



Remote Sale of Alcohol

The remote alcohol sales provisions of the liquor laws apply to alcohol sold to the public via the internet, telephone, facsimile and mail orders. These provisions recognise that remote alcohol sales, particularly online sales, are a potential source of supply for minors and that extra controls are needed.

These controls are different for each state but typically cover the following strategies:

- The person placing the order must be aged 18 or over. The licensee must ensure that delivery arrangements include requiring evidence of age where appropriate.
- The person taking the order must ask information about the purchaser, which includes – Date of Birth, Proof of Age and Address of Delivery
- The person receiving must show the photo ID and must be aged 18 or over
- Liquor must not be delivered and left at unoccupied premises on the same day the order is received.

Specific requirements for remote sales for each state are covered below:

QUEENSLAND

Selling alcohol online from within Queensland

In Queensland, there is no specific licence for directly selling packaged liquor over the internet to the general public. However, the sale of alcohol online is permitted under certain circumstances.

The **Liquor Act 1992** and **Wine Industry Act 1994** allow for specific licensees to sell alcohol online:

- Commercial hotel licensees or limited commercial special facility licensees can sell retail packaged liquor for consumption off the licensed premises (takeaway liquor) to the general public. This includes online sale.
- Wine producer licensees and wine merchant licensees are permitted to sell wine to the general public for off-premises consumption (takeaway liquor). These sales may be conducted online.

Selling alcohol online from outside of Queensland

Under the **Liquor Act 1992** and **Wine Industry Act 1994**, interstate suppliers can legally sell liquor online to Queenslanders provided that the storage (distribution) and payment for the alcohol sale happens outside of Queensland.

Some of the requirements are –

- a. The person placing the order must be aged 18 or over. The licensee must ensure that delivery arrangements include requiring evidence of age where appropriate.
- b. The person taking the order must ask information about the purchaser, which includes – Date of Birth, Proof of Age and Address of Delivery
- c. The person receiving must show the photo ID and must be aged 18 or over
- d. Liquor must not be delivered and left at unoccupied premises on the same day the order is received.

NEW SOUTH WALES

Remote sales and home delivery service providers must also sell alcohol responsibly and provide accurate information to customers. Provisions under the NSW liquor laws for remote alcohol sales apply wherever alcohol is sold to the public via the internet, telephone, fax or mail order.

Remote alcohol sales, particularly online sales, are a potential source of supply for minors and intoxicated people. Therefore, the licence holder is currently required to display:

- the liquor licence number in any published or electronic advertising
- the liquor licence number and the statutory notice (stating it is an offence to supply alcohol to a minor) on each page of the website where alcohol is being sold.

When taking an order (via phone, fax or mail) from a new buyer, the licence holder must ensure the buyer provides a date of birth to confirm that they are over 18 years old. This only needs to be done on the first order with the customer.

The licensee must give written instructions to the person delivering the order, e.g. a courier, requiring the liquor be delivered:

- to the adult who placed the order – their name should be included in the instructions
- to another adult at the delivery address accepting the delivery on behalf of the adult who placed the order, or
- in accordance with the customer's instructions (for example, delivery to another address), but only if the delivery is made the day after either the order is taken or the sale was made online.

If you are a courier or delivery person, you must use the following checklist to make sure you meet your requirements:

- do not deliver the alcohol to a person who is under 18 years of age
- ask for identity and proof of age documentation if you think the person accepting the delivery might be under 25
- get written instructions from the licensee on how and to whom the liquor is to be delivered
- follow the customer's delivery instructions if the delivery is made after the day the order was taken (or the sale is made through the internet site).

This isn't just good practice. Supplying alcohol to a minor as a delivery driver could result in a maximum penalty of \$11,000 or 12-months imprisonment, or both.

Enhanced regulation of same day delivery

Major reforms to the liquor laws were introduced in 2020 to address potential harms to minors and intoxicated people in the sale and supply of liquor via the same day delivery in NSW. 'Same day delivery' is the delivery of liquor to a person in NSW on the same day it is purchased, regardless of the state or territory from which it was purchased.

In November 2020, the *Liquor Amendment (Night-Time Economy) Act 2020* introduced an enhanced regulatory framework for the sale and supply of liquor via same day delivery in NSW which included:

- From 1 June 2021, significant changes were applied to same day alcohol delivery requirements for service providers, their employees and delivery agents
- From 19 July 2021, licensed premises and service providers selling liquor online were required to display the new signage requirements. Refer to Section 4.1.3 on page 58 for more information
- From 1 December 2021, it became mandatory for same day delivery service providers, their employees and delivery agents that make same day alcohol deliveries to retail customers in NSW to complete the Responsible Supply of Alcohol Training (RSAT) and a Liquor & Gaming NSW RSAT online knowledge before they work in the industry.
- From 1 June 2022, it became mandatory for same day delivery providers to verify the age of the customer at the time the order is placed online. Additional time including alternate processes for age verification have been provided until 1 June 2023 for businesses that have been unable to implement the technical solutions due to reasons outside their control.

More information

For more information on the Liquor Amendment (Night-time Economy) Act 2020 in relation to same day alcohol delivery refer to:

Page 17: Section 1.2.4.1.2 Enhanced same day delivery framework.

For a one-page overview on the Liquor & Gaming NSW website:

https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0003/946713/cp6360-same-day-alcohol-delivery-final.pdf

New liquor and gaming signage to be implemented on 19 July 2021:

Page 53: Section 4.13 Signage

Online age-verification for same day delivery providers:

<https://www.liquorandgaming.nsw.gov.au/resources/same-day-delivery-age-verification-requirements>

AUSTRALIAN CAPITAL TERRITORY

Online sales and promotions

Under the Regulation, it is an offence to advertise the supply of liquor on the internet without a statement, clearly displayed so it can be seen and read easily by a person viewing the advertisement.

It is also recommended that the statement below applies to all online sales and venue promotions.

Requirement to display – A licensee who advertises liquor and/or sells liquor through the online platform or internet site must ensure that at least the following statement is prominently displayed on their site:

IT IS AN OFFENCE TO SUPPLY ALCOHOL TO A PERSON
UNDER THE AGE OF 18 YEARS

PENALTIES APPLY

For further details, visit <https://legislation.act.gov.au/View/ni/2022-573/current/html/2022-573.html>

VICTORIA

A remote seller's packaged liquor licence allows you to supply liquor ordered by off-premises request in sealed containers, bottles or cans on the licensed premises for consumption off the licensed premises.

For details on remote seller's packaged liquor licence, please visit –

<https://www.vgccc.vic.gov.au/liquor/bottleshop-including-online/apply-new-licence/remote-sellers-packaged-liquor-licence>

TASMANIA

Offence	Penalty units	Who will be penalised?			Section of the Act
		Licensee	Permit Holder	Staff	
Licensees selling liquor by taking orders over the telephone or by facsimile or by mail order must prominently display the licence number in advertisements or published information.	20	✓			46D(1)
Licensees selling liquor through an internet site must ensure the licence number is prominently displayed on the site and in advertisements or information published; and a notice is displayed prominently on the site at all times.	20	✓			46D(2)
Licensees selling liquor through the internet or by other communication media must require the purchaser's date of birth and provide written instructions for delivery etc.	20	✓			46D(3)
When selling liquor through the internet or by other communication media, if liquor is taken by a person under the age of 18 years, the licensee and delivery person are guilty of an offence.	20	✓			46D(4)

For details of the Tasmanian Online Liquor Sales see the Tasmanian Department of Treasury website.

<http://www.treasury.tas.gov.au>

SOUTH AUSTRALIA

Liquor can be sold by direct sales transactions - e.g. **online or by mail order** - at any time on any day, but it can **only be delivered in South Australia** between **8.00 am and 10.00 pm**.

It's a condition of a direct sales licence that:

1. A licensee who advertises a sale of liquor by direct sales transaction must cause the identifying number on the licence authorising such sale to be displayed on any advertisement published or distributed by or on behalf of the licensee (whether in printed form or electronically).
2. A licensee who sells liquor through direct sales transaction must, at the time the liquor is ordered, require the prospective purchaser to notify the licensee of the prospective purchaser's date of birth, unless the prospective purchaser has previously notified the licensee of the purchaser's date of birth.

Delivery/dispatch

When delivering the liquor, the licensee must ensure that the liquor is only delivered –

- a. to the adult person who purchased the liquor; or
- b. to the adult person nominated by the purchaser; or
- c. in accordance with the instructions of the purchaser.

The delivery person must –

- a. require a person who takes delivery of the liquor to produce evidence as to the person's identity and age, that complies with the requirements of the regulations; and
- b. make a record of such evidence in a manner prescribed by the regulations.

WESTERN AUSTRALIA

Selling Liquor on the Internet

Liquor retailers can utilise the internet to sell packaged liquor provided:

- they have a valid liquor licence from any state or territory in Australia to do so;
- sales and deliveries are not made to a juvenile; and
- specific information is included on the licensee's internet website (if one exists).

As from August 2007, the requirement for information to be included on a website applies to:

- Hotel licences;
- Liquor store licences;
- Producers licences;

- Wholesaler's licences; and
- Special facility licences that authorise the sale and supply of packaged liquor.

The information to be included on a website includes:

- Licence number;
- Class of licence;
- Name of licensee;
- Address and telephone number for the licensed premises; and

The following notice:

Under the *Liquor Control Act 1988*, it is an offence:

- To sell or supply liquor to a person under the age of 18 years on licensed or regulated premises; or
- For a person under the age of 18 years to purchase, or attempt to purchase, liquor on licensed or regulated premises.

NORTHERN TERRITORY

Local restrictions can affect trading hours and the sale of some products at bottle shops.

In some areas, including Alice Springs, Tennant Creek and Katherine, the sale of takeaway alcohol is not permitted before 2pm on weekdays, and there are trading limitations on weekends. In most places, there are volume limitations on the purchase of cask and fortified wines, and in some areas, beer.

The licensee must give written instructions to the person delivering the order, such as a courier, requiring the liquor to be delivered:

- to the adult who placed the order; or
- another adult accepting the delivery on behalf of the adult who placed the order; or
- in accordance with the customer's instructions – e.g. delivery to a vacant residential address, if the delivery occurs on a day after the order is placed.

If delivery takes place in a general restricted area, provisions must be made to check ID requirements and check the permit details of the customer.

When you advertise liquor in the NT, you must:

- Prominently display your licence number
- Comply with any conditions attached to your licence
- Comply with all relevant Northern Territory laws, codes and standards applicable to the advertisement, sale and supply of that liquor.
- Ensure that the buyer is over 18 years of age (including complying with all applicable proof of age requirements): and

- Comply with all legal requirements for posting, transporting and delivering liquor to the buyer.

AUSTRALIAN CAPITAL TERRITORY

Third party promoters

Licensees need to advise all organisations promoting or advertising liquor on behalf of a licensee or permit-holder that they need to ensure that any advertising or promotional material, in print or online, (e.g. posters, flyers, vouchers/coupons) complies with the requirements of the relevant liquor legislation, the regulations, codes of practice and promotional guidelines.

