

c2020-197
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Liquor Amendment (24-hour Economy) Bill 2020

Second print

Proposed amendments

- No. 1 **Cut-off time for deliveries**
Page 29, Schedule 3.1[7], proposed section 114L, line 28. Omit “5 am”. Insert instead “9 am”.
- No. 2 **Training of persons making same day deliveries**
Page 31, Schedule 3.1[7], proposed section 114P. Insert after line 25—
 (2A) For the purposes of subsection (1), training to ensure liquor delivered by same day delivery providers, and employees and agents, is supplied responsibly must include information that is part of a training program that—
 (a) is developed and approved by the Secretary and published on a publicly accessible Government website, and
 (a) complies with any minimum requirements for the training prescribed by the regulations under subsection (3)(a).
- No. 3 **Training of persons making same day deliveries**
Page 31, Schedule 3.1[7], proposed section 114P. Insert after line 29—
 (a) requirements about testing knowledge of information that is part of the training, and
- No. 4 **Training of persons making same day deliveries**
Page 31, Schedule 3.1[7], proposed section 114P, lines 31 and 32. Omit “, including information that may be used by other persons to conduct the training”.
- No. 5 **Review of regulation of liquor deliveries**
Page 32, Schedule 3.1[7], proposed section 114R, lines 3–13. Omit all words on those lines. Insert instead—
 114R Review of regulation of liquor deliveries
 (1) The Minister is to review the operation of this Act in relation to the following—
 (a) same day deliveries,
 (b) other liquor deliveries,
 (c) the requirement to provide evidence of age and identity for same day deliveries and other liquor deliveries.

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- (2) The review under subsection (1)(a) must include consideration of whether—
 - (a) the policy objectives of the Act in relation to same day deliveries, including rapid delivery, remain valid, and
 - (b) the terms of this Division remain appropriate for securing the objectives.
 - (3) The review under subsection (1)(b) must include consideration of—
 - (a) emerging trends and technologies relevant to liquor deliveries that are not same day deliveries, and
 - (b) any additional harm minimisation measures that may be appropriate for the liquor deliveries, and
 - (c) the use of direct and social media marketing and the collection of consumer data to target vulnerable communities.
 - (4) The review under subsection (1)(c) must include consideration of whether additional evidence of age requirements are needed for liquor deliveries that are not same day deliveries.
 - (5) A review under this section is to be undertaken as soon as practicable after—
 - (a) for a review under subsection (1)(a) and (b)—2 years after the commencement of this section, and
 - (b) for a review under subsection (1)(c)—1 year after the commencement of this section.
 - (6) A report on the outcome of a review under this section is to be tabled in each House of Parliament within—
 - (a) for a review under subsection (1)(a) and (b)—6 months after the end of the period of 2 years, and
 - (b) for a review under subsection (1)(c)—6 months after the end of the period of 1 year.

No. 6 Sales data

Page 32, Schedule 3.1[8]. Insert after line 22—

- (f4) matters relating to the recording and reporting of data about alcohol sales or deliveries by same day delivery providers, including, for example, requirements relating to—
 - (i) the type of records to be kept, and
 - (ii) the frequency with which providers must provide reports,

No. 7 Training of persons making same day deliveries

Page 33, Schedule 3.2[1], proposed clause 107G. Insert after line 23—

- (2) For the purposes of section 114P(3)(a1), the training must require a same day delivery provider, employee or agent to—
 - (a) complete a test that demonstrates the provider's, employee's or agent's knowledge of the information that is part of the training, and
 - (b) register the provider's, employee's or agent's completion of the training and test on an online system approved by the Secretary.

No. 8 Liquor deliveries from licensed premises

Page 36, Schedule 4.1. Insert after line 23—

[17A] Section 117 Offences relating to sale or supply of liquor to minors

Insert after section 117(5A)—

(5B) Despite subsection (4), a licensee or another person who is delivering packaged liquor on behalf of a licensee or other person that has sold the liquor by retail, irrespective of the State or Territory in which the sale is made, must not supply the packaged liquor to a minor.

Maximum penalty—100 penalty units or 12 months imprisonment or both.

(5C) It is a defence to a prosecution under subsection (5B) if it is proved that—

(a) the person to whom the liquor was sold or supplied was of or above the age of 14 years, and

(b) before the liquor was sold or supplied to the person the defendant was provided with an evidence of age document

(i) that may reasonably be accepted as applying to the person, and

(ii) proving that the person was of or above the age of 18 years.

(5D) It is also a defence to a prosecution under subsection (5B) for the person who delivered the liquor if it is proved that at the time of the alleged offence the person did not know, and could not reasonably be expected to have known, that the person was delivering liquor.

Example. A courier delivers a package on behalf of an interstate retailer and is unaware the delivery includes liquor.