COVID happened—of course, because there were less people on the road. But, since then, it has gone back to the level that it was pre-COVID, and that is when online sale and delivery has been introduced. So, there has been no decrease since alcohol-into-the home has been introduced. That gives you an indication that we are not of the view, and neither are very senior members of the police, that this will have an impact in that regard.

MR RATTENBURY: Thank you, that is very helpful. I wanted to ask you about a particular section in the act. There is a proposal that there be an exemption from delayed delivery where liquor is sold with a meal. This is right down the back of the bill. Again, I was interested if you have any views on that proposed exemption and whether it seems pragmatic, or whether it just creates a loophole. I would welcome your analysis.

Ms Chorley: Thank you for that question. Yes, I think we were concerned to see that in there. I think it does provide the potential for a loophole, which concerns us greatly. And I think it is counter to the evidence of what is required, and why the evidence shows that two-hour safety pause is included.

So, our recommendation to you—and what is included in our submission—is to ensure that loophole is effectively closed. We have gone into further detail, I think, in that submission, in particular. But it is very important that it does not become a loophole. I do not think that is the intention for how it has been drafted. So, it actually just needs to be reconsidered in terms of ensuring that that is not how it could be interpreted once it is implemented.

MR RATTENBURY: Thank you. I am really interested in a couple of the industry submissions. They talk about using the DrinkWise data monitoring program, and I intend to ask them about this later to get some detail. Does FARE have any insights into that data monitoring program, about its efficacy? Do you know much about the thresholds are used in it, or those sorts of things?

Ms Chorley: When we are talking about alcohol use, and those most at risk of harm from alcohol, and those who are drinking alcohol at high risk levels, it is a health issue first and foremost. So, what we would like to see, of course, is that that is considered through a health lens. And when we are identifying those who are drinking at high risk that, ultimately, they should be supported through the health system.

What concerns us greatly is when we have these independent, industry-led schemes that capture this data about individuals, that it is not then used through a health lens or consideration. There are opportunities to ensure that the data is collected in a way that it is helpful or useful for those who are experiencing harm from alcohol.

We would support any measure in regard to high-risk alcohol use or consumption that is supported through a health system and health lens—not through an industry-led system of data.

MR RATTENBURY: Based on some of the previous work I have seen from FARE,

I know you have real concerns about alcohol marketing and some of the tactics that are being used. Do you know if the data being developed in the DrinkWise data monitoring program is being used to drive marketing as well? They are putting it out there as being used for monitoring of over-consumption. I see a potential dark side of this data as well. Do you have any knowledge of if that is the case?

Ms Chorley: I do not know, but I will take that question on notice. That is a really interesting question. We can look into that and come back to you.

MR RATTEBURY: All right, thank you very much.

THE CHAIR: Apologies; I was a bit late. I thank you both for attending today, and my sincerest apologies for missing the first 10 minutes. Ayla, I want to come back to the point you raised around the data. My understanding—and please correct me if I am wrong—is that alcohol delivery started during COVID. Is that right?

Ms Chorley: It slightly varies, depending upon the state and territory. Certainly, what we saw in places like the ACT is that it rapidly expanded over the COVID period, as with other states and territories. Again, depending upon the state and territory, that was because of relaxations of certain regulations to allow for things like home delivery because of COVID, understandably.

In the ACT, for example, it started back in 2019, just before COVID started, but we saw a significant ramp-up, of course, during and as a result of COVID. It is quite new; it is in its infancy, if we think about home delivery and if we think about the arguments that the industry put forward about this—that any dismantling of this would cause so much difficulty for their organisations and their businesses. We are thinking about something that has not been around for a very long time, and in the ACT in particular it only started in 2019. It has not been that long, certainly.

THE CHAIR: During that COVID period, was there an increase in online alcohol-related violence? Do you have any data?

Ms Chorley: In relation to rates of domestic and family violence?

THE CHAIR: Family violence, yes.

Ms Chorley: During COVID?

THE CHAIR: Yes.

Ms Chorley: We did see a statistical increase in the rates of family, domestic and sexual violence during COVID. Certainly, that has occurred.

THE CHAIR: I think you indicated—and correct me if I am wrong—that, post COVID, there was a ramp-up in drink-driving. Police were reporting a ramp-up in drink-driving.

Ms Chorley: The understanding is that it returned to pre-COVID levels. It is more that there was a dip. My understanding is that there was a dip during COVID, of course, because there was less driving on the road and venues were not open, but that it has

likely returned more to pre-COVID levels.

That was being highlighted to address this concern around the potential for this to increase the levels of drink-driving. We have not seen a decrease since delivery was introduced; therefore, it would support the argument that providing the appropriate level of regulation that is required will not impact that at all.

THE CHAIR: Is there any data or data point that shows a corresponding increase between domestic and family violence and online delivery, specifically? Does anyone collect that kind of data?

Ms Chorley: No. That is a really good question. That type of data is not collected at all. Some of the difficulty that we experience is that data collection, depending on the state or territory, is limited in terms of what they might capture regarding police-reported incidences of family, domestic and sexual violence. We know that, in up to 47 per cent of family, domestic and sexual violence cases that are reported to police, alcohol is involved. That is what we do know. The data is quite limited in regard to that. We can talk from that 47 per cent perspective.

What we know in regard to children is that one in six children is harmed by those in the home. The evidence around the role that alcohol plays in domestic, family and sexual violence is around that figure of 47 per cent, but we also know that it has a significant impact on the children in the home.

Additionally, we have an example from New South Wales which talks about when an extension of delivery hours went from 10 pm to 11 pm. There was a statistical increase in the rates of family, domestic and sexual violence alcohol incidents that were reported to police for that period of time. That gives you an indication that when the delivery hours were extended by one hour, they had a statistical increase in the rates of police-reported incidents of alcohol-related domestic, family and sexual violence.

THE CHAIR: Kym, this one is for you. We know that people who would want to use alcohol would use alcohol. I want to hear about your experience of this. With respect to limiting someone who is hell-bent on getting alcohol from getting alcohol, what would that do to the victim in the home? Would that increase their risk of abuse and violence?

Ms Valentine: I understand what you are saying, and that is definitely a genuine concern, but that is not the primary concern that we are hearing from victim-survivors, the experts who are doing the research and the frontline services. Just like in a public setting, if somebody is hostile and volatile, giving them more alcohol will not decrease the risk of harm, and the same can be said in the home.

THE CHAIR: Ayla, the industry indicated in their submission that if we were to implement this legislation, it would drive alcohol sales underground. We can look at what is happening in the illegal tobacco space, for example; people who want to use alcohol would find a way, by using other services or employing other services like Airtasker to purchase alcohol. They could even walk into or drive to a store. What do you say about that?

Ms Chorley: What I say is that the industry are a very well-oiled machine when it

comes to putting forward statements like this that are against common-sense reforms. We are not even coming close to the restrictions that are in place around tobacco. We know that these are just common-sense measures around introducing a two-hour safety pause. I think the argument around that resulting in a black market for alcohol is not a reasonable one.

We have seen from the evidence and the research that people who are using this product will likely still order it and use it in the home, to continue drinking sessions in the home, or they may stop drinking, as an example. I do not think two hours in any way calls for an issue in relation to black-market alcohol. We are talking about something that is very much in its infancy. In hindsight, if COVID had not happened, I think we would have been looking at introducing these safeguards back in 2020, earlier in the piece. The ACT has an opportunity to introduce these measures now. We are setting the scene for what is expected in terms of the regulation of alcohol that is just commonsense, and it makes absolute sense.

The uptake in the ACT is not significant, when it comes to shifting the purchasing behaviour of a high number of people. A survey that is pointed to in the submission from FARE said 50 per cent of people, if rapid delivery was not available, would just stop drinking alcohol. I do not think that any of the evidence that has been provided to date has indicated that anything of that sort would happen. It seems far from reasonable to think that that would be the case.

As I said, tobacco regulation is very different to what we are talking about here. We are talking about minimising harm; we are talking about a safety pause being implemented. Tobacco is quite different in that regard.

THE CHAIR: What is the rationale behind the two-hour delivery pause from your first order? Conversations I have had seem to indicate that it should be two hours delivery after your first order, for example. What is the rationale for the two-hour delivery pause? For example, if a family is having a dinner party in their home and they forget to buy wine, what is the rationale behind a two-hour delivery pause from the first order?

Ms Chorley: There are two parts to that question. There is the evidence piece, and there is how these recommendations come together. Fundamentally, when we are looking at harm minimisation, we are looking at population-wide, evidence-based measures that will overwhelmingly reduce harm. What we know about that two hours is that it reduces that rapid alcohol delivery into the home which escalates harm not only to the individual but the risk to those in the home as well.

When that was first developed, it was considered in terms of what was needed to disrupt that high alcohol consumption in the home, and the impact that that potentially has. That is what it originated from. What happens then is that researchers looked into this, and there was evidence to support it. The Rapid review commissioned by the federal government looked into this as well. They identified that the two hours was a necessary step for the reduction of alcohol-fuelled family, domestic and sexual violence. The South Australian Royal Commission into Domestic, Family and Sexual Violence from this year also found that two hours was required to reduce that rapid alcohol delivery to the home that was causing so much harm.

There is the harm to what we know is in relation to family, domestic and sexual violence, but we also know about the harm to the individual. In the ACT, for example, recently the Australian Bureau of Statistics released the death data until 2024, and the ACT had the highest statistical increase in deaths from 2023 to 2024, over all other states and territories. You had a 29 per cent increase in deaths per 100,000 people from alcohol-induced deaths.

With rapid delivery, we know that it is impacting those who are drinking at high-risk levels, and it is increasing harm. We can see that. We are seeing that now in relation to death data. There is overwhelming evidence regarding what happens when we reduce rapid alcohol delivery into the home.

I want to correct an earlier statistic. I gave the figure of around 55 per cent; it is 77 per cent of people who said they would stop drinking if they had to wait. When we look at measures like a two-hour safety pause, we are looking at harm minimisation strategies across the population. That is how those are considered and developed. When we see that that would cause a stop in drinking, we think that is really critical.

When we are looking at that two hours, it also brings forward the time in which that last order can be made. We know that rates of family and domestic violence go up from 9 pm every evening. We also know that high-risk drinking increases later into the evening, and we know that the risk of suicide increases later in the evening as well.

Again, these measures have been developed in order to look at stemming that rapid alcohol delivery into the home, which is causing harm, as well as looking at ways to bring forward those last drinks into the home, because we know that is when the harm increases the most—at night. I hope that provides a bit of an insight.

THE CHAIR: It does; thank you. Why two hours? Why not three hours, five hours or one hour? Was there any consideration given to why it was two hours? Is it because the alcohol level goes down after two hours?

Ms Chorley: There are a couple of considerations that were included. Certainly, what was found was that that was a minimum as to what was required, through that evidence. A minimum of two hours is what is required.

THE CHAIR: We have run out of time. On behalf of the committee, I thank you for your attendance today. Thank you, Ms Valentine, for your personal experience. I do appreciate your advocacy. If you have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. Thank you very much.

McKAIL, MS BROOKE, Deputy Chief Executive Officer, Domestic Violence Crisis Service

MILLS, MS ANITA, Chief Executive Officer, Alcohol, Tobacco and Other Drug Association ACT

THE CHAIR: We welcome witnesses from ATODA and the Domestic Violence Crisis Service. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you like to make a brief opening statement?

Ms Mills: Yes, thank you. ATODA supports the proposed amendments in the bill as actions that will provide greater protections to the health and safety of people who consume alcohol by online sale and delivery, as well as veterans and families. It is important to acknowledge the prevention and reduction of alcohol-related harms as the primary intent of the legislation and, as such, this inquiry should also consider whether further measures could be included to prevent and reduce alcohol-related harms.

While ATODA welcomes the changes proposed, we also see additional opportunities to bolster a public health response to the harms that arise from online sale and delivery of alcohol.

Alcohol is one of the most harmful substances in Australia, with the majority of ACT alcohol and other drug treatment service users reporting alcohol as a drug of concern, but its harms are frequently downplayed and diminished by alcohol industry actors with vested interests in the sale of alcohol.

On-demand delivery services make it more likely that alcohol is consumed in ways that increase risk of significant harm. This is not just limited to same-day delivery. Safety mechanisms to prevent purchase by people under the age of 18, people who are intoxicated and people on an alcohol exclusion list must apply to all online sales and deliveries to align legislation with RSA guidelines for licensed venues.

We also recommend that the committee consider securing the delivery safety pause and delivery timeframes by moving these amendments into legislation rather than the proposed regulation, which we believe would have a significant harm minimisation function.

I thank the committee for the invitation to appear today and invite you also to consider the opportunity to further strengthen this proposed bill to ensure that it realises its potential positive impacts for population health and community safety.

THE CHAIR: Thank you. Ms McKail?

Ms McKail: Thank you for the opportunity to appear and speak to you today about this issue. As you all know, the Domestic Violence Crisis Service is a specialist family violence service in the ACT and region. We operate a 24/7 crisis intervention telephone line, and that is the capacity and the experience we bring today.

We get calls from people, day and night, who are experiencing or have experienced

domestic and family violence, and often they do report that alcohol is one part of their experience. I need to be clear that alcohol is not the underlying cause of gender-based violence. Rigid gender stereotypes are norms; gender inequality and men's control of decision-making in public and private life are the underlying causes, but preventing violence against women and children requires multifaceted strategies across society and parts of government, and the measures in this bill are one part of that which we are really supportive of.

The research tells us that although alcohol is not causative, it contributes to the harms associated with gender-based violence, and there are correlations between men's heavy drinking and the frequency and severity of episodes of violence. Police call-out data and callers to our crisis line indicate that alcohol does feature in the family violence incidents that they experience.

There are also links between men's drinking in male-dominated spaces, or as part of masculine drinking culture, and these reinforce gender stereotypes that underlie violence and models of masculinity that emphasise aggression, dominance and control.

DVCS strongly supports the measures around limiting same-day delivery hours and safety pauses as a way to reduce the risk and severity of harm experienced by victim-survivors of domestic violence.

THE CHAIR: Thank you very much for that brief statement. Which delivery types do you want included in the coverage of this bill, if they are not already covered, and why?

Ms Mills: We would like the bill also to consider non-same-day delivery, in the same way, given that alcohol presents the same potential health harms to individuals and community, whether it is delivered on the same day or the next day.

THE CHAIR: What would that look like? If you order alcohol, for example, it is not delivered the next day?

Ms Mills: Obviously, the two-hour safety pause would not apply in that circumstance, but we believe that the other provisions of the proposed bill should—the ID checks, for example, not leaving alcohol unattended, and those other provisions to protect the delivery driver under the legislation, which I believe do not apply in its current form; they apply only to same day.

THE CHAIR: Delivery. Those provisions would apply to non-same-day delivery as well; you are not saying do not deliver alcohol until the next day?

Ms Mills: No. Obviously, we are not talking about the two-hour safety pause for non-same-day delivery, but we would like to see all the other provisions proposed—

THE CHAIR: Applied too.

Ms Mills: Yes, that is right.

MR RATTENBURY: Do you mean when someone is ordering a case of wine, for example, from a merchant or a supplier?

Ms Mills: That is right. ID checks, so that you cannot leave it unattended; obviously, it would apply to other types of alcohol purchases as well.

THE CHAIR: Do you have any views on the two-hour pause? I asked in the last session: why the two-hour pause? Why not one hour or 30 minutes? The evidence is that that is the minimum. Do you have any evidence to indicate that that is a better approach?

Ms Mills: We support FARE's position on this one. We know that they have done a lot of research into the two-hour safety pause. Our view is that that is the bare minimum.

THE CHAIR: That is the bare minimum; thank you.

Ms McKail: We agree with that. I think there is lots of evidence for that, and that has been looked at in inquiries in other jurisdictions, including the family violence royal commission in South Australia. My understanding is that there is significant evidence for at least two hours.

THE CHAIR: I note your recommendation about test purchasing as a compliance measure. Is there any particular reason that you included this? It seems like something that our compliance staff would choose to do. Is there a reason?

Ms Mills: Our view on that recommendation, Ms Barry, is that it is part of our broader interest in seeing effective implementation of the bill. We want to know that it is working, particularly in terms of under-age online purchasers of alcohol. That is really the background for us making that recommendation. We would be very keen to have input into whatever evaluation framework is designed to monitor the effectiveness of the bill, when that time comes.

MR WERNER-GIBBINGS: I have a similar question—noting the support that you have just expressed, and your submission—that I asked of FARE. This is a good, maybe a nation-leading, piece of legislation, but if we were treating it as a jumping-off spot, what other legislative or regulatory reforms, in your view, would decrease alcohol-related domestic, family and sexual violence harm that this committee, this Assembly and the government could or should be considering?

Ms McKail: I talked a little bit in my opening remarks around the kind of cultures—the male-drinking culture, drinking in male-dominated spaces. There is a range of measures needed to tackle those cultural challenges. That includes things like alcohol advertising, the links between alcohol and sport—regulation in that space.

Some of the questions in this space are also relevant in terms of gambling regulation and the links between gambling-related harms and domestic and family violence. We need to be looking at regulation in the gambling space.

I have talked about the links between men's use of violence and the severity of family violence and alcohol. One of the other things that we see, in the context of coercive control and victim-survivors, is drinking and use of alcohol. Often, part of the coercive control that people experience is the weaponising of their drinking by the perpetrator of

violence—that people will not believe what you are saying because of your drinking or your drug use.

Within the context of the criminalisation of coercive control conversation that is happening, we need to be thinking about how the system responds to that kind of weaponising, systems abuse and the systems' understanding of how perpetrators of violence weaponise drinking.

MR WERNER-GIBBINGS: Thank you. Ms Mills?

Ms Mills: I will make a few comments. I will begin by saying that we want to recognise how significant it is to even have this draft bill tabled for consideration in the ACT, noting that the online sales and delivery of alcohol proliferated over the last five years, and we simply did not have the regulatory frameworks sitting behind it to manage it at all. This is a really significant step, and we are absolutely behind it and supportive.

In terms of what else we would strongly recommend being considered, ATODA would like to suggest a government response to digital marketing of alcohol products, particularly to people who consume higher amounts of alcohol, and who are particularly vulnerable to algorithms from the alcohol industry.

We note that, of course, this is a federal issue. It is a commonwealth, state and territory issue. We would like to see a stronger response in the ACT, particularly to protect people who are more susceptible to the harms of digital alcohol marketing, and it is absolutely connected to other things like gambling and violence. Definitely, there is a lot that we could be doing around digital marketing, and the targeting of vulnerable people in particular.

MR WERNER-GIBBINGS: I have one question for the Domestic Violence Crisis Service and one for ATODA. DVCS: your submission discusses the connection between intoxication and domestic violence, and you talked a little bit about it. Could you tell us more about that link? Is there evidence that lack of access to alcohol is linked to lower levels of domestic violence?

Ms McKail: As I said, restricting access to alcohol will not solve the problem of family violence. There are many people that perpetrate family violence who do not drink. But there are clear links in the evidence between the severity of violence that people experience and an escalation of the harms of that violence.

That is where the link is for us; it is in the evidence, and it is also in the experiences that we hear from the clients that call our crisis service. Some people will often talk about being more worried about his use of violence when he has been drinking, or they are more likely to experience physical violence during or after an episode of drinking.

I think there is evidence in police data about how many police call-outs they attend where alcohol is a factor or a part of that situation or experience. Our data tends to be a little bit different because often people are calling us at a time after an incident might have occurred, when they are feeling safe or when they are feeling in a position to reach out for support. It is very common to see, in the stories that people share with us, and in the evidence and the information they provide about their experiences, that alcohol

is a factor in the violence that they experience.

MR WERNER-GIBBINGS: ATODA: your submission cited evidence that drinkers are unlikely to drink and drive when they run out of alcohol but would stop drinking if alcohol is not available. Tell us a little bit more about that research and what it indicated.

Ms Mills: I cannot cite the specific research off the top of my head.

MR WERNER-GIBBINGS: That is okay.

Ms Mills: The point that you have raised goes to the two-hour safety pause and why we fully support that. Again, that is FARE's research and FARE's evidence, but the basis of that is numerical—that that much time pausing between drinking and then ordering more alcohol is where the sweet spot is for behaviour change and people changing their minds. It is just long enough for people to find it inconvenient or to not worry about it, which is effectively why we have asked for the two-hour safety pause, and no less than that.

MR RATTENBURY: Ms McKail, I wanted to follow on from the points you were making at the end of your last answer. Do you have any analysis or data around the hours of day at which the alcohol influence, if you like, exacerbates family and domestic violence?

Ms McKail: No, I do not believe that is something that we could pull from the data that we have as a service. Certainly, again, there is some evidence from police data across the country around when police attend family violence call-outs. We know that data is flawed because not everybody calls police. There are lots of instances of violence where, for many reasons, police neither know about it nor attend. It is difficult data to obtain, and the experiences that we have are anecdotal.

Certainly, there are similar examples of increases in police call-out rates after major sporting events, where alcohol and drinking culture is often a factor. Again, that is not always reflected in our data because often it is the next day when someone feels safe to make the call, or a week later, when they are in a position to reach out for support. It is probably about putting together pieces of data from different sources.

MR RATTENBURY: I felt it may be difficult, but I thought I would ask.

Ms McKail: Yes.

MR RATTENBURY: Ms Mills, in a couple of the industry submissions, they talk about black market activity. I do not know whether ATODA has any expertise in this space, but they talk about the inconvenience of a delay pushing consumers towards unsafe black market alcohol sources. Do you know what those are? Does ATODA have any insights into what those sources are?

Ms Mills: I must admit that it is not the main black market substance that we are responding to at the moment, which is tobacco and other drugs. It is not a view that we have as a concern. I cannot give you an example of an alternative black market for alcohol during that two-hour safety pause, no.

MR RATTENBURY: Thank you; that is fine. Can you point us to the right place regarding what is a safe level of alcohol consumption for an evening? The context in which I am asking this is some other witnesses who are appearing later, who have a range of monitoring programs that they are asserting that they use around people's consumption. Can you point us to any evidence of what are considered to be safe levels of alcohol consumption in an evening, for example? Do you know who is a good source of that information?

Ms Mills: I will make a few points in response to that question, Mr Rattenbury.

MR RATTENBURY: Sure, that would be great.

Ms Mills: Obviously, for our sector and the people that we serve, there are higher levels of consumption for alcohol, tobacco and illicit drugs, broadly speaking. When we are talking about harm reduction for people who are using alcohol and other drugs, we are looking at that person, how much they are currently consuming, which is likely to be higher than for the average person, and how to keep that person well and safe, in a supervised therapeutic treatment setting.

If you are talking about general community rates of consumption, there are national guidelines for alcohol. I think it is 10 or 11 drinks per week, and not more than four drinks on any given day. That is a national guideline. That is the one that, generally, public health defaults back to, with this question. I need to emphasise that, in an alcohol and other drug context, the levels of consumption are obviously higher.

MR RATTENBURY: We are obviously seeing harms with both alcohol and tobacco, but they seem to be very differently regulated in Australia. Given your perspective on both areas, do you have any insights as to why it is so different and how this committee should be thinking about that?

Ms Mills: With alcohol and tobacco regulation?

MR RATTENBURY: Yes.

Ms Mills: It is a big question.

MR RATTENBURY: Tobacco is heavily regulated.

Ms Mills: Yes.

MR RATTENBURY: There are clearly harms—different harms, but significant harms—from both.

Ms Mills: Yes.

MR RATTENBURY: Why are we so far behind on alcohol regulation?

Ms Mills: I think this is a cultural consideration, and some of the comments Brooke touched on with how embedded alcohol is in Australian culture are absolutely part of

this. Drinking is normalised across social activities in all sectors and facets of Australian society. It is not unique to a particular demographic or two; it really is across many demographics.

The other thing I will say about tobacco is that, for the last 20 years, there has been a very strong public health response to the harms of tobacco and a very cohesive national commitment to reduce tobacco-related health harms and fatalities, which has been extremely effective over the last 20 years.

We have not seen the same kind of campaign for alcohol harm reduction over a generation as we saw with tobacco. On tobacco, today, we are in a bit of a different reality, in terms of illicit tobacco, tobacco rates, e-cigarettes, what is black market and what is legal. It is actually very complex. Tobacco and e-cigarettes today are a very complex regulatory space that is different in every jurisdiction, and there is also a very active black market for both. It is a bit different to alcohol.

My overall answer to your question, Mr Rattenbury, is that there has not been the same level of government commitment to regulate the industry at a state, territory and commonwealth level.

THE CHAIR: I have heard evidence—I am asking you, Brooke, based on your experience—that, if you were, for example, to limit the delivery of alcohol to an already exacerbated person, that would put the victim at even further risk. I want to get your views on that.

Ms McKail: That is a risk that we need to be alive to. I was looking at some of the information about it in the UK, where there are people who go and knock on the doors of people who are known to drink at high levels. I do not know the details of the policy, but one of the things I was thinking about was the level of risk that that could generate. I think that is a risk that we need to be alive to, and we need to have a service system that can respond to that and understand that level of risk.

Having said that, the risk of the harms generated by people drinking more and the escalated risk of violence are an equivalent level of risk. One of the things that we do as a service is that constant kind of risk assessment and safety planning with people, and talk about: what do you do, if he comes home and he has been drinking more? We work with people to identify and build those safety plans.

I will take the opportunity to say that part of what we need is the resourcing of a system to be able to do that work with people, so that, if that is a risk in someone's experiences of violence, we have the pieces in place to be able to support them in that decision-making.

THE CHAIR: I know that you both deal with the tail end of things, but I think it is important that, as a committee, we do have that view, and that we collect that view. There have been several datasets submitted to this committee as part of the evidence that we are considering today. There is data from the industry, and there is data from FARE and yourselves.

With the information that is before us, there is different data speaking to different things.

I understand that data will be selected to make a point, and there is concern that, for example, the two-hour delivery limit assumes that everybody has already been drinking alcohol before then, and then ordering alcohol. There needs to be a balance between people who want to, say, entertain in their home and cannot go out, for whatever reason, and harm reduction, with people who consume alcohol. What do you think about that?

Ms McKail: For me, we have to balance the harms associated with the impacts. For me, it may be the case that that does limit someone's ability to get alcohol delivered for a dinner party that they are hosting, but I think that is outweighed by the risk of harm and the benefits of these policy changes for people, and particularly women and children, who are experiencing harm linked to alcohol use.

Ms Mills: My response to that would be that there are many opportunities to purchase alcohol for many hours during the day, outside online sales and delivery, and this safety pause is, as we have said, the bare minimum to support the harm reduction approach for people who are at risk of the harms of alcohol.

There are plenty of alcohol retailers on the street. I think there are four in my suburb, at my shops, so there is no shortage of places to buy alcohol, if you are having a dinner party. We are talking about a two-hour safety pause to change that behaviour for people who are at particular risk, and their families and kids at home, from the harms of alcohol.

Ms McKail: It also goes back to that cultural piece as well—that part of changing the culture around alcohol is that it will mean some limiting and some challenges to the accepted view or the historic fears around alcohol. You just talked about where we have got to around tobacco regulation, and some of that has been around the changing of culture. I think these types of measures are part of that cultural change as well.

Ms Mills: Absolutely.

MR WERNER-GIBBINGS: This is similar to a question that I asked of FARE. I want your thoughts on whether the liquor licensing regime could be more responsive to the relationship between alcohol and domestic, family and sexual violence. If so, how?

Ms McKail: I will be honest here: my knowledge of the liquor licensing regime is not extensive.

MR WERNER-GIBBINGS: I appreciate your honesty. If not, what other strategies could the government be considering? The previous question that I asked was about the legal steps, but what other strategies could the ACT government be considering, or could the Assembly be thinking about, that would help?

Ms McKail: With things like licensing—there was the question that you asked, Mr Rattenbury, about industry and alcohol providers regulating themselves and making determinations—I think there will always be gaps, when regulation is industry led, because there are competing priorities that they are balancing. I think that government does have a role in making some of those determinations around appropriate—I have lost my train of thought, I am sorry. Let me sit on that one for a minute.

MR WERNER-GIBBINGS: Take your train of thought on notice.

Ms McKail: I will take my train of thought on notice. Maybe you have some more informed comments, Anita.

Ms Mills: I do have one response to your question. It is as per what we put in our submission, which is that we would like to see a commitment to gender-based violence harm reduction as one of the objects in the Liquor Act.

Ms McKail: Yes, and we would also support that.

MR RATTENBURY: I want to come back to Ms Mills. When I asked you earlier about levels of consumption, and you talked about the cohort that you were particularly focused on, it struck me, because in a number of the submissions we have seen there is a heavy focus on convenience. I was struck by the line in your submission where you talk about, “On balance, the reduction in harm for people at greatest risk outweighs any minor reduction in convenience for people at low risk of alcohol-related harms.” That goes to the heart of what you were saying before—that there is a group of people for whom the risk levels are extremely high.

Ms Mills: Yes.

MR RATTENBURY: Essentially, as a community, we need to accept some restrictions to protect those people. That seems to be at the heart of both your comment there and the discussion we had earlier.

Ms Mills: Yes. Thank you for your question. The statistics in our submission—I will restate it for the committee—are that 36 per cent of alcohol is sold to five per cent of people in Australia. We are here today to represent the cohort of people who are at most risk of harm from wide availability of alcohol. As per my response to your previous question, Ms Barry, a two-hour safety pause is the bare minimum and it will not impact on-the-ground alcohol retailers at all, of which there are many, and they have very long opening hours.

It will not really restrict people’s ability to purchase alcohol in general in the ACT community, but it will restrict, with that two-hour safety pause, the possibility of further harm occurring to people who are most vulnerable to those harms. That is the clear point that we want to make today.

MR RATTENBURY: Thank you; that is very helpful. In the bill, there is a proposed exemption from the two-hour safety pause whereby, if you order food, you can have alcohol delivered with the food, to a maximum of 1.5 litres, and there is a discussion about value compared to the meal et cetera. Do you have views on that exemption?

Ms Mills: We do. We would like it to be further considered for the two-hour safety pause to also be applied. With the 1.5 litres of alcohol, I am assuming it is any type of alcohol; the legislation is silent.

MR RATTENBURY: Say two bottles of vodka.

Ms Mills: Yes, versus two bottles of wine. I think there is that cost provision

underneath, which is 50 per cent of the total purchase value, which might mean that the legislation is just talking about wine, and not vodka, which will probably be more expensive. It is definitely a loophole that is of concern, and we would invite the committee to consider that, in terms of the overall intent of the legislation.

MR RATTEBURY: Is it your position that the exemption needs to be fine-tuned or that the exemption should not be there?

Ms Mills: We would also like to see the two-hour safety pause applied to food and alcohol purchases.

MR RATTEBURY: I presume you are not saying people should have to order their food two hours in advance?

Ms Mills: We do not really have a position on people ordering food or not online. It is really about an equitable application of the provisions of the bill to everyone who is purchasing same-day alcohol.

MR RATTEBURY: I probably put it the wrong way in my question. I know you do not have a view on the delivery of food, but am I correct in understanding your view is that ordering food is one thing; it is the alcohol that comes with it that is the issue? Essentially, you were saying that we should not have that exemption because it is a loophole.

Ms Mills: We would prefer it if it was not there, because it does have the potential to be used in various ways and potentially undermines the intent of the legislation. 1.5 litres is not one drink.

MR RATTEBURY: Yes, a lot of standard drinks.

Ms Mills: A few people have come to us to talk about this. I understand why it is in there, from an implementation point of view, but our view is reasonably clear, that the two-hour safety pause should apply equitably across all alcohol—

MR RATTEBURY: Across all alcohol sales.

Ms Mills: Yes.

MR RATTEBURY: I think that is at the heart of my question; thank you.

Ms Mills: Yes.

THE CHAIR: Do you have any data to indicate a relationship between the increase in domestic and family violence and online alcohol delivery?

Ms McKail: That is not something that we can reflect in our service data, but we can certainly take it on notice and see whether there is—

THE CHAIR: Okay, that would be good.

Ms McKail: other data. I suspect FARE may also be able to help with that.

THE CHAIR: I hear you when you say that the two-hour safety pause needs to apply to alcohol sales across, including bricks and mortar stores, or going into a store and purchasing it. The evidence that has been presented to me is that, if you were to impose this two-hour pause, for example, and it does not apply in the store, the purpose of the legislation is defeated, anyway. I want to get your views on that.

Ms Mills: That is not our position. The two-hour safety pause, again, from our point of view, is a bare minimum to encourage behaviour change in that moment for people who have already been drinking and who may, in that two-hour pause, decide that they do not want to continue drinking. Again, it is the bare minimum for us, for that group that are at most risk of harm.

THE CHAIR: On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice—I think there were two questions taken on notice—

MR WERNER-GIBBINGS: And the train of thought one.

Ms McKail: Yes, sure.

THE CHAIR: please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. Thank you so much for all the work you do and for your evidence today.

Ms McKail: Okay, thank you.

Ms Mills: Thank you for your time; thank you for the invitation.

Hearing suspended from 10.34 to 10.50 am.

CORMACK, MS ASHLEIGH, Head of Public Policy for Delivery, Uber Eats
LLOYD, MS MAGGIE, Head of Public Policy and Government Relations, DoorDash
PAYNE, MR ROWAN, Manager, Government Relations and Policy, DoorDash
WILLIAMS, MS RACHEL, Head of Regulated Goods, Grocery & Retail, Uber Australia

THE CHAIR: We now welcome witnesses from DoorDash and Uber Eats. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would anyone like to make a brief statement?

Ms Williams: Yes; thank you. Uber Eats welcomes the opportunity to participate in today's hearing on the ACT Liquor Amendment Bill. We acknowledge the government and advocacy groups for their ongoing commitment to reducing alcohol-related harm. Uber is dedicated to promoting responsible consumption and applying an evidence-based approach to harm reduction.

Uber Eats does not want users who struggle with alcohol addiction, engage in risky drinking practices or perpetrate domestic violence ordering alcohol on our platform. We hope that, following today's hearing, we can work closely with the government to strengthen exclusion programs across the industry. A two-hour delay will not stop these individuals from ordering alcohol for delivery, but a robust program of exclusion will.

I would also like to illustrate the real-world impact this legislation may have on small businesses. We are concerned that the bill in its current form will make it challenging for us to continue our alcohol delivery operations in the ACT. Our team spoke this week to a local Canberra retailer who explained that Uber represents around one and a half per cent of its annual turnover and removing this channel would have a meaningful impact on his business. He also expressed concern that measures like this will only push people to get in their cars while intoxicated and drive to the nearest bottle shop.

We look forward to working constructively with the ACT government so that we can continue to raise the bar on safety and responsible consumption. Thank you for this opportunity.

THE CHAIR: Thank you.

Mr Payne: Thank you, Chair, and members of the committee, for the opportunity to appear before you today. DoorDash commends the ACT government for its focus on reducing alcohol-related harms and the prevention of family and domestic violence.

DoorDash connects Territorians with local restaurants, cafes, eateries, bottle shops and small businesses. Our platform helps these businesses grow and provides flexible earning opportunities for Dashers. Over the past 12 months, DoorDash has contributed approximately \$65 million in direct economic value across the territory through merchant sales as well as earnings for drivers. DoorDash plays a vital role in the success of Canberra's economy.

We operate with some of the most stringent alcohol delivery settings in Australia.

Customers must upload a valid 18+ ID to their account before they can order alcohol and Dashers must then scan that ID again at the door to confirm the customer is not intoxicated before any handoff occurs. If ID cannot be verified, the order is not delivered and the alcohol is returned to the store.

We have also built a harm minimisation framework in partnership with DrinkWise that uses ordering patterns over time to identify potentially risky behaviour. Customers receive targeted moderation messaging, then warnings and, ultimately, temporary or permanent restrictions from ordering alcohol if concerning patterns continue or if deliveries are refused due to intoxication or ID issues. DoorDash enables customers to self-exclude from alcohol promotions and purchases. The system, which is done through an online web form, also includes processes that support intimate partners or family members who may request an exclusion for someone at risk of harming themselves or others.

That said, our data shows that the profile of DoorDash alcohol customers in the ACT and, indeed, nationwide is low risk and occasional by the majority of responsible adults using our app. On our platform, most alcohol customers order once or twice a year and around 90 per cent have only placed one alcohol order in a single day. The typical customer is an older Canberra using the service to add a bottle of wine or beer to a meal rather than high-frequency high-risk users.

We support evidence-based reforms, including measures which address misuse of access to alcohol on the platform. However, we are concerned that a two-hour delay on orders does not target harmful patterns, risks increase drink-driving and may push consumers to unregulated channels that lack ID checks altogether. So we would welcome a more targeted approach. DoorDash is open to proportional limits on the number and frequency of alcohol orders. We are very keen to use this opportunity to help refine the bill further and again commend the government.

THE CHAIR: Thank you very much, and thank you for that very detailed statement. You have mentioned a few checks that you already have. When did those checks start? Do you measure the effectiveness of the checks that you do?

Mr Payne: I would have to take on notice if the checks have developed since our application launched in 2019. Certainly it has been the case since my time. In terms of turning down alcohol orders, do you mean if ID fails?

THE CHAIR: I think you mentioned a few checks. You mentioned that you check the ID and you mentioned that you have exclusion if a person has ordered over a period of time. I just wanted to understand when those checks were implemented and whether you check the effectiveness of those checks. For example, if a person has ordered previously, do you check that they have not subsequently then ordered multiple times across various apps like Uber Eats et cetera? Do you have those data-sharing arrangements in place?

Mr Payne: In terms of data sharing, where a customer has self-excluded with a particular merchant and there is a contractual arrangement in place where we are able to have that data shared with our platform, then we can overcome those privacy issues. At the moment, there are privacy law concerns around data sharing. However—and

I think I can turn to my colleagues here—Uber and DoorDash have been in conversation and I think making quite a lot of progress on how we might overcome some of these issues and look to implement data sharing between our two platforms for self-exclusion.

Ms Williams: Yes; exactly. We have similar contractual arrangements with some of our merchant partners, wherein they provide us information on users that they would like excluded from ordering from them on Uber Eats. Back to your original question on some of this stuff coming into place and how we know it is working, for Uber Eats, a cornerstone of our approach has been ID checks on every single delivery. So it does not matter your age; the expectation is that there will be an ID checked on every delivery. We reinforce that through an in-app experience for our delivery people with ID scanning at the point of delivery. That was introduced in 2020 and so has been in effect for over five years now.

One of the ways in which we monitor that that is working is through mystery shopping. That has been a very important audit process for us. We work with a third-party provider to mystery shop our services with mystery shoppers that are aged 18 to 22—sort of that highest risk group in terms of age verification. In the year 2024, for our mystery shops on ID checking, IDs were checked on over 99 per cent of all of our mystery shop deliveries. For this year, 2025, January through to October, that is 100 per cent. Those figures are just for the ACT only but are broadly in line with the rest of Australia as well.

MR RATTEBURY: What is the sample size for that?

Ms Williams: I can take that on notice and provide it to you, but the shops are conducted across Australia weekly. So it is very routine throughout the year.

MR RATTEBURY: I meant for the ACT specifically, if that is possible.

Ms Williams: Yes, I can take that on notice.

MR RATTEBURY: Thank you.

THE CHAIR: Coming back to the two-hour exclusion, I want to understand what that means from your perspective. We have heard evidence this morning that the argument from industry seems to be convenience and loss of revenue but that the benefits to preventing the smallest cohorts of alcohol users is outweighed by that argument. So I want to get your views on what that two-hour limit means and what effect you think it would have.

Ms Cormack: I think for us there are three aspects to the two-hour delay that we find challenging. Firstly, there is a lack of detailed evidence about the two-hour delay and why people think it will be effective. I appreciate it has been recommended in some reports, but I have not seen the detailed analysis behind that. What I mean by that is: where is the analysis on the behaviour of problem drinkers versus domestic violence perpetrators? Why is the delay mechanism what they think is the appropriate policy response there? Why two hours? What would be the difference between one hour versus three hours versus 24 hours? I have never seen that analysis.

The other thing we have not seen analysis on is the unintended consequences, which brings me to the second issue that we have with it: the lack of analysis and research on how it will impact drink driving and what it will do to underground black market operations. We have seen some issues with tobacco in recent years in this space. So I think that is something we need to be very careful about.

The third part of the unintended consequences is also unintended consumption patterns—for example, people drinking later into the evening because their alcohol has been delayed by two hours and not having alcohol with dinner or potentially ordering more alcohol than they otherwise would have because they do not know how the night is going to unfold and they are just sort of erring on the side of caution and then they go on to drink that alcohol. They are a few of our concerns with it.

But I would finish with what is my primary concern, which is that I do not think it will be effective because it is not targeted. It is a very widespread policy that will impact the whole population of the ACT. It is not targeted at risky drinkers and perpetrators of domestic violence. We think a more targeted approach through exclusion processes would be much better. To be very clear: we do not want perpetrators of domestic violence accessing alcohol through Uber Eats. We do not want them, and we do not think it is sufficient that they have a two-hour delay. We think they need zero alcohol. So we want to know who they are, through an exclusion register, inputted by third parties and by police. Domestic violence shelters could input into that. If we had a comprehensive exclusion system set up, I think we could cut off their alcohol altogether. We think that would be better policy-wise than a two-hour delay.

Mr Payne: I will not add much to that, Chair. My colleague very neatly summarised our industry's concerns. I think what I would draw to the committee's attention is that, where there have been publicly reported fatalities associated with on-demand liquor delivery—and a case a few years ago in Victoria comes to mind—those cases have been characterised by frequent orders over, typically, a long period of time and then, on the night of the incident, typically, order after order after order.

Where I think this legislation could be improved is to look at where the harm is occurring. The harm is typically not occurring with the first order. One can go out and get alcohol at a bottle shop and one can store alcohol in their house. The more dangerous behaviour is where we see those orders over and over again frequently into the night. A two-hour delay or restrictions on those multiple orders throughout the evening is certainly something DoorDash would be open to working with the committee on. But, because the industry is based on convenience, a blanket approach will simply drive on-demand alcohol underground.

I think close to 80 per cent of all tobacco trade in Australia is now black market. We will see a similar situation with alcohol delivery, particularly in a jurisdiction where the customer base has experienced on-demand alcohol. Bad actors will come in and replace that service—on various online forums, like WhatsApp groups—and they will not be doing age verification, they will not be checking for intoxication and there will be no self-exclusion mechanisms on those black market services.

THE CHAIR: Again, it is still the convenience against the harm reduction and

minimisation. Where do you think that balance lies?

Mr Payne: For me, I think it is focusing on where we have seen the most risky behaviour. DoorDash's data shows that, for our customer base, the majority only order alcohol once a year, a small minority order twice a year and, overwhelmingly, it is a single order, typically to complement a meal and so it is usually around evening time. A two-hour delay will simply end that industry, operationally speaking. As to the balance, for DoorDash, our platform already identifies various risky behaviours and multiple orders during the night over a long period of time. Customers are flagged for that risky behaviour and, ultimately, the industry already self-regulates. We remove them from the app if the behaviour warrants it. So I do think there is a balance here.

It is really important to get this right, because other jurisdictions will be looking at this process for where we find that balance. I do not like to catastrophise, but a two-hour delay, in effect, just means it is a ban on on-demand services. If we can find a balance that targets that risky behaviour—looking at those orders maybe further along down the evening, multiple times and looking at what platforms already do to self-regulate—I think the balance can be found there.

THE CHAIR: Thank you.

MR WERNER-GIBBINGS: I am more interested in the process now, as opposed to the potential catastrophising. Do apps share flags? If someone has done multiple orders on DoorDash and it gets flagged, is that information shared with Uber Eats—or could I just go to Uber Eats?

Mr Payne: At the moment, they are not shared due to those privacy concerns. But I think it would be fair to say that our platforms are in advance talks about implementing a shared system.

MR WERNER-GIBBINGS: Okay. With the assessing of a client's level of intoxication—a delivery driver assesses—how is that assessment undertaken? It is like a 10-second handover maximum, including checking my ID. How does a delivery driver, with or without an RSA, assess a client's intoxication level?

Ms Williams: I will start with some of the things that we have in place. Firstly, education for delivery people is critical. One thing I would emphasise with the ACT is that, since we started offering alcohol delivery in ACT, given the proximity to New South Wales, all delivery people in the ACT complete the New South Wales RSAT, and this is in addition to other education materials that Uber Eats provides them. Although we continue to look for opportunities to continuously improve on education for delivery people, I would say that it is a fairly high standard of education that they are receiving already on signs of intoxication. This will include advice for them on being engaged in a conversation with the person to help assess the intoxication and how to safely refuse the delivery without escalating the situation, which could be a risk, obviously, of intoxication.

In terms of the process itself, in our delivery person application, when the delivery person arrives, there are a few additional steps in that for alcohol deliveries that do not exist for other deliveries. I already mentioned before that there is an ID scan in terms

of the age verification. There is also a step in there for the delivery person to confirm that they have checked intoxication and that they feel that the person was not intoxicated. If they do believe the person was intoxicated, they can also indicate that in the app, which will then direct them to return those items to store. I would emphasise two additional things really quickly here. One of the other things that is really key is safety. Of course, safety is top of mind in this, and we recognise that there can be an additional safety risk if the customer is intoxicated. So our messaging to delivery people on this is always, “Your safety is a priority and, if you feel unsafe at all, leave the premises as soon as possible.”

Finally, in terms of intoxication checks, we have confidence that this is working, at least to some extent, because we have the data from that in-app step. That shows us that delivery people are routinely refusing delivery based on intoxication. Since we launched in the ACT 2½ years ago, we have had over 27,000 deliveries that were cancelled and refused service due to intoxication. So we know that it is happening.

MR WERNER-GIBBINGS: What proportion of deliveries containing alcohol are refused? What is the percentage?

Ms Williams: I can take that on notice. I do not have the number off the top of my head.

MR WERNER-GIBBINGS: Yes.

Ms Williams: I have the raw number, but I can take that on notice.

MR WERNER-GIBBINGS: If you have information on the percentage of deliveries refused due to the person being intoxicated, I think that would be really interesting. Delivery drivers are paid per delivery. That is generally how the system works. Are they paid if the alcohol is not delivered?

Ms Lloyd: Yes.

Mr Payne: Yes. For DoorDash, you are still paid for the delivery and you are paid an additional fee for having to go back to the store and return the alcohol.

MR WERNER-GIBBINGS: Okay.

Ms Williams: Yes.

Mr Payne: I would briefly address your earlier question. On the DoorDash platform, when they are doing an alcohol delivery, it comes up on their phone and they check the ID; and, as they are doing that, they actually get a pop-up reminding the Dasher to check for common signs of intoxication—like look for glassy or bloodshot eyes; if someone clearly has difficulty keeping their eyes open; breath; and a few other things. That check has to go through before the alcohol is handed over.

Ms Lloyd: Just to add to that, we have training requirements for all of our delivery riders and drivers and they complete the New South Wales RSA course as well as additional training that we provide if they are going to be undertaking liquor deliveries for DoorDash.

MR WERNER-GIBBINGS: Thank you. I appreciate that.

THE CHAIR: Do you have data on alcohol-related violence on your drivers?

Ms Lloyd: We have looked into that. In the ACT, we have not had any incidents of that nature. In another jurisdiction, in relation to an alcohol delivery, a safety report was reported to DoorDash and it has also gone to the police, which is obviously the appropriate outcome in that instance. But we have not had any in the ACT. I do not have total numbers across the country in front of me, but I would say that a very small number of deliveries result in a safety report coming from the driver.

Ms Williams: We can take that on notice to also provide that. But, similarly, it would be a small proportion of deliveries.

THE CHAIR: Thank you.

MR RATTENBURY: On the issue of training for drivers, they are required to undertake RSA training and, at least for DoorDash, you have your own internal training. Are the drivers paid for that training time or is that something they have to do on their own time?

Mr Payne: I will have to take that on notice, I am sorry, Mr Rattenbury.

MR RATTENBURY: That is okay. Thank you.

Ms Williams: We can take that on notice as well to provide the specifics.

MR RATTENBURY: Thank you. You have both referenced the use of the DrinkWise data-monitoring program. I want to ask some questions about that. First of all, can you tell me what it does?

Ms Williams: Essentially, the program is looking at order histories over time—and I guess I should maybe divide that into two parts. We are looking at the patterns of purchases but we are also looking at the intoxication refusals. The data from both of those is feeding into it. Working with DrinkWise, we have designed a series of thresholds around the intoxication refusals and then also around those purchase patterns.

For purchasing, there can be different types of detrimental patterns. It might be someone who orders a lot over a longer period of time, but it could also be someone who is very suddenly ordering a lot in a shorter window of time. So we have designed thresholds around both of those types of risks. As a user meets one of those thresholds, it moves them through sort of a multi-stage process, wherein they would be provided with educational outreach communications—again, designed with DrinkWise and sort of leveraging their expertise on what the best way is to speak to people in these situations—by sharing the government guidelines on healthy consumption, sharing how they can access support services and sharing how they can access our self-exclusion services, if that is something they would like. As they repeatedly trigger thresholds and move through the program, that will eventually result in a temporary or even a permanent ban from ordering alcohol on Uber Eats.

I would also like to emphasise that any user that has triggered a threshold will also be removed from our direct marketing materials. So they will stop receiving emails and push notifications and they will not be eligible for targeted promotions on the platform for alcohol. Recognising that that is an individual that could be at risk, we stopped that marketing early on as they enter the program.

Ms Lloyd: And ours is—

MR RATTENBURY: I assume it is the same DrinkWise program.

Ms Lloyd: Ours is similar [...] and we want to make sure that people using our platform are doing so safely and responsibly.

MR RATTENBURY: Thank you. My next question was about what the thresholds were. So I appreciate that. Are those thresholds publicly available?

Ms Lloyd: I do not think so at this stage.

MR RATTENBURY: Are you able to provide them to the committee on notice?

Ms Lloyd: Yes, we will take it on notice, and we will come back to the committee.

MR RATTENBURY: Thank you. Does Uber Eats have a set of thresholds like that?

Ms Williams: Yes; similar. We can provide those on notice. I should add that we have been hesitant about making them public, in part because we recognise that some users, if they are aware of what the specific threshold is—

THE CHAIR: Would adjust to the thresholds.

Ms Williams: Yes; exactly.

MR RATTENBURY: I think the committee would be happy to receive that in confidence, for that reason.

THE CHAIR: In confidence, yes.

Ms Williams: Yes; we are very happy to provide that.

MR RATTENBURY: Thank you. I think that is appropriate, if my colleagues agree.

THE CHAIR: Yes. Absolutely. I want to quick ask some follow-up questions. Do you have the number for those who self-exclude and then those who you identify as high risk and then you kick off the app? Do you have the data on that percentage compared to your clientele?

Ms Williams: We can take that on notice as well to provide some data. I would emphasise—and I think DoorDash spoke to this at the beginning—that, in general, our data indicates that most of our consumers are engaging with our platform in a

responsible way, with most consumers only placing one order per day, most consumers placing orders that contain between one and three items. It is only three per cent of our deliveries where there are four or more items. So I think our data generally leads us to—

THE CHAIR: In the ACT particularly?

Ms Williams: I can follow up to make sure that that was ACT specific, yes.

THE CHAIR: Yes, ACT specific would be useful.

Ms Williams: I think it is, but I just want to make sure.

THE CHAIR: Okay.

MR RATTENBURY: I want to go back to the question of marketing. I appreciate the comment you made, Ms Williams, about once people start triggering thresholds. Can you explain a little bit more how that works? The data you are gathering through the data-monitoring program is obviously incredibly powerful and I am concerned that it could be used inappropriately. Can you give the committee assurance that it is not being used inappropriately?

Ms Williams: When you say “inappropriately”, can I ask you to clarify that?

MR RATTENBURY: I have heard stories of people receiving alcohol advertisements consistently through their Facebook or Instagram feeds or the like. This data would be incredibly valuable to a range of suppliers. Do you on sell the data to anybody?

Ms Williams: I think what would be most helpful here is for me to take it on notice to provide the committee with a pretty extensive and broad view of our marketing practices with respect to alcohol. I do not want to comment on anything too specific, but I am not 100 per cent sure off the top of my head. So I think we could take that on notice and provide it to you.

There are, however, a few comments I would like to make with respect to marketing. Certainly we take our obligations to the community to market in a responsible way very seriously. As such, we have designed principles and guidelines that our teams use internally on alcohol marketing, in addition to, of course, complying with the relevant legislation and following the ABAC code of conduct as well. Again, we can provide more extensive detail on that on notice, but that includes things such as limitations that we use on direct marketing, such as emails or push notifications. We put limits on the frequency with which our teams can send those in respect to alcohol promotions and the time of day during which they can send those. I think we have some policies in place that go above and beyond when it comes to responsible marketing. Apologies; I might have missed part of your question.

MR RATTENBURY: That is all right.

Ms Cormack: I would also just add something in relation to marketing. One of the benefits of the exclusion programs we have—both third party and the self-exclusion

program—is that people get zero marketing. As soon as they are in those programs, everything stops. I understand this committee has heard a lot about some of the negatives or the perceived negatives of the on-demand delivery space, but I think there are a lot of positives. One of the things that we can do that brick and mortar and traditional alcohol suppliers cannot is that we can use technology to improve safety. Being able to ensure that problem drinkers have no marketing, I think, is a good thing, particularly for people who are trying to seek help and trying to recover. We are quite proud of that benefit that we provide.

MR RATTENBURY: DoorDash, do you have a similar approach to the marketing constraints?

Mr Payne: Mr Rattenbury, I will also need to take your question substantially on notice so that we can provide you a fulsome written response regarding our marketing practices. I would echo my colleague's comments about the self-exclusion marketing system. On our platform, once you are on that program, there is no alcohol marketing and it does not appear in the app. It is a sort of different version of the app sans alcohol. I would just say in relation to alcohol as a part of our business, alcohol sales volume makes up two per cent of Australia's DoorDash market. So it is a very, very small part of our business.

MR RATTENBURY: Okay. Specifically on those marketing questions, I would be keen to understand whether you sell people's consumption data of alcohol to any other third parties, specifically. You both made reference to the risk of black-market activity. I am keen to understand what those black-market activities are. You made the comparison to the tobacco industry but, with the tobacco industry, there is a black-market product. It is actually a different product. Your point seems to be around black-market providers. Who and what are those black-market providers?

Mr Payne: I can have a go at that one, Mr Rattenbury. In this case, in drawing a comparison to the tobacco industry, the product will be the delivery service. Platforms like Airtasker, Facebook Marketplace and potentially WhatsApp groups markets will spring up.

MR RATTENBURY: Can those operators not be covered? Presumably, the legislation can make it illegal to deliver alcohol in that way. Perhaps we need to tweak the legislation. Do you think the legislation does not currently cover those people?

Mr Payne: With Airtasker, for example, I think it will be a much harder public policy challenge to regulate that market—where it may well be unlawful but I suspect it will still occur—than to regulate large businesses like ourselves.

MR RATTENBURY: Okay.

Ms Cormack: I have nothing to add to that

MR RATTENBURY: Okay. Sure. You talk about the impact on small businesses in the ACT. This is particularly in Uber Eats, but I think, again, DoorDash made a similar point. Who are those small businesses that you are talking about?

Mr Payne: The way I like to talk about this is if you are going out to get a bottle of gin, a bottle of wine or a six-pack of beer in the car—brick and mortar—and you are going to Dan Murphy's, to Liquorland or somewhere you know, you are not going to stop at six or seven different smaller retailers, like independent bottle shops and that kind of thing, and look at all their products. On our app, you can do that on the couch, scrolling through the marketplace. Yes, the big players will be there, but you will also have your smaller players, and they will all be there, and you can choose to order—

MR RATTEBURY: Who are they?

Mr Payne: I can jump on our app right now and have a look.

Ms Lloyd: I am just looking at the app now. I can give you some names.

MR WERNER-GIBBINGS: So am I.

THE CHAIR: Yes, me too.

Ms Lloyd: There is the Dickson Liquor Store, the Corner Market, Dina's Liquor, Auzi Liquor and then, obviously, you have some of the bigger ones, and BWS.

MR RATTEBURY: Okay. So we are still talking about essentially bricks-and-mortar alcohol outlets; just the ones that are not essentially the Endeavour Group and the Coles Group?

Mr Payne: Yes.

MR RATTEBURY: Okay.

THE CHAIR: What is the percentage of those on your platform? Do you have a percentage? Is it five out of 10; is it five per cent, 10 per cent or 50 fifty per cent?

Mr Payne: Of a percentage of small and medium enterprises.

THE CHAIR: Yes. Do you know?

Mr Payne: I do not know; I would need to take it on notice.

Ms Lloyd: We can check.

THE CHAIR: Thank you.

MR RATTEBURY: One the issues that you have touched on—I think Uber Eats particularly touched on it in their submission—is hours and permitted times. You have made the observation that you urge the government to keep the hours for delivery in line with the types of hours of traditional bricks-and-mortar bottle shops in the ACT. Do you have a concern with a 10.00 to 10.00 timeline? Do you have a different proposal?

Ms Williams: I think our biggest concern would be that, as it stands right now in the

bill, having the 10.00 to 10.00 timeline combined with the two-hour delay would likely mean that we cease sales at around 7.00 pm. We would need to analyse, but I think it would be about 7.00 pm. So we are looking at sort of cutting it off quite early and then—to the earlier points around potential unintended consequences—creating a window where people might choose to try and find other means to procure alcohol anyway.

MR RATTEBURY: I just looked quickly at the bottle shops in my electorate, which is this part of town, and many of them close at eight or nine o'clock at night.

Ms Williams: I should have added that our current hours for purchase on most days—so Monday through Saturday—will be 9.00 to 10.00 and then on Sunday I am quite sure it is 9.00 to 9.00. We can take on notice to confirm those numbers if they are not already in our submission. So purchasing would cease at 10.00, as it is today. But, as you rightly point out, many businesses have their own hours of operation anyway. Inherent in our model is that we are fulfilling from their stores. So, if their store closes at eight or nine o'clock then they are going to close on the Uber Eats app at eight or nine o'clock as well.

MR RATTEBURY: Okay. So the hours do not actually present a very particular restriction compared to current practice?

Ms Williams: Correct.

MR RATTEBURY: Thank you.

THE CHAIR: I have a few questions, especially for Uber Eats. I just want to understand the food and alcohol proportions. Can you explain that to me?

Ms Williams: We can take that on notice to provide more information specifically. Obviously food is a much larger part of our business. I would also emphasise that today our alcohol deliveries are from bottle shops. We have not put any focus into delivering alcohol from licensed restaurants in any jurisdiction in Australia. So we are working primarily with bottle shops. There are at times features within the app that might let you place an order with the restaurant and you can also place an order at the same time for a bottle of wine from a nearby bottle shop so that you receive those together. But, as it stands, we are not delivering from restaurants; it is from bottle shops today.

THE CHAIR: Okay.

Ms Cormack: I would add to that as well. There is some Ipsos research, which is included as an attachment to our submission, that shows that the majority of people who are consuming alcohol from our app are doing so with meals. That was one of the findings of that research.

MR RATTEBURY: I meant to ask about the meal exemption. There is a specific proposal to allow delivery of meals. Do you support that exemption in its current form or do you have concerns with it?

Ms Williams: I think it is simply something that we would not implement in our business. It is highly complex. Even just how you design the consumer experience to

communicate to a consumer that it needs to be this percentage of the value of your meal is quite complex. We would also have concerns about that complexity meaning there will not be a lot of demand for it and so it might not be worth the sort of effort to build that really complex feature for something that people might not ultimately use. Also, as we do not deliver from restaurants currently that would make that redundant for us as well.

MR RATTENBURY: I found it interesting that you made that point. The impression I had taken from the submissions was that it comes as a package. But, in fact, it is coming from two different places already. For me, that seems to minimise the challenge, because essentially it is two separate deliveries anyway—or the deliverer at least has to go to two different places to bring the food and alcohol.

Ms Williams: Correct, yes.

MR RATTENBURY: I take your point around the complexity of the current framing. Do you have a model in mind that would be less complex?

Mr Payne: Remove the exemption altogether, I suppose, Mr Rattenbury. From our perspective, we do not think adding a meal to the order does much by the way of harm minimisation, simply because from the cases we see where there has been serious harm or a fatality, as I said earlier, it is typically those multiple orders. We would like to see the bill target that dangerous behaviour that both apps already target through self-regulation. Certainly DoorDash is very open to looking at further refining what sorts of bans, whether they be time delays or bans on a certain number of orders in a 24-hour period, for example. We do not think the meal exemption is going to do much by the way of public health—and there are, of course, those operational issues around having to pick it up from two different places. I think it is going to result in a lot of Pad Thais being put in the fridge for the next day.

THE CHAIR: Where does the DrinkWise data come from? Who inputs into that database?

Ms Williams: We designed the data-monitoring program in collaboration with DrinkWise. That is all in-house within Uber and, I would assume, in-house within DoorDash. So that is using our own data and our own systems to operationalise it. DrinkWise are not sort of storing any of that transaction data, if that makes sense.

THE CHAIR: Yes.

MR RATTENBURY: They provide the framework, essentially.

THE CHAIR: But it is all your individual data that you use to monitor that?

Ms Williams: Yes; correct.

THE CHAIR: Does DrinkWise then, for want of a better term, merge the data to kind of give you that view across?

Ms Williams: Not today. I think back to our earlier comments, in that it is a complex

area when it starts getting into data sharing. We are looking for opportunities where we can do more within the bounds of what privacy restrictions will allow us to do.

THE CHAIR: Yes.

Ms Cormack: On DrinkWise, I would also say that the thresholds that we have now were not the thresholds we had on day one of implementing this. DrinkWise have over time studied it, identified behavioural patterns and improved those thresholds. While we are not sharing data with each other, DrinkWise is using that information to continuously improve the thresholds to make sure they are fit for purpose and that we are capturing the people that we need to capture.

THE CHAIR: So, while you are not sharing the data, DrinkWise can see both sides and kind of design frameworks.

On behalf of the committee, I thank you for your attendance today. If you have taken any questions or notice, please provide your answers to the committee secretariat within five business days of receiving the uncorrected proof *Hansard*. Thank you for your attendance today.

Short suspension

PETERSEN, MR KARY, General Manager, Policy and Strategy, Retail Drinks Australia

WATERS, MR MICHAEL, Chief Executive Officer, Retail Drinks Australia

WILSON, MR JOHN, Director, Wilcorp (ACT) and board member, Retail Drinks Australia

THE CHAIR: We welcome witnesses from Retail Drinks Australia. For the Hansard report, please state your name and the capacity in which you will appear.

Mr Wilson: I am John Wilson. I sit on the board of Retail Drinks Australia, but I have also got two bottle shops in Canberra that I have had for nearly 21 years and 16 years.

Mr Waters: I am Michael Waters; I am the CEO of Retail Drinks Australia. Thanks very much for the opportunity.

Mr Petersen: Kary Petersen, General Manager for Policy and Strategy at Retail Drinks Australia.

THE CHAIR: Thank you very much. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would any one like to make a brief statement?

Mr Waters: Thank you, chair and thank you to the committee for the opportunity to appear today. Retail Drinks Australia represents the majority of packaged liquor retailers and delivery providers operating across the country, including in the ACT. Our members employ local Canberrans, contribute significantly to the territory's economy, and operate within what is already a robust regulatory and self-regulatory framework.

I will commence by saying that we unequivocally share the ACT government's goal of reducing alcohol related harm; and to note the comments made by the Attorney-General in the Assembly when introducing this bill. We also acknowledge the concerns raised by community advocates. Their submissions and evidence here today reflect a genuine desire to improve community safety, particularly in relation to domestic and family violence. As an industry, we acknowledge those harms are real and we agree they deserve serious attention.

Where we differ, however, is in the belief that the most restrictive elements of this bill will reduce those harms. Those being a mandatory two-hour delivery delay, the 1.5 litre daily purchase limit, and the reduced 10.00 am to 10.00 pm delivery window. The available evidence suggests that they will not; and in some cases, the evidence points to the risk of unintended consequences that will cause new harms.

No Australian jurisdiction—not New South Wales, or Victoria, or South Australia, even after its Royal Commission—has adopted a mandatory delivery delay or a daily quantity cap. These ideas have been tested, analysed and ultimately rejected because the large-scale longitudinal data simply does not support them. Yet, the ACT is about to introduce the most restrictive framework in the country without the evidence that normally accompanies such significant regulatory decisions.

Some community groups argue that express alcohol delivery drives higher-risk drinking, directly contributes to domestic violence, and creates dangerous late-night access. These claims deserve closer scrutiny. They must be weighed against the strongest empirical data sets we have; data drawn from millions and millions of real transactions and thousands of audited deliveries.

The frontier economics analysis which you have been provided with, of over 10 million verified transactions in 2022, shows that only 14 per cent of online orders are delivered within two hours; and that those orders overwhelmingly cluster between 5.00 pm and 8.00 pm, and are typically no more than a bottle of wine. This is aligned with evening meals and planned gatherings, not late-night impulsive drinking.

Our most recent 2025 consumer survey report of over 1,600 households reinforces this. Most people use same-day services once or twice a year; and most orders are not consumed immediately. Critically, when asked what they would do if express alcohol delivery services were unavailable, almost two-thirds of consumers said that they would drive to a physical store, often after having already consumed alcohol. Eliminating express alcohol delivery will not reduce consumption. What it will do, however, is increase the risk of drink driving.

Importantly, nothing in this data shows a link between express alcohol delivery and spikes in alcohol-related violence, whether domestic or non-domestic.

We have heard distressing examples of individuals suffering from the misuse and abuse of alcohol. We agree that something must be done, and the community, industry and the government have an obligation to collectively address it. The question is, what will be most effective? Is it never-been-tested, whole-of-population blanket measures that can easily be worked around, particularly by those individuals with misuse and abuse problems? Or would targeted measures that have been proven to work elsewhere be more effective in addressing it?

THE CHAIR: I am sorry, I do not know if you were told by the secretariat, but there is a two-minute limit on opening statements. So, if you want to wrap up in 30 seconds, you can do that, if there are key points you want to talk about.

Mr Waters: Okay. I shall jump to the end. No one gains from a regulatory system that is unworkable in practice, unsupported by evidence, and inconsistent with the rest of the country. Our request is simple. Let's focus this bill on what demonstrably reduces harm: robust ID and intoxication controls, effective exclusion mechanisms, and effective compliance monitoring—rather than restricting legitimate consumer behaviour in ways that risk doing more harm than good. We remain committed to working with the government, this committee, health and community advocates to create a model for the ACT that is strong, balanced and will be genuinely effective. Thank you.

THE CHAIR: Thank you. Any other opening statements? No. Thank you for your submission, and for attending today. I have a few questions, particularly around the implementation side of this bill. We have heard evidence that it would be difficult to implement and, in some cases, because of the complexities of the provisions, that it will probably drive businesses out, totally. I just wanted to get your views on that. How do

you see that playing out?

Mr Petersen: I think it would be great to hear from John, who actually runs a small business here in the ACT and who could give you first-hand evidence.

Mr Wilson: We do already follow the retail drinks code, or the online industry code of conduct. Keeping extra records of people's deliveries and that sort of thing would make it more onerous on us. It is just another thing we would have to change on the website; being able to change the two-hour delivery—keeping track of the window. I guess, how it is going to then actually be implemented would be more on the IT side of it.

THE CHAIR: And what is that IT side? What does it include?

Mr Wilson: Well, there would be costs, time and redevelopment. Our website is run through our group, so a lot of the changes and that sort of thing are done above. They go out to a number of different bottle shops, and my bottle shop is one of ones that just sits on that platform.

THE CHAIR: What does that mean in terms of monetary value? I am trying to identify what that would be.

Mr Waters: Significant. If you are looking for a specific figure, we would have to identify that and respond to you appropriately. But when similar-but-different measures were looking to be implemented in New South Wales—technological measures—it was not a few thousand dollars here and there; it was hundreds of thousands of dollars. We are not talking a minimal amount.

So, our concern is when you are comparing the interests of an entire sector including small, medium and large business, and different types of players, what we do not want is for the smaller players to just pull up stumps and say, "Well, we just cannot play. We cannot do this any longer." That, then, means that only the bigger players are left to facilitate that service, because of the cost to implement; the cost to play, as in to report or to record, and to be in that market. So, it is very important for us to make sure that we are working collaboratively with policy makers to implement new regulations or legislation that enables all players to have the same sorts of opportunities.

THE CHAIR: And what would that do to your business?

Mr Wilson: It would hurt us a lot. I have built the business; I have had Hawker for nearly 21 years. We have done deliveries since—well, even before that, when I worked for the chains. Obviously, I have built it up. It was just an extra thing; a convenience to our customers. During COVID, obviously, it got a lot bigger when we were asked not to leave the house. Delivery platforms, across the board, exploded.

I invested heavily in that. I use all my own cars and all my own drivers; we do not use a third party to do any of our deliveries. They are all my staff that do our deliveries. At one stage, I had 10 branded cars doing deliveries. And that is not just to homes; it is to businesses, it is to social clubs, restaurants, pubs, it is to, yes, people who need alcohol. So that has definitely slowed down already, since the end of COVID. The online has probably decreased significantly.

MR RATTEBURY: Because people are coming back to the stores?

Mr Wilson: People are back in the stores, yes. They are just out and about. There were a lot of things bantered around, that people were drinking more at home during COVID. And you think, well, we did everything more at home during COVID because you were not allowed out anywhere else.

Mr Waters: Yes, so the online alcohol market has not grown since.

Mr Wilson: No. Well, ours is down. And I would be one of the biggest players, I would imagine, in Canberra—and definitely one of the biggest players in Liquor Legends, who have got 200 or more stores across the country. So, yes, it has dropped off significantly. I have stopped investing so much in the cars and that sort of thing at this stage. So, I am just letting the natural attrition as a car wears out, or you move it on.

THE CHAIR: And can I ask you, what is the changing behaviour from during COVID to now, for example, with those individual deliveries? Have you heard from your drivers around the pattern of behaviour? Are they experiencing violence as they deliver the alcohol?

Mr Wilson: It is very rare that we have an issue—extremely rare we have an issue when we are doing a delivery.

THE CHAIR: And how many services to a specific home, for example? How many deliveries would you do, on average, in a day?

Mr Wilson: We will do 250 a week.

THE CHAIR: One home?

Mr Wilson: No, no, sorry. I thought you meant overall.

THE CHAIR: To one home, say, in a week or in a day?

Mr Wilson: It is similar to being in a store. Sometimes we see the same customer four times a week. They will come in and grab a six-pack. It can be no different; we can deliver to a customer sometimes four times a week with that six-pack. I mean, we sell a lot of six-packs. Sometimes, I believe, it is a control mechanism for a customer—or it is just them getting out and about, or it is just a habit that they do on their way home. They will grab a six-pack or they will grab a bottle of wine and that is no different, I do not believe, with our deliveries. They will do that and then maybe they will drink four beers, but they want another six-pack. There are very, very few issues with the drivers out.

Mr Waters: John has told us that if the measures that are proposed are introduced as absolutes, then he may still play in that space—obviously in a different way—but it will significantly hinder his ability to continue to grow his business. He will likely retrench people because there just will not be as much demand.

Mr Wilson: Yes. It has slowed down, as it is. For people at home, I think it is a convenience thing for them, more so. They have got home after a big day at work, but if they have more intrusion, I guess, the harder we make it for them to order or that sort of thing, then I think they will get in the car and they will go get it themselves, or they will probably just go and get it from the shop on their way home from work.

Mr Waters: This is precisely what we have been trying to say: that a two-hour delay, in particular, is not going to change behaviour significantly. In fact, the data that we have presented through our submissions indicates that the vast majority of people will find another way—whether it is going to a physical outlet, or whether it is accessing it by another means.

We are not convinced at all that the data suggests that it is going to achieve the results that you are trying to achieve in harm minimisation, through that. So, again, you have heard from other people this morning suggesting that there would be much more effective targeted measures that would go a hell of a lot further to achieving better results that you would be hoping for.

MR WERNER-GIBBINGS: With the data that you are talking about, by definition, if they do start driving to stores or something like that, that is a behaviour change. Are you saying that it will not change drinking behaviour, not access to alcohol?

Mr Waters: Consumption, yes.

MR WERNER-GIBBINGS: Is that based on the Ipsos survey, that information that suggests two-thirds of people would be more prepared to drive, if and when intoxicated, to collect alcohol?

Mr Petersen: It is a different survey

Mr Waters: A different survey

MR WERNER-GIBBINGS: It is a different survey?

Mr Petersen: Yes. We did a consumer household survey, which is part of our submission, which came out with similar results. Now you have two pieces of evidence that are saying essentially the same thing.

MR WERNER-GIBBINGS: Okay; thank you very much. Mr Waters, you mentioned in the opening statement the lack of data on it impacting rates of family violence or domestic violence. What were you looking to reference there—that the difficulty of accessing alcohol through delivery would not impact family violence?

Mr Waters: Yes. I would argue that there is no accessibility issue in Canberra or in most other parts of the country. In the past 20 years, you have significant growth in the number of licensed outlets, whether they be on premise or off premise. You have seen, in the last 20 years across the country, about a 50 per cent increase in the number of licensed outlets, hands down. The ACT is no exception to that.

If you look at the historical data of all the licences, the growth in the number of licences

in the ACT, it is, I would argue, probably slightly higher than that. It is one of the highest numbers for licensed outlets per capita in the country. Counter that with the fact that per capita consumption is at a 50-year low, and it has been steadily declining over the past 20 years as well. Add to that the fact that alcohol-related domestic and non-domestic violence statistics are at record lows.

With the available data that is there, you have to consider that the market has grown, and the accessibility of alcohol has grown in this country, at the same time as per capita consumption has declined, and it continues to. At the same time the rate of all alcohol-related domestic incidents, be they domestic or non-domestic, have significantly declined, in some instances by up to 50 per cent, whereas non-alcohol-related incidents around licit and illicit drugs and other issues have done the complete opposite. The data does not say that one equals the other.

MR WERNER-GIBBINGS: On pages 6 and 7, it says that Retail Drinks Australia represents 90 per cent of Australia's online alcohol delivery market by transaction volume.

Mr Waters: Yes.

MR WERNER-GIBBINGS: The code of conduct requires drivers to assess intoxication.

Mr Waters: Yes.

MR WERNER-GIBBINGS: That assessment is indicated by ticking a box on the app, that an assessment has been done of sobriety.

Mr Waters: Maybe, if you are referring to the colleagues that you spoke with earlier that use a platform-based delivery model, whereas under our industry code that we created in 2019, with intox checks or ID checks, there are about 10 or 12 key principles. They are a couple of them, but they are mandated across the code for any signatory, however technologically advanced or not. When I say 90 per cent, or about 90 per cent, it is directly and indirectly. We have direct signatories and indirect signatories. We will have organisations or industries that commit to the code on behalf of their members. Their members adhere to those principles.

MR WERNER-GIBBINGS: Understood. Do you have information on the proportion of deliveries in Australia that are refused because of intoxication?

Mr Waters: We can—

Mr Petersen: Take it on notice.

Mr Waters: We can come back to you on it.

MR WERNER-GIBBINGS: Please; particularly in the ACT.

Mr Waters: I will say it is extremely low, surprisingly so.

MR WERNER-GIBBINGS: Not many deliveries are refused due to intoxication.

Mr Waters: Not many deliveries are refused on the basis of intoxication, meaning that the presence of an intox situation occurring happens very seldomly. It happens more than—although it is an extremely low proportion, surprisingly, but it is true, and we are assessing, through our audits, since we have started them, well over 40,000 audits. That is unprecedented anywhere. That data is very robust. You will have slightly more instances of coming across an intox situation versus a minor trying to access alcohol at the point of delivery. That happens extremely seldomly. The intox presentation that is refused happens very seldomly as well, but slightly more.

Mr Petersen: That is not because drivers are not trained, because we mandate that drivers have to complete the RSA, and in New South Wales it is the RSAT. We also have our own training program, in addition, which ensures that all the drivers are trained to identify intoxication.

Mr Waters: When the RSAT training was implemented in New South Wales, that was done off our training framework that we created with our code. We worked with the New South Wales government on the implementation of those regulations, such that we strongly support mandatory training, because we created it with the code, and we helped them to build RSAT off the back of our framework.

That is how serious we are about it, and it is also why we are developing a new national course that we will be launching imminently around responsible supply and delivery of alcohol. One of the six modules that will feature within the three- to four-hour course will be a module around helping participants that undertake the training not only to improve awareness, but also to better respond to signs of domestic and family violence, whether it happens in a home delivery setting or in a store setting, because it can also happen in those environments.

MR RATTENBURY: I want to take the opportunity to clarify a couple of things in your submission. On the front page, you talk about a daily quantity limit of 1.5 litres. I do not read that in the legislation, so I wanted to clarify where you—

Mr Petersen: It was in the regulation. The accompanying regulation identifies 1.5 litres.

MR RATTENBURY: Is that under the exemption provision?

Mr Petersen: Yes, in the new exemption provision.

MR RATTENBURY: So there is not a daily limit of 1.5 litres unless you seek the exemption provision.

Mr Petersen: Yes.

MR RATTENBURY: Your submission comes across as inaccurate because it literally says, “We want to remove the daily quantity limit of 1.5 litres.” That does not exist unless you are seeking an exemption.

Mr Petersen: We do not believe there should be a quantity limit, full stop. Yes, the 1.5

is in relation to the exemption.

MR RATTEBURY: You might want to reassure your members that there is not a 1.5 litre daily limit for their regular deliveries.

I want to ask about the restrictive delivery hours, which is your third main concern. You said earlier, Mr Wilson, that much of your delivery is to businesses, restaurants and the like.

Mr Wilson: A lot of it. The majority would be to households. If you look at the dollar amount, it would probably be pretty close to more that goes to businesses, because they order a lot more.

MR RATTEBURY: Of course.

Mr Wilson: We will deliver to some restaurants. They run out of a particular elderflower liqueur and they need that for whatever. They may ring us or jump online at 9 o'clock at night, and we will race out and deliver it to them.

Mr Wilson: My stores stay open until 10 o'clock on Sunday, Monday and Tuesday, and 11 o'clock on Thursday, Friday and Saturday. Our last deliveries are basically an hour before we close, and we will do our best to get them out. The website will tell them that it is not available then. If the two-hour delivery window comes in, my last order will have to be at 7 o'clock at night.

MR RATTEBURY: Seven, 7.30, something like that.

Mr Wilson: Depending on where it is. My stores are in Hawker and Charnwood, so they are both north side. It is about getting across Canberra.

MR RATTEBURY: Do you deliver across a lot of Canberra from your location?

Mr Wilson: Yes, we do. We have a 50k range from Hawker, so it takes in Queanbeyan and Googong. It does the whole of Canberra.

MR RATTEBURY: Pretty much the urban area.

Mr Wilson: It does the whole of Canberra, yes.

MR RATTEBURY: What percentage of your deliveries would be after that, say, 7 pm slot?

Mr Wilson: It is still worthwhile staying open. I still have three people in the store—basically, one person in the store and potentially two drivers. On some days they go home early and on other days I wish I had two more. It is very hard to pick. That can be exactly the same in retail. Sometimes I will send a staff member home at 7 o'clock at night; then we absolutely get slammed, for whatever reason. I would love to know why. It would make my rostering a hell of a lot easier.

It would change it significantly. I would not be having the staff on. I would have to

change my model significantly, and we would not have the staff on.

MR RATTENBURY: I was struck, in preparing for today, that, in looking in my electorate, in this part of town, quite a few of the larger bottle shops are closing at 8 pm or 9 pm on most nights of the week.

Mr Petersen: In Civic?

MR RATTENBURY: No, in Braddon and Dickson. These are the big chain outlets that are closing at that hour. I am interested in the different operating models and why a 10 pm close-off is so restrictive, when many of the bricks and mortar venues are closing earlier, and materially earlier than that.

Mr Wilson: Some of them will stay open, obviously. You would have a couple near here that are open until 11 pm.

MR RATTENBURY: I am just interested. It is quite varied. These big ones, who presumably sell most of the alcohol in the city, just by size and scale, are closing at 8 pm.

Mr Wilson: I think you would be looking at their staffing and that sort of thing. If their shops are that big, you would have more than a couple of staff on. I can run my shops with one staff member, if I needed, to without delivery.

MR RATTENBURY: So it is an affordability—

Mr Wilson: Yes, it is about whether you have the customers coming in. Customers, unfortunately, get to know whether you do not have the staff on, and they will go in. If you go in with three or four—I was going to say “customers”; they are not customers—people and there is one staff member on, you can do a fair bit of damage. I think that is where the chains have—

Mr Waters: It is a staffing issue as well.

Mr Wilson: Yes. The chains have probably just brought that back. They think, “It’s not worth the staff versus the”—

Mr Waters: That is another factor.

THE CHAIR: The loss?

Mr Wilson: Yes; it is not worth the staff versus the loss. We would just close up instead.

Mr Waters: It can contribute to the issues, yes. There are commercial risks, as well as safety risks, as a business. Those business models would just make those decisions.

MR RATTENBURY: I want to test one other question on the two-hour delay. Mr Waters, in your comments earlier you said that most orders are not consumed immediately. In your submission you note that only 31 per cent of express deliveries are opened within two to three hours. In light of that, what is the problem with a two-

hour delay? People are not consuming it, so they do not really care if it comes two hours later.

Mr Waters: A lot of people do not; that is what our data is saying. A lot of people will order because the service is available, and they take up the service.

MR RATTENBURY: But your own data says only 31 per cent of express deliveries were opened within two to three hours. I have taken that straight out of your submission.

Mr Petersen: Yes; that is right.

Mr Waters: Yes, that is correct.

MR RATTENBURY: So most people do not.

Mr Waters: Most people do not consume it immediately; that is correct.

Mr Petersen: They might be at home. They might be about to go out, so they are ordering it just before they go out, because they will be gone for a day or so. They have ordered a six-pack and a bottle of wine, or they are going to an event.

Mr Wilson: They want it there when they get home.

Mr Petersen: Yes, they want it there when they get home. There are a multitude of reasons why people will choose to—

Mr Waters: Going to the crux of your question, Mr Rattenbury, the data around what we know of behaviour is very clear, whether it be from the Frontier Economics report or the more recent consumer survey report. It tells you what it tells you. The question that I am trying to ask here in this forum is: what problem is trying to be solved by implementing a two-hour delay?

We have also said to you, through the data and our research, that the vast majority of people who want to access alcohol within two hours will do so by another means, whether a two-hour delay was there or not. If they really wanted it, they would get it. If we are trying to mitigate harms to community, if we are trying to turn that tap off, for want of a better word, that mechanism will not achieve the result that you are trying to achieve, because it is not a targeted measure and there are so many ways that they can work around it. That is what we are trying to tell you.

With the utmost respect, it will fail. By any model that you are proposing to measure it, it will fail. And when it does, there will be people that will ask you to go further, because it has failed. What we are trying to strongly encourage you to do is to take our advice, for what it is worth, and look at, with our strongest support, targeted measures, like exclusions—things that actually hit the people that have a misuse and abuse problem, and allow the industry to support that, which we would do wholeheartedly. Actually, it will go much further towards achieving these results. We as an industry do not want to contribute to harms.

MR RATTENBURY: Sure; I accept that.

Mr Waters: With everything, whether it comes to our responsibility initiatives or the code, we did all of that well before any state or territory legislation. We are continuing to improve upon it with training, and thousands upon thousands of audits. We actually want to help, and we want this bill to be as strong as it can be and to set a great example for the rest of the country.

MR RATTENBURY: I take your point around people seeking to find ways around it. No-one is arguing that this is the absolute silver bullet to fix these problems. I look at your list of measures that you do support, and I welcome your putting in the ones that you do support. But you then list a government-run self-exclusion register to ensure all excluded individuals are blocked from purchasing alcohol. It sounds like everyone supports that.

Mr Waters: We have it within our code.

MR RATTENBURY: And various people do; DoorDash talked about having it. Presumably, people can also get around a self-exclusion regime. They will not order it online; they will just drive down to—

Mr Petersen: The key thing here is a third-party review and exclusion process as well. In our code we have a third party—family, friends, loved ones, police.

MR RATTENBURY: It does not stop them going down to Mr Wilson's bricks and mortar store and walking in—

Mr Waters: If a register existed, it would.

Mr Wilson: If there was a register, it would.

MR RATTENBURY: Do you seriously have a thing that stops you coming into a retail venue?

Mr Waters: It does when it is akin to a banned drinker register, like in the Northern Territory or northern parts of WA.

MR RATTENBURY: I do not think that is where we are going with it.

Mr Waters: No, it may not. But those targeted measures are much more effective than trading hours restrictions or a two-hour delay.

MR RATTENBURY: You are saying that you are proposing an exclusion register that will stop people going into BWS, Liquorland or Liquor Legends and being able to purchase over the counter.

Mr Waters: What I am saying is that a targeted measure like that would be unequivocally much more effective than a two-hour delay. That is what I am saying. There is very strong evidence that will tell you that, with similar targeted measures, like the banned drinker register in other jurisdictions, they are implementing those with good reason, with full industry support. That has to tell you something, Mr Rattenbury.

I also feel compelled to share with you that you would have heard this morning from people with lived experience, with being directly and indirectly impacted by family and domestic violence. That hits a nerve for me personally because I grew up in a very challenging household. I need also to put on the record that, from my own personal experience with my father, a two-hour delay would not have done anything to solve that problem.

MR RATTEBURY: I am very sorry to hear about your experience.

Mr Waters: I am quite passionate about wanting to make some new laws and some regs and legislation on something on which I have a little bit of knowledge and wisdom. Also, sometimes you do not end the way that you start, so there are ways to overcome these situations and actually live full and healthy lives. I would hope that the evidence that we have provided, the reasons for it, and some experience and examples that I have provided, help to counter the examples you have heard from others today, because it is very important.

THE CHAIR: You have talked a lot about your database and your evidence base. You have talked a lot about your audit of that evidence base. Tell me about that.

Mr Waters: Sure. When we established the code in 2019, all signatories committed to the principles, and there are many of them—at least a dozen. They are well documented. It has its own website; it has its own governance processes. The code has a formal administration committee. It undertakes a formal review every two years. When they do commit to being a signatory, they also commit to being audited.

We, being Retail Drinks, will undertake audits on behalf of members and signatories. You do not have to be a member to be a signatory; I will make that clear. Over and above that, signatories, small and large, will take it upon themselves to do additional audits. Collectively, we are the aggregator, similar to DrinkWise, with the data that you may have heard spoken about before. I am well aware of the DrinkWise initiative and, by way of full disclosure, I sit on the DrinkWise board. And as such I am closely involved with similar initiatives like that, all for the right reasons.

When they are audited, we are auditing against all the principles. It is an independent third-party auditing company that does those audits. We receive the aggregated data. We are not sharing individual datasets, due to privacy laws, with individual signatories, but we report on that through the CAC and through our board.

It is not a small amount of audits, either. The audits are across all of the principles, same-day environments and non-same-day environments, although same-day typically does the lion's share of the auditing. We would probably do somewhere between 75 per cent and 80 per cent, or thereabouts, in the same-day environment.

Compliance has improved year on year. The number of signatories has also improved. When I said about 90 per cent, that is what we know of. Of all alcohol sold online and delivered in Australia, about 90 per cent of that market are committed to our code.

THE CHAIR: What are the consequences of a failed audit?

Mr Waters: When an audit fails, we get notified of that within 48 hours and we act immediately on it. We have a member of our team that is essentially devoted to the code. It is part of their role. They will contact the signatory. It depends on what the breach looks like. If it was John, it could be speaking with John; then John speaks with one of his staff members, because they do all of their own deliveries. It could also be a marketplace environment that attributes a sale to a licensed premises, and it has an Uber or a DoorDash do that last-mile delivery. Sometimes we are dealing with one person; at other times we are dealing with three contacts.

THE CHAIR: What is the consequence of an extreme breach of the code? What does that—

Mr Waters: Any breach is not good, so we meet with them formally. We expect, and they commit to, remedial—retraining, updating or changing processes and procedures. It might also mean that we have captured them using a delivery agent that is not a signatory; hence that is why there was a breach. We speak to that delivery company, and we try and get them to that code standard. The most recent example of that was a delivery company; after meeting with them twice, they thought about it and realised that they were just not willing to commit, so they now do not do deliveries of alcohol at all.

THE CHAIR: You never kick anybody out?

Mr Waters: That has been the threat, and we have. It happens very seldomly. Most of the time, they do not want to be kicked out because they will lose the ability to play in that space. For 99.9 per cent of the time, they respond very effectively to our concerns, and they will change behaviour or change delivery partners.

Mr Petersen: We will also double down on the audits.

Mr Waters: We also bunker down on re-auditing for a period of time, to continue to monitor.

THE CHAIR: On behalf of the committee, I thank you for your attendance today. If you have taken any questions or notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. Thank you for your time.

Hearing suspended from 12.18 to 1.00 pm.

CHEYNE, MS TARA, Attorney-General, Minister for Human Rights, Minister for City and Government Services and Minister for the Night-Time Economy
MARJAN, MS NADIA, Acting Executive Branch Manager, also in Legislation, Policy and Programs, Justice and Community Safety Directorate
NG, MR DANIEL, Executive Group Manager, Legislation, Policy and Programs, Justice and Community Safety Directorate

THE CHAIR: We now welcome Ms Tara Cheyne MLA, Attorney-General, and officials. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you like to make a brief opening statement?

Ms Cheyne: I could. I think Mr Rattenbury was reflecting before that he found this morning interesting. I would probably have some more choice words, I suppose. I thought this morning and certainly some of the industry contributions felt like scaremongering, with quite a few questions to create a bit of an alarmist point of view. I have heard a few times, “Back evidence-based policy” and “We do not know the evidence; I have not seen anything.” I have taken the liberty to print out a stack of evidence for you. This is all from 2020 onwards, including about the availability of alcohol and it being unrestricted and how that is so clearly linked to harm; why drinking in the home is also a unique environment that causes harm; that self-regulation of industry is not working; and one article about that start time of drinking having a pretty significant impact on overall harm. So the earlier you start in the day, the more harm that is caused.

In terms of a lack of evidence, more specifically, there is a coronial finding—and I will table this at the end—from earlier this year that you might be aware of from Victoria. I feel like just two points in this rebut a lot of what you heard this morning. I will just quote these, and then that will be the end of my opening remarks. Liquor Control Victoria conducted investigations into 30-year-old Kathleen’s access to alcohol via delivery services. They found:

... two restaurants supplied Kathleen with alcohol in volumes exceeding delivery restrictions, with one also supplying alcohol to her outside of its licensed hours

And—

... in the 6-months prior to her death, Kathleen made 213 food delivery orders across 182 days. Of these, 98 orders contained alcohol products, for a total of 319 alcohol-based products including wine, vodka and cider.

Ultimately, this is a coronial—so Kathleen died from alcohol misuse. The coroner in Victoria—and this is from February this year—recommended much of what our bill aims to achieve. I am happy to take questions.

THE CHAIR: Thank you. I have a few questions around the data. You say that you have a few sets of data that you are going to table.

Ms Cheyne: I can give you all of this.

THE CHAIR: Perfect. That might make some of my questions moot. Evidence has been provided to the committee that the two-hour restriction will not prevent use. I want to understand the rationale behind the two-hour restriction and any evidence that you have to prove that?

Ms Cheyne: The two-hour restriction is ultimately about the pause. There is substantial evidence on the unrestricted availability of alcohol and being able to order and order and order again, and that people who are ordering it often will order more than they originally intended and that, if they do have access to ordering alcohol, it would prolong their drinking session longer than it otherwise would have. Whereas, if there had been a pause and they got to a certain time of day and it was no longer available, because that is when things shut or cannot be delivered, then they would have stopped. There are some peer-reviewed articles that demonstrate that.

On the two hours, I heard the question before: “Why not one? Why not five? Why not 24?” What we are trying to do is balance not losing the convenience of same-day delivery but also trying to reduce harm to a person. We do not have much evidence at all across Australia about a two-hour delay or one hour or five hours. But what I would note, from some of the papers that do demonstrate harm—and these are Australian studies—is that alcohol was being delivered in less than an hour. That effectively prolongs the drinking session; whereas I think if you have run out of alcohol then two hours is often a pretty long time to wait and so you might just go to bed or go find something else to do or, indeed, go to a bottle-o or go to a licensed venue. But those bricks-and-mortar venues are highly regulated and, at the moment, delivery of alcohol is not.

THE CHAIR: Thank you for that. On that regulation for bricks-and-mortar venues, the evidence that we have heard is that the industry have developed their own framework around regulating. Evidence that kept popping up was the self-exclusion part of the industry’s response to harm. The evidence was that online is a better way because it is easier and it does not apply to the bricks and mortars. So I just wanted to get your views on how you see that balancing act, especially considering the fact that you said that they could go to a store but it is heavily regulated.

Ms Cheyne: When the discussion paper was being developed in the last term, under the previous AG, I think I was probably the most sceptical of all. I do use alcohol delivery services, including same-day delivery but also ordering boxes of wine, or whatever it may be and I have spent quite a bit of time looking at their terms and conditions and what you should expect, and I thought that they had done a lot of pretty significant self-regulating. However, again, what the evidence shows is it is only to an extent and it is inconsistent. There are quite a lot of studies that show alcohol delivery companies do, and make explicit that they will, leave alcohol deliveries unattended and there is evidence, including in Australia, that they will deliver to places like playgrounds and primary schools.

That is a starting picture of, yes, there might be self-regulation, but they are already doing some of the things that in an otherwise regulated environment would not occur. For example, if a primary school student is coming into your venue, you are not going to serve them. That is going to be obvious. But, if there are delivery companies that are going, “Yep; happy to take this delivery order and just drop it by the fence,” that really

starts to raise some questions about just how effective their own self-regulation is. I can probably defer to my colleagues for further evidence of why the self-regulation is just not really cutting it for us at the moment.

Mr Ng: Probably the other thing I would point to is that, in the context of the self-exclusion scheme, that is where the government's bill seeks to intervene in the marketing space as well. In a broader landscape, there is a complex interaction between ACT regulation and federal regulations, which are administered by the Australian Communication and Media Authority. But, in the context of a framework that the ACT is imposing—that is, the self-exclusion scheme—that also seeks to include a mechanism which prevents direct marketing on same-day delivery as well. So, where an individual has identified that they want to be subject to a self-exclusion scheme, they are further supported in that measure by the prevention of the licensee providing them direct marketing about the availability of those services. So I would just add that to the minister's answer.

THE CHAIR: Minister, is there any data to indicate delivery to playgrounds? Do we have data on that?

Ms Cheyne: Yes. I have here an article from the *New Zealand Medical Journal* of 2024, “Online alcohol deliveries: age verification processes of online alcohol delivery companies in Auckland, New Zealand”, which says:

It is common for online alcohol deliveries in Auckland to be left unattended on delivery or delivered without requesting identification. This has implications for increasing alcohol-related harm, including supply to minors. Additional regulation addressing alcohol delivery is needed in New Zealand.

I also have a paper entitled “Content analysis of websites selling alcohol online in Australia” from February 2020. Obviously, the whole area has matured since then. It found that, of the many retailers offering alcohol products to be delivered, 20 per cent had a 750 ml bottle of wine available for \$5. Its conclusion was:

Online alcohol retailers offer a variety of alcohol products cheaply, accompanied by heavy promotions and discounting. Most retailers advertise a willingness to leave alcohol unattended at an address without having verified the purchasers age, which raises concerns about access to minors. Improved regulation of this growing industry in Australia is required.

THE CHAIR: Did you say that was 2022?

Ms Cheyne: That one was 2020.

THE CHAIR: Is there more recent data?

Mr Ng: I might be able to assist. Page 4 of the explanatory statement to the bill, in the human rights analysis which outlines the legitimate purpose that the bill seeks to achieve, there is a reference to media reporting in New South Wales. I can quote from the explanatory statement:

In New South Wales, media has reported that delivery providers have delivered

alcohol to locations including schools and playgrounds, failed to ask for age verification, and continued to advertise to a person who self-excluded from their services.

And there is a footnote citation in the document. The explanatory statement goes on to say:

Following those incidents, the New South Wales government introduced their own legislation to regulate same-day delivery of alcohol.

That media reporting was from January 2024.

THE CHAIR: Do we have anything specific to the ACT? I am just looking through the explanatory statement.

Mr Ng: I guess, Madam Chair, in the absence of having a regulatory framework in and of itself, we cannot necessarily juxtapose or identify noncompliance with a regulatory framework that does not currently exist. But I guess the evidence from other jurisdictions, particularly in the human rights context, is relevant to applying to the proportionality of measures that are applied in the ACT as well.

THE CHAIR: Okay. So the New South Wales report in the explanatory statement is in compliance with a regulatory framework? Is that what you said?

Mr Ng: No. I think your question, Madam Chair, was about the extent to which self-regulation was being complied with by the sector.

THE CHAIR: We are collecting any kind of data.

Mr Ng: What I referred you to was the evidence from New South Wales which precipitated the action from the New South Wales government to seek to formally legislate.

THE CHAIR: Sorry, maybe my question was—

Ms Cheyne: In terms of our data collection in the ACT, the broader point is that, because it is not regulated, we can only rely on data that industry provides us, and it is not our independently verified data. A regulatory framework and regulating sales will allow us to collect data. So it is kind of a chicken-and-egg. But the best available evidence that we have got around Australia is that this is a problem everywhere.

THE CHAIR: Just specifically, though, on the playground delivery, do we have anything in the ACT?

Mr Ng: We would have to take that on notice.

Ms Cheyne: Yes, I can take that on notice.

THE CHAIR: Thank you.

MR RATTENBURY: We have had a number of industry representatives today talk

about their concerns about a black market and they used “bad faith actors” to describe it and basically said that, if this sector is regulated, this unregulated sector will emerge. When pressed, they suggested that things like Airtasker, WhatsApp groups, Facebook Marketplace would be used for people to order alcohol. Since hearing that evidence, I have not had a chance to check the legislation. Is it your view the legislation would cover those activities, or does the legislation need to be perhaps tweaked to cover those activities?

Ms Cheyne: I might take it on notice, Mr Rattenbury, if that is all right. I think it does, but let me just check for sure. We can probably come back to you by the end of the hearing.

MR RATTENBURY: No problem. It is one of those things I think the community will need to think about, and we would certainly welcome the government’s interpretation of whether that is an issue or not.

Ms Cheyne: I think the offences would capture some individual engagement, yes.

MR RATTENBURY: That is my instinct but—

Ms Cheyne: But it probably depends. Airtasker, maybe not—if it is less associated with a formal organisation. In some ways it is: what is the difference between you enlisting a friend to go and get something? I think it would depend on exactly the mechanism that you were seeking to get it and whether that in and of itself is regulated or informal.

Ms Marjan: I can add to that. As you are aware, Mr Rattenbury, to be captured within that new regulatory framework it is meeting that definition as well of same-day delivery provider. I think clause 19, new section 143J is aimed at a person who advertises, offers or otherwise indicates to the public that they will supply liquor and arrange for its supply as well. So I think that is kind of the threshold in terms of particular companies—

Ms Cheyne: There you go; I am not taking it on notice. That is the answer.

MR WERNER-GIBBINGS: If you are asking a friend, you are asking a friend. But, if someone is coming to you, they are advertising.

Ms Cheyne: If they are making it clear that they are available to do this and this is—

MR RATTENBURY: Which, on Airtasker, that is presumably what you are doing.

Ms Cheyne: If you are making clear that this is a service that you offer, then, yes, you would be captured.

MR RATTENBURY: Thank you. That is very helpful. There has also been quite a bit of discussion about the meal exemption. There are a range of concerns about it from probably all of our witnesses. Some say it is quite complex and some suggested it provides a loophole. Can you tell us about the thinking that went into constructing the exemption in the way that it has been constructed?

Ms Cheyne: For me, on a personal level, Mr Rattenbury, this is probably the one that I am really interested in regarding where the committee comes to on its conclusions. Again, what we were looking for is to not disable the convenience that I think many of us learnt to enjoy during lockdown, which is, “Favourite restaurant; get a bottle of wine,” and we know that often for hospitality businesses that is where most of the profit and the mark-up is and taking that away would have a poor impact or a negative impact, potentially.

Also, using a food delivery or a meal delivery as, effectively, a mule to order 12 bottles of wine, eight bottles of vodka or whatever it might be for a binge session is something that we are trying to avoid here. So, again, not so much a black market; we want the legitimate purpose of the hospitality venue in providing the meal and providing liquor with that meal, as you would in a restaurant, to be enabled but not without limit. If you thought about that person who is ordering, if they were in a restaurant, they would not be able to be ordering an excessive amount of wine because, again, it is a regulated environment.

MR RATTENBURY: Minister, I note your observation around it being an important point of mark-up for the restaurant, the cafe or whatever, interestingly. Uber and DoorDash both gave evidence that, in fact, the alcohol does not come from the restaurant and they do not supply any alcohol from restaurants. The alcohol comes from a separate point, be that usually some bricks-and-mortar liquor outlet like the BWSs of the world or Liquorland or whatever. So they actually bring the food from one place and the liquor from another and they come together. They actually do not permit the restaurants to sell alcohol through their application, which I found a very interesting piece of evidence. Not to contradict you, but to just—

Ms Cheyne: No, not at all.

MR RATTENBURY: We are all learning here how this works.

Ms Cheyne: No, no. When I hear “meal” I immediately go, “Meal—bricks-and-mortar restaurant; sit-down restaurant”. Whereas “meal” can be McDonald’s—and McDonald’s and have your bottle of wine. Of course, McDonald’s does not serve it; so—

MR RATTENBURY: Of course. I think your point is one that I probably agree with, which is that we assume it is an important part of the restaurant you are ordering from, it is part of their economic package, but what we have learnt today is it is, in fact, not.

Ms Cheyne: Except when there are delivery providers that are not Uber or DoorDash. Some restaurants would employ their own people to do it, for example.

MR RATTENBURY: Fair point.

Ms Cheyne: However, where the industry harms are, I take your point as well. So I think both are true. But it looks like Mr Ng has something further to say.

Mr Ng: Thank you, Minister. Mr Rattenbury, you asked about the policy thinking that went behind that provision. The meals exemption was actually based on the existing

provision that is already in the Liquor Act—an exemption which is provided for florists and the like. Section 8A subsection (3) paragraph (b) of the act exempts a florist or gift maker's business that packages liquor together with flowers, food or other gifts where liquor is supplied, with each package that does not exceed 1.5 litres and has a value not exceeding half the sale price of the package. So it was kind of modelled on the existing provision for a similar type of exercise where the alcohol was ancillary to the—

MR WERNER-GIBBINGS: If you buy a hamper or—

Mr Ng: Yes, that is right.

MR RATTENBURY: It is very helpful to know there is a precedent for that. There have been questions or suggestions that the government undertake test purchasing of online sales to ensure compliance with the legislation. Do you anticipate that being part of the compliance regime—essentially, the secret shopper.

Ms Cheyne: Doing like mystery shopping?

MR RATTENBURY: Yes, mystery shopping.

Ms Cheyne: Potentially. I think we need to see the data that we would be asking to be captured and then using that to determine if there is a need from that pattern of the data.

MR RATTENBURY: Thanks.

MR WERNER-GIBBINGS: Minister, you mentioned that there have been four recommendations from the royal commission in South Australia and the research study in WA to introduce a mandatory delay. From your presentation speech, if this gets through, the ACT is going to be the tip of the spear in this respect. What are other jurisdictions doing or progressing in the field?

Ms Cheyne: We actually thought that South Australia were going to pip us at the post, but they did not. South Australia are quite well advanced. I think we all understand the reality of what it is like when you are about to go into an election, as South Australia are. I think that timing has probably not been on their side so much. South Australia are, effectively, as advanced as us. They do have a bill, but the introduction, the debate and the passage of it have not occurred yet.

I think all governments across Australia have started to look at this. I think you can see in the evidence base that in 2019-20 it was a relatively new phenomenon and there was very little research. There is now a considerable body of research, and that is starting to make a pretty overwhelming case that regulation is required. South Australia are probably the most advanced, with us, and then it varies across jurisdictions after that.

MR WERNER-GIBBINGS: I have a slightly different question. The information or the testimony from FARE earlier this morning, which you may or may not have heard—

Ms Cheyne: I did not; so tell me all about it.

MR WERNER-GIBBINGS: I will. As best as I can remember, one of their

recommendations or suggestions—preferences—was to make the prevention of domestic, family and sexual violence one of the primary objectives of the act or to make it far more prominent as a motivator for why this was coming in. Was that thought about? If not, is that a possibility?

Ms Cheyne: This is probably the bit with FARE where we are not so much aligned. If this were a standalone bill and a standalone act, maybe, but, generally, and certainly in the Liquor Act, we do not have an order of priority of our objectives; they are all equally important. What FARE is asking us to do is slightly different from how you framed it—that the primary objective is harm minimisation. But our Liquor Act covers a lot more than harm minimisation. It is regulation. It talks about all the practices we want people who are supplying liquor to adhere to.

One of the things that we have recognised and have added to the objects recently is that we want the legislation to also be a useful vehicle to enable a bit more flexibility with industry when it comes to their liquor licences. You would have seen some of those nighttime economy reforms where, to really assist hospitality businesses, we do not have a lot of levers but we do when it comes to liquor licences. Being able to link the licence fees to their behaviours; the fact that the risk increases the larger the venue that you are; but also that we have been using it as a bit of an encouragement for venues to do more things that are not liquor-related, like having cultural performances, arts, music or whatever are a key part of the objects as well.

Effectively, if we did what FARE recommended, it would put the other objects not in direct conflict but it would be—not illogical either; what is the word I am looking for?

MR WERNER-GIBBINGS: Abrasive.

Ms Cheyne: I think it would be confusing, at the very least. I will think of the word I am trying to come to.

MR WERNER-GIBBINGS: Take it on notice. Take that word on notice.

MR RATTENBURY: I have a supplement on this one.

Ms Cheyne: Yes, please do. You might help me.

MR RATTENBURY: In that vein, I notice both the rapid review and the South Australian royal commission both made this recommendation. In the comments you have just made, it strikes me it would be added as a primary objective. That does not mean the other objectives cannot be there. Is there an objection from the government to having that as the primary objective whilst recognising the other things—including your other portfolios as night-time economy minister et cetera—that you need to deliver?

Ms Cheyne: My chief of staff has just told me the word I meant: incongruent. Thank you, Michael. Again, it is not that it would be inconsistent; harm minimisation is something that we are seeking to achieve, but we also want the Liquor Act to enable other objectives for government, which is the night-time economy. They are not mutually exclusive and they are not in direct conflict. But having harm minimisation as the primary objective, I think we start to run into some issues then around how the rest

of the act is interpreted.

MR RATTEBURY: Yes, but I think that is the very point of the submitters who are arguing for that: to make sure that, when the commissioners and the like are making their decisions, they have that hierarchy of objectives, I suppose.

Ms Cheyne: I think for me the hierarchy of objectives depends on the environment and how regulated it is as well.

THE CHAIR: I have a quick question around the application of 143N and 143O. One is for providers and one is for the driver. Does that cause a double delay in its application or interpretation?

Ms Cheyne: Let me find it. There are lot of letters associated with 143.

Mr Ng: I beg your pardon, Madam Chair. Which provision was that?

THE CHAIR: Provision 143O, permitted times for same-day delivery of liquor, and 143N, same-day delivery of liquor must be delayed. I am assuming 143N is for providers and 143O is for drivers. Is that right? Am I interpreting that correctly?

Ms Cheyne: There are two points to this: 143N is about the two-hour delay and 143O is about the time of day. This is the 10 am to 10 pm restriction. If they were to do it at 7 am, that is the offence that would apply. Subsection (1) is about the provider and subsection (2) in each of those provisions is about the delivery person. You can see that the penalty units are significantly different. For the provider, it would be 50 penalty units and, for the driver or delivery person, it would be 10.

THE CHAIR: Okay. What is the effect of 143N(1) and 143O(1)?

Ms Cheyne: Again, it is the permitted times and the two-hour delay. So 143N(1) is about the same-day delivery provider. If they do not adhere to the two-hour delay then it is an offence, and 143O1 is if they supply the liquor—so let's say they do adhere to the two hours but they supply the liquor at 2 am or 6 am. Then that is also an offence.

THE CHAIR: So 143N(1) is the two-hour delay for the provider and 143O is the two-hour delay for—

Ms Cheyne: No; 143O is the time of day.

THE CHAIR: Time of day; okay.

Ms Cheyne: Permitted times that same-day delivery can occur.

THE CHAIR: So 143N is the two-hour delay and then 143O is the permitted time?

Ms Cheyne: Yes.

Mr Ng: That is correct, yes. Madam Chair, there is another way to orient this around the government submission. I think starting on page 10 of the government submission,

the delay before delivery, I think you can correlate that with 143N. On page 11, where it kind of sets out the permitted times of delivery, you can kind of correlate that initiative with 143O.

THE CHAIR: Okay. Based on that interpretation, would there be a problem that 143N and 143O, both provider and driver, it is not concurrent?

Ms Cheyne: Can you rephrase that?

THE CHAIR: Is there a problem if 143N(1) is for the supplier of the alcohol and 143O is for the driver?

Ms Cheyne: No, it is not. If you read the headings of the sections, they are not set out for—

THE CHAIR: Same day delivery requirements, yes.

Ms Cheyne: It is not provider versus the deliverer in each section. They are both captured in both sections. Subsection (2) is the driver in both and subsection (1) is the provider in both.

THE CHAIR: I see. That makes sense.

MR RATTENBURY: In the submission from the Australian Multicultural Action Network they proposed a community harm reduction fund be established to, in their view, particularly support multicultural communities who face higher risks of harm due to social isolation and financial stress and that that be financed through a modest levy on same-day alcohol delivery licences. My first question is: can the ACT do that? Secondly, has the government considered that as a policy option as a way of helping to fund services that respond to alcohol harm?

Ms Cheyne: This is dovetailing a bit into the public health space and Minister Stephen-Smith. We may well have funds already available that achieve the same outcome. How about I take that on notice, if that is all right, Mr Rattenbury, and I will consult?

MR RATTENBURY: No problem. Thanks.

MR WERNER-GIBBINGS: This is a bit broader and goes to page 7 of the government submission. It is less about the legislation and more about the broader context that I am interested in where this amendment sits and is also in relation to the conversations we had earlier today with FARE, ATODA and DVCS. What steps is the ACT government taking to meet its obligations under the National Plan to End Violence Against Women and Children 2022 to 2032?

Ms Cheyne: Certainly, what is in my portfolio is this, and so there is—

MR WERNER-GIBBINGS: Right; so this will be the headline within what you have control—

Ms Cheyne: For what I can do, yes. As you know, all jurisdictions signed up to that

and that requires a whole-of-government response. We know that violence, alcohol and excessive consumption are intimately related. This is part of doing what we can to ensure that we are limiting the availability of alcohol, in a reasonable way, that does not exacerbate someone's drinking session because it is totally unlimited and then getting to a point where violence is more likely to occur. We know that domestic violence—it is in the name—occurs in the home behind closed doors and that alcohol can fuel particular types of behaviours. Putting a pause on someone's drinking session and limiting the times of day is a big part of reducing that harm or at least attempting to.

MR WERNER-GIBBINGS: Thank you, Minister. The only other question I have is on page 8, the figures on risky drinking in the ACT. Do you have information on how the ACT's figures compare to other Australian jurisdictions?

Ms Cheyne: No. But I reckon in one of these—

MR WERNER-GIBBINGS: I am sure they would be findable. We can ask for it in context—

Ms Cheyne: Within this stack there is definitely the “Cross-sectional survey of a convenience sample of Australians who use alcohol home delivery services”, and there are some other across-Australia analyses that I think are useful.

MR WERNER-GIBBINGS: Thank you very much.

THE CHAIR: I have a few questions around alternatives, if any, that were considered. Did you consider any other model to address the risks that have been identified to be addressed by this bill?

Ms Cheyne: In what way; sorry?

THE CHAIR: In relation to the two-hour limits, the limits to the alcohol—I know you have said that they are probably the bits where you probably are seeking the committee's view on—and the 1.5 litre with a meal. Were there any other models considered in terms of harm minimisation?

Ms Cheyne: For each of the areas, the evidence of what creates the issue or exacerbates the harm is very clear, and the way of solving it is also clear, such as a pause in delivery. But the point I was making earlier is that, because we do not have a regulated industry, we do not have the data; and so we do not yet know, until we put something in place, whether two hours is the sweet spot. But that is certainly based on the research and the recommendations of FARE. We are taking that very seriously and, for me, I think that makes the most sense as a starting point. So, yes, we have considered whether it could be five hours or something else, but we are trying to balance someone's enjoyment and the benefits of convenience with reducing harm. So, on each of these, we think we have got the balance right, but I am certainly open to hearing from the committee if the balance to you seems to be a bit askew for some reason.

THE CHAIR: It is good that this is interactive rather than a question-and-answer session. I am not advocating for one or the other—and I appreciate that you have said

you would probably look to the committee for whether that balance is right—but, in terms of considering the draft, how did you balance the evidence from the lived experience with the evidence from the industry?

Ms Cheyne: As to my point in the opening statement, I was not referencing the community organisations or the ones looking to reduce harm; I was talking about industry. When it comes to industry, there are lots of points that I do not think really have the evidence base to support them. I think if you look back at the transcript, what I was observing—and certainly in my interactions with them as well—was “the potential of”, “the possibility of” and “we think that it could”. So there are kind of questions but no actual evidence that is guiding their views on those things. A pretty clear example for me is the likelihood of an increase of drink-driving.

For starters, it is not like this has been a technology and a service that has been available for 40 years and we are about to dramatically change it. It is an emerging phenomenon. It is something that came about in, and developed and matured rapidly, through COVID. It is new, but what were people doing beforehand? So I do not see how that logically follows.

Secondly, there are still options available to people that result in them being in a regulated environment. That is what we are trying to achieve consistency with here. This is a totally unregulated environment, from a government perspective, at the moment. I appreciate there is self-regulation, which we have talked about. But, when you are going into a bricks-and-mortar venue, whether it is an off-licence or whether it is a hospitality venue or whatever it might be, there are people there who are trained, they have an RSA, and they also know the signs to look for.

We also know—and it is in this evidence base—that, with people who are drinking at home, there is kind of a self-regulation that people apply to themselves if they live with others. But, if they live alone and just have something dropped off and no-one has even sighted that person, that is where we know that harm starts to really exacerbate. Whereas if you go, “Well, I have finished the wine I have got at home. My options are I am going to stop drinking, or I want to keep drinking,” if you are going to go to an off-licence and purchase alcohol at least someone is sighting you and seeing what your behaviours might be, and if you look or are behaving in a way that you really should not be served alcohol and that will occur—and there are consequences if it does not. The same goes for if you go to a venue. It does not stop people. If you really want to keep drinking, there are still going to be options available to you.

One of the things I have never really understood with the Ubers and the DoorDashes and the argument around that third-party app. If there is going to be a two-hour delay and that is such a “the world-is-ending problem”, the person can still use Uber to take them to the off-licence premises to buy the alcohol and then go home. Again, it is still putting them into an environment that would have a level of regulation in it. The unregulated, unsupervised, behind-closed-doors, what is happening to a person is where our efforts are being targeted.

THE CHAIR: What we are trying to find in this committee is balance. The comment that has been made to me is that the legislation is not targeted at people who would use alcohol for various reasons, but it disproportionately assumes that everybody who

orders online uses alcohol. There has to be that balance. There has been evidence about convenience. You are trying essentially to balance convenience over, for example, one heavy drinker who orders through the Uber app.

I want to find out from you whether there was any consideration given to this. Retail Drinks Australia gave evidence about their audit measure, the research they have done and the data that they collect. I think their evidence was that they represent 90 per cent of the market, when it comes to people who sell alcohol online. My first question is: did you consider that evidence? If not, why not?

Ms Cheyne: Yes, we did, and you can see that in the listening report in response to the discussion paper.

THE CHAIR: Okay. How was that reflected in the legislation, if it was?

Ms Cheyne: It is not just legislation on behalf of Retail Drinks Australia; it is legislation that is taking into account all the evidence base. They put forward some arguments, and we had other arguments put forward to us as well. There is further research available. On balance, we think that we are working towards achieving a balanced bill, a balanced piece of legislation, to reduce harm without removing the benefits of what same-day delivery actually provides.

If we did exactly what Retail Drinks Australia would ask for, first of all, every piece of evidence they are providing to us is through a lens; that is, they are representing their members, who pay them to advocate for their interests. We need to take a step back and look at all the available evidence regarding how we craft our legislation, not just on behalf of one lobby group.

THE CHAIR: Let me be very clear: if anybody wants to prevent harm or reduce harm, it would be me. I am asking the questions just to tease out where we are in terms of a committee—

Ms Cheyne: Of course. That is certainly not in doubt, Ms Barry.

THE CHAIR: Do you have any data to indicate that online delivery has a direct correlation with domestic and family violence?

Ms Cheyne: Yes. There was a—

THE CHAIR: In the ACT?

Ms Cheyne: I would probably defer to some of the people who presented to you this morning and the evidence that they have provided. What we do know is that it is clear, effectively, everywhere. Let me quote from a particularly good editorial for this extra-special edition of *Drug and Alcohol Review*. It says:

Developing policy responses that will reduce the harms associated with home drinking is an urgent task, not only to ameliorate the health consequences but also, as Wilson et al remind us, to reduce the severity of other harms such as domestic violence. Home drinking appears to attract less attention than drinking in public settings because it is less visible, less common in young people, is associated with respectability (when not conducted by people drinking alone)

and there are fewer policy options available than there are for drinking on licensed premises.

The Wilson article is “Home drinking during and post-COVID-19: Why the silence on domestic violence?”. That is in this packet.

MR RATTEBURY: There was some confusion this morning. In the Retail Drinks Australia submission, they say that one of their key concerns with the legislation is daily quantity limits of 1.5 litres. I asked them whether that was simply in relation to the—

Ms Cheyne: Meals?

MR RATTEBURY: proposed meal exemption, where, clearly, there is a 1.5 litre limit. Are there 1.5 litre limits anywhere else in the legislation?

Ms Cheyne: I do not believe so.

Mr Ng: No, Mr Rattenbury.

Ms Cheyne: No.

MR RATTEBURY: I could not see them, but I am taking this opportunity to double-check.

Ms Cheyne: No.

MR RATTEBURY: We do have section 143M, which says that it is possible, through the regulations, to prescribe a daily limit. At paragraph (d) of section 143M(1), it says that a person commits an offence if they do certain things. It says that “the amount of liquor supplied exceeds the amount prescribed by regulation”. Is there an intent to prescribe an amount in regulation?

Mr Ng: Certainly, there is a mechanism for government to do so. Under the bill there are various aspects of the policy settings which are allowed to be prescribed by regulation, and a regulation amendment is included in the bill. That is not one of them, so it would be a matter for government about whether they introduced a regulation for that.

MR RATTEBURY: Yes, there is a draft regulation.

Mr Ng: That is right. I think that, on some other aspects where there are prescribed limits or prescribed timeframes, the bill does include an amendment regulation which does prescribe the said thing, but the daily limit is not one of them, so the government has not yet determined a policy setting on that issue.

MR RATTEBURY: Why has that not been determined at this point in time? I am not prescribing a particular one; I am just interested to understand the policy rationale here. You have put the provision in; there is an anticipation, perhaps, of using it. Why has it not been used at this time?

Ms Cheyne: I think it is because we do not have the data; that is the short answer. We

could start to collect the data and see that, after the two-hour period, people are ordering significant amounts. Of course, that needs to be drilled down as well, because it could be that you are ordering significant amounts because you are preparing for a big party on the weekend, if it is through Woolies or whatever it might be. I think that will drive whether we need to use the head powers to provide for a regulated or prescribed amount in the regulation.

MR RATTENBURY: Both DoorDash and Uber in their submissions talked about the fact that they use the DrinkWise data monitoring program. Through this, they track the alcohol purchase patterns of individuals over time. They told us today that they have thresholds at which they then apply restrictions to people. DoorDash described theirs. They are not public but they have undertaken to give them to the committee confidentially, and the committee agreed to take them on that basis. Is the government familiar with those thresholds?

Ms Cheyne: I do not think we are.

MR RATTENBURY: In one of their pieces of evidence, one of their thresholds is multiple orders in an evening or multiple orders in a short period of time. My question is: in the policy options that you considered, was prohibiting multiple orders an option that was considered? If it was excluded from consideration, why?

Ms Cheyne: With the limits for the permitted times, being 12 hours, 10.00 until 10.00, then 12 hours where it is not permitted, and then the two-hour delay, those effectively are putting a limit—not one or two, of course, it is more than that, but it still is its own limit. Again, it is about balance. I think we are trying to understand and reflect in the legislation that there can be occasional legitimate reasons for someone to require multiple purchases, but this is the balance that we are looking to achieve.

On the exclusions that the industry can provide, and on the self-exclusion, again, I know that that has been used as an argument about targeting those people. But what about all the people that are not being captured because they are not saying, “Please exclude me”? They are saying, “Actually, no, I really like it. I like drinking at home’ I’m having a great time.” Yet they might be causing all sorts of harm.

Yes, this is a blanket bill, but even in their own data they said that it is still a small proportion of people overall who are ordering alcohol, so why is it such a big deal to them? That is what I did not understand.

MR RATTENBURY: Yes, that thought has crossed my mind, too. I was very struck by the DrinkWise data monitoring program. It suggests that in this case both Uber Eats and DoorDash have an extraordinary level of data on somebody’s alcohol consumption patterns. I asked them whether they onsell the data, and they are coming back to us on notice. This perhaps will be one to be taken on notice: is there any legal limit on them onselling that data about people’s alcohol consumption?

Ms Cheyne: I think we will need to take it on notice. That is probably—

MR RATTENBURY: It is in a slightly different space, privacy rules and—

Ms Cheyne: Yes; fair trading and consumer affairs. Let me take it on notice and we will look across the statute book.

MR RATTENBURY: Thanks.

Ms Cheyne: It is a good question.

MR RATTENBURY: It strikes me, in going through this inquiry—

MR WERNER-GIBBINGS: It could be a federal issue.

Ms Cheyne: If they come back and say, “Yes, we do onsell it,” that will be interesting to know.

MR WERNER-GIBBINGS: If it is on-sold, it would not just be in the ACT; it would be—

MR RATTENBURY: Yes.

THE CHAIR: But if you have given permission for your data to be—

MR RATTENBURY: Maybe, yes.

THE CHAIR: I have one question, for my own benefit. On 143N and 143O, for example, if a delivery driver delivers alcohol, the delivery time is 10.00 am to 10.00 pm and there is a two-hour limit, delay.

Ms Cheyne: Yes.

THE CHAIR: Say, for example, a provider dispatches alcohol just after the delivery time—8.00 pm, for example, because there is a two-hour exclusion and that person ordered alcohol two hours prior. If they ordered alcohol two hours prior and the exclusion time has elapsed, the driver picks it up two hours after that time but then it hits 10.30, for example, how do you ensure that last-minute deliveries are still within that delivery period?

Ms Cheyne: I think it is a combination regarding the regulatory posture, with the enforcement that we take, especially with this being effectively the first in the country to do this. Certainly, it would be about giving an opportunity to explain why something might have happened, because there are legitimate circumstances where perhaps it is all within the exact timeframes and they are held up; let us say the delivery driver is held up, as there has been a crash on the Tuggeranong Parkway or something—

THE CHAIR: Traffic or something, yes.

Ms Cheyne: and they have to take a different route, and suddenly it is 10 past 10. Those circumstances, I think, will be fine. It is where we see deliberate flouting; that is where the effort of our enforcement would be. Certainly, with some of our bigger providers, I did hear some protest this morning about, “Technology; it’s getting so hard.” It is not hard. Anyone who does a Woolies order can see it. “Here’s your window.” But if you

want a specific window, you either have to wait for quite a long time, and it will be free, or, for the convenience of having it earlier, you pay a bit more.

They already have that flexibility built into their systems. I simply cannot accept, certainly from the big providers, that this technology is impossible. It already exists. It is the same thing with Uber, in terms of how you can schedule a driver. Plenty of people will schedule someone to come and pick them up in a few hours time. Perhaps you have to go to the airport, or whatever it might be. Again, to say, “No, it’s going to be so hard,” is a real red herring.

THE CHAIR: What about the smaller providers, though? I think they took it on notice, in terms of the smaller providers that use their app. Was any consideration given to the impact on smaller providers of the implementation of the legislation?

Ms Cheyne: Again, if it is the smaller providers that are using the third-party app, it is the third-party app that is doing the facilitation. The same-day delivery provider is effectively the third party.

THE CHAIR: They would be responsible for implementing whatever settings are—

Ms Cheyne: If it is their technology that is enabling the same-day delivery, yes.

THE CHAIR: It would be them. That makes sense. On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice, please, provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*.

I would like to thank you for your assistance to the committee today, through your knowledge and experience. We also thank broadcasting and Hansard for their support. If a member wishes to ask questions on notice, please upload them to the parliamentary portal as soon as possible, and no later than five business days from today. This meeting is now adjourned.

The committee adjourned at 2.05 pm