

## Before you complete this checklist

### What this checklist is for

It is a valuable tool that same day delivery providers and people making same day deliveries can use to help them comply with all their obligations under liquor laws. The checklist reflects the enhanced regulatory framework that applies to same day alcohol deliveries made in NSW from 1 July 2021. The framework aims to:

- ▲ help manage the risk of minors or intoxicated people using same day alcohol delivery providers
- ▲ make regulatory obligations similar to takeaway alcohol businesses such as bottle shops.

The checklist is relevant for **same day delivery providers**, including licensees, businesses and individuals that advertise or otherwise indicate they will supply liquor for same day delivery in NSW, either directly themselves or through their staff or agents. These providers can include:

- ▲ licensed takeaway alcohol businesses offering online sales and delivery to customers in NSW
- ▲ food delivery businesses and platforms that deliver alcohol with or without food
- ▲ individuals offering same day alcohol delivery on task matching platforms
- ▲ any other businesses that deliver alcohol to the public.

It is also relevant for any staff and agents that deliver the liquor for a provider. The checklist covers important legislative requirements that apply to same day deliveries, such as training, record keeping and age verification, and who must comply.

We recommend that you use the checklist regularly to help monitor your compliance. If you check 'No' for any of the questions asked, you may be in breach of your obligations. Our compliance officers use this same checklist when they audit or conduct compliance monitoring activities of same day delivery services.

### Why you need this checklist

The Secretary of the Department of Customer Service (the Secretary), Liquor & Gaming NSW (L&GNSW), the Independent Liquor & Gaming Authority Board (the Authority), and NSW Police (the Police) can issue penalties for non-compliance with legislative requirements.


### Liquor operations

- ▲ The first column of this checklist refers to sections in the *Liquor Act 2007* and regulations in the *Liquor Regulation 2018*.
- ▲ If you check a 'No' to any of the questions in this checklist, you may be in breach of your obligations, which could result in the issuance of penalties in response to any detected offences and require further inquiry.

### Need more information?

 [liquorandgaming.nsw.gov.au](https://liquorandgaming.nsw.gov.au)

 [Contact us online](#)

 1300 024 720

## Requirements for same day delivery providers - checklist

Part 1 Preventing unlawful sale and supply of alcohol to minors		
s. 117I	Does your business have appropriate procedures and controls in place to help prevent the unlawful supply of alcohol to a minor as part of the delivery of packaged liquor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
s. 114(3)	Are written instructions always provided to delivery staff and agents detailing the adult who has been specified or nominated to receive an alcohol delivery?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Are there procedures and controls in place to ensure that delivery staff and agents always check proof of age identification of any person who appears <b>under the age of 25</b> at the time of delivery to ensure the person is over the age of 18? Do they refuse supply of the alcohol if the person cannot provide valid proof?	<input type="checkbox"/> Yes <input type="checkbox"/> No
s. 114I cl. 107E	Are there procedures and controls in place to ensure that delivery staff and agents always request that any person who appears to be <b>25 years+</b> provides identification, or signs a declaration containing their name and stating they are over the age of 18? Do they refuse supply of the alcohol to the person if identification or the signed declaration cannot be provided?  <i>Note: Information on the types of proof of age documents that may be accepted in NSW can be found at <a href="http://liquorandgaming.nsw.gov.au">liquorandgaming.nsw.gov.au</a></i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part 2 Minimising intoxication		
s. 114J	Are all delivery staff and agents aware that they must never supply alcohol to people they suspect of being intoxicated at the time of delivery?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part 3 Alcohol-free zones		
s. 114K	Are there procedures and controls in place to ensure that alcohol is never delivered to people in a public place within an alcohol-free zone, alcohol prohibited area or restricted alcohol area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Are all delivery staff and agents aware that they must never make any alcohol deliveries to a public place within an alcohol-free zone, alcohol prohibited area or restricted alcohol area?	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Part 4 Same day delivery cut off times

- s. 114L
- Are alcohol deliveries only made within the permitted same day delivery hours between 9am and midnight (or 11pm on Sundays)?  Yes  No
- Are all delivery staff and agents aware that alcohol deliveries must never be made outside the permitted same day delivery trading hours regardless of whether the order was processed before the cut-off times?  Yes  No

## Part 5 Record keeping

- s. 114M
- Are there procedures and controls in place to ensure that records are kept about any occasion where a delivery person refuses to deliver alcohol to a person:  Yes  No
- ▲ to prevent the sale or supply of the alcohol to a minor,
  - ▲ to prevent the supply of alcohol to an intoxicated person; or
  - ▲ because they were unable to verify the person proposing to accept the delivery was the person specified in written instructions to receive the delivery?
- Note: A same day delivery provider must ensure that records are kept for at least 1 year after the day on which the delivery was refused and recorded.*
- Are all delivery staff and agents aware that they must always make a record of any occasion where they have refused to make an alcohol delivery to a person that they suspect of being a minor, an intoxicated person, or where the person's identity cannot be verified?  Yes  No
- Are records on alcohol delivery refusals available for immediate inspection by police or a Liquor & Gaming NSW inspector?  Yes  No
- Are there procedures and controls in place to ensure that delivery drivers, employees or agents are not financially penalised for the refusal of the delivery or supply of alcohol to a person:  Yes  No
- ▲ to prevent sale or supply of the alcohol to a minor,
  - ▲ to prevent the supply of alcohol to an intoxicated person; or
  - ▲ because they were unable to verify the person proposing to accept the delivery was the person specified in written instructions to receive the delivery?
- cl. 107H
- Are records being maintained of alcohol delivery sales data in the required format?  Yes  No
- Records must be kept about the volume of alcohol (in litres) delivered into each postcode.
- From 1 January 2022, are records being maintained about the type of alcohol delivery sales across three categories:  Yes  No
- ▲ Beer, cider, perry and mead
  - ▲ Wine
  - ▲ Spirits – broken down by ready to drink and standard (all other)

## Part 6 Self-exclusion

s. 114O cl.107F	Is there a voluntary self-exclusion scheme available for persons who wish to self-exclude themselves from alcohol delivery service?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If alcohol is sold or advertised through an internet site or by other electronic means (e.g. a mobile app), does it provide a clear way for a person to self-exclude from the delivery service should a person choose to self-exclude?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Are there policies and procedures in place to ensure that orders placed by persons who have self-excluded are rejected?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Have all delivery staff and agents been made aware of the self-exclusion scheme?	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Part 7 Training

s. 114P cl. 107G	By 30 November 2021, has the same day delivery provider and all existing employees or agents completed mandatory Responsible Supply of Alcohol Training (RSAT)? Have they successfully completed the mandatory knowledge assessment and registration process on the Liquor & Gaming NSW website?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	From 1 December 2021, are all new employees or agents completing mandatory Responsible Supply of Alcohol Training (RSAT) before they make any alcohol deliveries? Has their successful completion of the mandatory knowledge assessment been confirmed? <b>Note:</b> A same day delivery provider can confirm whether an employee or agent has successfully completed the knowledge assessment by sighting a completion certificate and looking up their record <a href="http://liquorandgaming.nsw.gov.au">liquorandgaming.nsw.gov.au</a>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Do you have procedures in place to ensure staff and agents continue to receive the training that is reasonably practicable, to ensure liquor delivered as part of a same day delivery is supplied responsibly? Are you checking that they have re-completed the mandatory knowledge assessment as required every 5 years?	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Part 8 Age & identity verification

s. 114HA r. 107E	<p>From 1 June 2022, is there a process in place that ensures a customer's age is verified when an online order is made? At a minimum, is this checking the customer's date of birth against one proof of age document?</p> <p><b>Note:</b> Age can be verified online using –</p> <ul style="list-style-type: none"><li>▲ an accredited identity service provider under the Trusted Digital Identity Framework (TDIF); or</li><li>▲ until 30 May 2023, an age verification provider that is undergoing the TDIF accreditation process for an identity service provider and applied for the accreditation before 1 October 2022 (a 'provisionally accepted provider').</li></ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is there a process in place that ensures a customer's identity is verified where a second or subsequent same day delivery order is made? Are they required to authenticate themselves using credentials issued by the identity service provider or a credential service provider under the TDIF?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Requirements for people making same day alcohol deliveries – checklist

### Part 1 Preventing unlawful sale and supply of alcohol to minors

s. 114I cl.107E	<p>Are you aware that people making same day alcohol deliveries must always refuse to supply alcohol to a person who is under 18 years of age?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do you always check proof of age identification of any person who appears <b>under the age of 25</b> at the time of delivery to ensure the person is over the age of 18? Do you refuse supply of the alcohol if the person cannot provide valid proof?</p> <p><b>Note:</b> Information on the types of proof of age documents that may be accepted in NSW can be found at <a href="http://liquorandgaming.nsw.gov.au">liquorandgaming.nsw.gov.au</a></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do you always request that any person who appears to be <b>25 years+</b> provides identification, or completes a declaration containing their name and stating they are over the age of 18? Do you refuse supply of the alcohol to the person if identification or the declaration cannot be provided?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do you always verify the identity of a person proposing to accept a delivery of alcohol is the person nominated in the written instructions provided to you by the delivery business?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Part 2 Minimising intoxication

- s. 114J Do you ensure that you never supply alcohol to the person that is nominated to accept a delivery if you suspect them of being intoxicated at the time of delivery?  Yes  No
- Note:** *Intoxication Guidelines issued by the Secretary, Department of Customer Service have been designed to assist licensees and staff in determining whether or not a person is intoxicated. The Guidelines may be found at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)*

## Part 3 Alcohol-free zones

- s. 114K Do you ensure that you never make any alcohol deliveries to a public place within an alcohol-free zone, alcohol prohibited area or restricted alcohol area?  Yes  No

## Part 4 Same day delivery cut off times

- s. 114L Do you ensure that you only make same day alcohol deliveries within the permitted same day delivery hours between 9am and midnight (or 11pm on Sundays)?  Yes  No
- Note:** *alcohol deliveries must never be made outside the permitted same day delivery trading hours regardless of whether the order was processed before the cut-off times.*

## Part 5 Record keeping

s. 114M	<p>Do you ensure that you always provide a record to the delivery business you are working for about any occasion where you refuse to deliver alcohol to a person:</p> <ul style="list-style-type: none"><li>▲ to prevent sale or supply of the alcohol to a minor,</li><li>▲ to prevent the supply of alcohol to an intoxicated person; or</li><li>▲ because you were unable to verify the person proposing to accept the delivery was the person specified in written instructions to receive the delivery?</li></ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p><b>Note:</b> Records are to include the time, date, location, and key details relating to the reasons for the refusal of delivery.</p> <p>Are you aware that you cannot be financially penalised by a delivery business for refusing to make an alcohol delivery to a person:</p> <ul style="list-style-type: none"><li>▲ to prevent sale or supply of the alcohol to a minor,</li><li>▲ to prevent the supply of alcohol to an intoxicated person; or</li><li>▲ because you were unable to verify the person proposing to accept the delivery was the person specified in written instructions to receive the delivery?</li></ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Part 6 Self-exclusion

s. 114O cl.107F	<p>Has the delivery business made you aware of their self-exclusion scheme and how a person can request to self-exclude from its alcohol delivery service, so you can explain to customers if needed?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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## Part 7 Training

s. 114P cl. 107G	<p>From 1 December 2021, have you completed mandatory Responsible Supply of Alcohol Training (RSAT)? Have you successfully completed the mandatory knowledge assessment and registration process on the Liquor &amp; Gaming NSW website?</p> <p><b>Note:</b> For existing delivery people, this training must be completed by 30 November 2021. From that date, all new delivery people must complete the training before they make alcohol deliveries.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is the date from when you have successfully completed your mandatory responsible supply of alcohol knowledge assessment less than 5 years ago?</p> <p><b>Note:</b> Delivery people are required to complete same day delivery training requirements every 5 years.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No