



**NSW
Responsible
Supply of
Alcohol
Training**

Course handbook

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Introduction

Welcome to the Liquor & Gaming NSW RSAT training

This course handbook includes an introduction, a detailed breakdown of the six modules, and an explanation of the next steps to obtain your RSAT competency.

Introduction

Session 1: NSW liquor laws

Session 2: Intoxication

Session 3: Minors

Session 4: Refusing supply responsibly

Session 5: Harm minimisation strategies and approaches

Session 6: Compliance and enforcement

Next steps

Purpose of the training

The purpose of Responsible Supply of Alcohol training (RSAT) is twofold, to:

1. ensure that you have the knowledge and skills to meet your responsibilities under the law
2. understand the importance of your role in the responsible sale and same day delivery of alcohol in the NSW liquor industry.

If you are involved in the same day delivery of alcohol in NSW you have legal obligations relating to the sale, supply and delivery of alcohol. Meeting your obligations directly contributes to the minimisation of alcohol-related harms.

This course handbook contains information and guidance on working in the same day delivery of alcohol sector in NSW, including how to:

- comply with your legal obligations
- recognise intoxication
- reduce the risk of supply of alcohol to minors
- ensure your personal safety when delivering alcohol.

The training will equip you with the skills and knowledge you need to make a positive contribution to the liquor industry and the community.

Who needs to complete RSAT training?

Responsible Supply of Alcohol training (RSAT)¹ is mandatory for anyone involved in the same day alcohol delivery to the public in NSW. This applies to same day alcohol delivery providers, delivery agents and delivery drivers making alcohol deliveries.

Same day delivery providers include:

- licensed takeaway liquor providers that offer online/phone sales and deliveries in NSW
- food delivery providers that deliver alcohol in addition to, or as a part of food deliveries
- individuals offering same day delivery of alcohol in NSW, and
- any other businesses that offer same day alcohol delivery to the public.

RSAT is the foundation that qualifies you to make same day deliveries in NSW in accordance with the law. There are no exemptions to the requirement to complete RSAT.

Same day delivery providers, agents or drivers with a current NSW RSA competency must be aware of and fulfil their obligations covered in this RSAT Course Handbook.

To gain the RSAT competency, you must complete:

- RSAT with Liquor & Gaming NSW or with any same day delivery provider or Registered Training Organisation offering the training, and
- successfully complete L&GNSW's online knowledge test.



More information

Find out more about the mandatory Responsible Supply of Alcohol training (RSAT) and what's changing under the Sydney 24-hour economy liquor reforms [here](#).

¹ Introduced from 1 December 2021 under the *Liquor Amendment (Night-time Economy) Act 2020*

Module 1: NSW liquor laws

Introduction

In NSW, people making same day alcohol deliveries in NSW must complete a Responsible Supply of Alcohol Training (RSAT) and Liquor & Gaming NSW's online knowledge test.

There's a good reason why you should care about the responsible supply of alcohol. Most alcohol deliveries will be consumed in the home, especially when delivered on the same day.

By ensuring responsible supply to customers, you will be able to:

- reduce alcohol-related harm and violence
- reduce health implications for customers
- reduce the possibility of someone obtaining alcohol for a minor
- encouraging positive social experiences in the community
- improve the reputation and sustainability of the business you work for.

Your key obligations are to:

- not sell or supply liquor to anyone under the age of 18 (a minor)
- not sell or supply alcohol to anyone who is intoxicated
- comply with the liquor laws.



Meaning – same day delivery provider OR service provider

Means a licensee or delivery agent that has engaged you for making same day alcohol deliveries

Includes:

- licensed takeaway liquor providers that offer online sale and deliveries in NSW
- food delivery providers that deliver alcohol in addition to, or as a part of food deliveries
- individuals offering same day delivery of alcohol in NSW, and
- any other businesses that deliver alcohol to the public.

Delivery agent

Delivery companies, couriers and drivers engaged by same day delivery providers to deliver alcohol.

Delivery person

Same day alcohol delivery provider, delivery agent or person making same day alcohol delivery in NSW.

Delivery recipient

An individual, over the age of 18, purchasing the alcohol or an adult nominated to accept delivery at delivery location, or at an alternative delivery location as per the written instructions provided by the provider.

The delivery recipient is also referred to as the 'customer' in this handbook.

Module 1: Key topics

Module 1 covers the following key topics:

- the meaning, purpose, and importance of RSAT
- the purpose and objectives of NSW liquor laws and what they mean for you
- the role and purpose of NSW liquor regulatory authorities.

1.1. What is RSAT?

RSAT is the responsible supply of alcohol training that applies to the delivery of alcohol to a person in NSW on the same day it is purchased, regardless of the state or territory from which it was purchased.



Meaning – Responsible supply of alcohol

Responsible supply of alcohol means selling or delivering liquor in a manner that minimises risks of harm in the community and in accordance with the law.

There are some exceptions to when the same day delivery laws don't apply. These include:

- delivery of packaged alcohol to other licensed businesses, or
- delivery of less than 1.5 litres of packaged alcohol in a food hamper with other items, such as a picnic basket or a gift hamper.

1.1.1. Why is the RSA important?

Technology and increasing consumer demand for fast and convenient online delivery services saw the emergence and continued growth of online alcohol sales and same day delivery around Australia. RSAT addresses the heightened risk of minors or intoxicated people accessing alcohol via online sales and delivery on the same day.

1.1.2. How does RSAT help?

Responsible supply of alcohol principles benefit all stakeholders.

Who	Benefits of good Responsible Supply of Alcohol
Same day delivery providers and delivery persons	<ul style="list-style-type: none">• good reputation in the local community and fewer complaints• lower compliance and legal costs• less disruption to business from incidents of harm• reduced driver and courier turnover• reduced external vendor or contractor turnover• more likely to attract drivers and couriers with higher skills and experience• a more sustainable and profitable business model• reduced regulatory costs
Delivery persons	<ul style="list-style-type: none">• equipped with the knowledge and skills to responsibly supply customers• protection from financial penalty for refusal of delivery to minors or intoxicated people, and/or taking reasonable steps

Who	Benefits of good Responsible Supply of Alcohol
	<p>to deliver the alcohol to an appropriate alternative address as per the delivery instructions</p> <ul style="list-style-type: none"> • a safer and more enjoyable working environment • better rapport with customers who have better awareness of delivery restrictions • aware of alcohol-free zones, alcohol prohibited or restricted alcohol areas
Local community	<ul style="list-style-type: none"> • fewer complaints by the local community
Customers	<ul style="list-style-type: none"> • safer and enjoyable social experience • better rapport with same day delivery providers and delivery persons • better understanding of delivery restrictions • ability to enter into a self-exclusion agreement
Government agencies	<ul style="list-style-type: none"> • fewer interventions, including non-compliance actions • reduced regulatory costs

1.2. NSW liquor laws

Each state and territory in Australia has specific legislation that sets out the requirements for responsible service and supply of alcohol.

In NSW, these are specified in the *Liquor Act 2007* and the *Liquor Regulation 2018*.

It is important that you are aware of your obligations under these laws, as there are consequences to both you and your employer if you do not comply with them.

	<i>Liquor Act 2007</i>	<i>Liquor Regulation 2018</i>
Objectives	<p>Sets out the requirements about where, when and how alcohol can be sold and supplied on licensed premises, or delivered, and who can serve and consume it.</p> <p>It has three main objectives:</p> <ul style="list-style-type: none"> • To regulate and control the sale, supply and consumption of alcohol in a way that it is consistent with the expectations, needs and aspirations of the community • To facilitate the balanced development of the liquor industry, that is in the public interest and does not harm the community • To contribute to the responsible development of related businesses such as live music, entertainment, tourism and hospitality industries 	<p>Outlines specific requirements that have to be met in order for businesses to comply with the <i>Liquor Act 2007</i>.</p> <p>The regulation outlines:</p> <ul style="list-style-type: none"> • Liquor licence and training fees (i.e. to complete RSAT) • Liquor licence application processes • Requirements for different types of licences, such as the laws that apply to online liquor sale and same day delivery • Requirements for responsible supply or service of alcohol such as RSA and RSAT training requirements and rules for businesses that provide the training • harm minimisation measures in connection with the sale and supply of liquor, and the regulation of the same day delivery framework

What does the law mean for you?

As a same day delivery provider or delivery person/s to make same day deliveries, you should strive to:

- minimise harm associated with the misuse and abuse of alcohol
- encourage responsible attitudes and practices towards the sale and supply of alcohol
- ensure that the sale and supply of alcohol makes a positive contribution to the community.

1.3. Obligations of same day delivery persons and providers under the law

The following are key obligations for both same day delivery persons and service providers under the *Liquor Act 2007* under the same day delivery of alcohol in NSW:

<i>Liquor Act 2007</i>	Obligations for same day delivery	Maximum penalty for breaches	Reference
Obligations of same day delivery persons <u>and</u> providers			
Section 114I	At the time of delivery, your same day delivery persons must ensure that the identity and age of the purchaser, and any adult nominated to accept delivery, is verified prior to delivery.	50 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114J	Liquor must not be supplied to an intoxicated person. Defence: If it can be proved that the delivery person who delivered the alcohol could not be reasonably expected to know that they were delivering alcohol.	100 penalty units 12 months imprisonment, or both	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 117	Liquor not to be sold or supplied to a minor.	100 penalty units 12 months imprisonment, or both	https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#sec.117
Section 114K	Liquor must not be supplied in alcohol-free zones, alcohol prohibited areas or restricted alcohol areas.	30 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114L	Liquor must not be delivered by same day delivery between: - 11pm on Sunday or 12pm on weekdays, and 9am the following day.	100 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114M(1)	You must keep a record of refusals to deliver by same day delivery where the person proposing to accept delivery is: - a minor, or - an intoxicated person, or - the delivery person was unable to verify that they were the person specified in the written delivery instructions.	30 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40

If you are a same day delivery provider, the following are additional key obligations under the *Liquor Act 2007* pertaining to same day delivery of alcohol in NSW:

<i>Liquor Act 2007</i>	Obligations for same day delivery	Maximum penalty for breaches	Reference
Additional obligations for same day delivery providers only			
Section 114H	You must hold a licence to supply alcohol under a same day delivery arrangement where the products are stored in NSW.	100 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114HA	At the time of recording a same day alcohol sale ² , you must ensure that the identity and age of the purchaser, and any adult nominated to accept delivery is verified using an accredited identity service provider.	50 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114I	For subsequent occasions, an alternative form of authentication as provided by the liquor regulation may be used. At the time of delivery, your same day deliver persons must ensure that the identity and age of the purchaser, and any adult nominated to accept delivery is verified prior to delivery.	50 penalty units	
Section 114(3)(b)	You must provide written instructions to deliver the alcohol to the adult who purchased the alcohol, or another adult nominated by the purchaser to accept delivery of the alcohol at the delivery location.	50 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114M(1)	You must keep a record of refusals to deliver by same day delivery where the person proposing to accept delivery is: <ul style="list-style-type: none"> - a minor, or - an intoxicated person, or - the delivery person was unable to verify that they were the person specified in the written delivery instructions. 	30 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114M(2)	Records of non-delivery must be made available to a police officer or Liquor & Gaming Inspector, if requested.	30 penalty units	
Section 114M(3)	Such records must be kept for at least 1 year from the date the refusal occurred.	30 penalty units	
Section 114N*	You must ensure that your delivery person is not financially penalised for	50 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40

² The requirement to verify the identity and age of a customer purchasing alcohol by same day delivery at the time of sale applies from 1 June 2022.

<i>Liquor Act 2007</i>	Obligations for same day delivery	Maximum penalty for breaches	Reference
	<p>refusals to deliver in the circumstances detailed in Section 114M(1).</p> <p>*Note: A financial penalty includes any action that has a financial impact to a delivery agent or employee, including, for example, withholding or delaying payment or a loss of hours of employment.</p>		
Section 114O	<p>Should a delivery recipient ask to enter into a self-exclusion agreement with you, you must provide a process to do so.</p> <p>Where alcohol is sold online for same day delivery, you must ensure your delivery recipients are provided this service on your business's website.</p>	<p>30 penalty units</p> <p>30 penalty units</p>	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114P	You must not allow a delivery person to make same day deliveries unless they have successfully completed this Responsible Supply of Alcohol training (RSAT) and the Liquor & Gaming NSW online RSAT test.	50 penalty units	https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
Section 114Q	<p>As a same day delivery provider, you are liable for the acts of your employees involved in same day sale and delivery of alcohol, including any penalty for associated breaches under the liquor laws.</p> <p>Defence: where you can provide records to prove that the delivery person has successfully completed the RSAT and the L&GNSW online RSAT knowledge test.</p>		https://legislation.nsw.gov.au/view/pdf/asmade/act-2020-40



More information

Penalty amounts outlined in this section are for same day delivery providers who breach the law. They are based on a system of penalty units which is a set amount of money used for each fine.

Unit values are reviewed annually, and the current penalty unit value in NSW can be found at www.liquorandgaming.nsw.gov.au, or at:

<https://www.legislation.nsw.gov.au/#/view/act/1999/92/part2/div4/sec17>



Remember

These requirements apply to same day delivery providers. However, as a delivery person, it is important you are aware of these requirements too.

1.4. NSW regulatory authorities

Various authorities and organisations play a role in managing the liquor industry in NSW. This section explains their roles, responsibilities, the range of services they provide to the community and the liquor industry, and where you can go for support, guidance and resources.

	Liquor & Gaming NSW (part of NSW Dept of Customer Service)	Independent Liquor & Gaming Authority	NSW Police Force
Role	Regulates the liquor and gaming activities in NSW and provides policy advice to the NSW Government.	Statutory decision-maker responsible for a range of regulatory functions.	Along with Liquor & Gaming NSW Inspectors, the NSW Police Force enforce the NSW liquor laws in the community.
Responsibilities	<ul style="list-style-type: none"> • administers RSAT • conducts inspections and proactive compliance testing for responsible supply of alcohol • investigates complaints and potential offences regarding supply of alcohol • provides regular updates and education via monthly e-news and industry engagement. 	<ul style="list-style-type: none"> • makes decisions about complex or controversial liquor licence applications • determines disciplinary actions taken against licensees and other for breaches of the NSW liquor laws • reviews certain decisions made on its behalf by the Liquor & Gaming NSW. 	<ul style="list-style-type: none"> • works with Liquor & Gaming NSW to undertake inspections and investigations • provides information that helps Liquor & Gaming NSW and the Independent Liquor & Gaming Authority make decisions on licensing applications • exercises a range of enforcement powers to ensure compliance of NSW liquor laws (for example, issuing penalty notices).

Module summary

To recap, the key topics covered in Module 1: NSW liquor laws were:

- understanding the meaning, purpose and importance of RSAT
- outlining the purpose and objectives of NSW liquor laws
- identifying the role and purpose of NSW liquor regulatory authorities.

Module 2: Intoxication

Introduction

As someone practising the responsible supply of alcohol, you play a major part in reducing the harms and disturbances that can result from intoxication.

Your actions in identifying and refusing supply to an intoxicated person can help to promote responsible consumption of alcohol in the community and build the reputation of your same day delivery service provider.



Meaning – Intoxication

In NSW, reasonable ground for a belief that a person is intoxicated are what a reasonable person would believe in the circumstances, taking into account the relevant knowledge and facts observed.

Intoxication is commonly known as being 'drunk'.

Module 2: Key topics

Module 2 covers the following key topics:

- defining and assessing intoxication
- recognising your responsibilities in relation to intoxication under NSW liquor laws
- identifying when to refuse supply of alcohol.

2.1. What does the law say?

As a delivery person, you must not deliver alcohol to an intoxicated person.

2.1.1. Fines and penalties

Selling or supplying alcohol to an intoxicated person is an offence and serious penalties apply, including:

- An on the spot fine of \$1,100
- Court imposed fines of up to \$11,000 for an individual
- Court-imposed fines of up to \$27,500 for companies
- 12 months imprisonment.

Under the incentives and demerit point system, demerit points may also be imposed on the Licensee. This means a liquor licence can be suspended or cancelled. Selling or supplying alcohol to an intoxicated person attracts double demerit points.

2.1.2. What does this mean for you?

The law affects you directly as you personally have a legal responsibility to prevent intoxicated persons from being supplied alcohol. There are serious consequences for you, your same day

delivery provider or delivery agent. In addition to potentially receiving a fine, you could lose your job and source of income.

2.2. What is intoxication?

The NSW *Liquor Act 2007* states that a person is intoxicated if:

- (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

2.2.1. Signs of intoxication

The below table outlines some examples of signs of intoxication.

Signs of Intoxication				
Appearance	Balance	Speech	Coordination	Behaviour
Breath smells of alcohol	Unsteady on feet	Slurring words	Fumbling their licence	Rude/offensive language
Person smells of alcohol	Swaying/staggering	Loss of train of thought	Difficulty accessing their wallet	Argumentative
Red eyes	Bumping into or knocking over objects or people.	Not understanding normal conversation	Difficulty opening or closing the door	Annoying or provoking others
	Difficulty walking in a straight line	Difficulty paying attention	Dropping objects	Drowsiness
	Falling down	Rambling or disjointed conversation		Overly friendly



Remember

These signs may not always be obvious. Signs of intoxication can present differently in different customers.

If you are unsure, you should find out more. Ask the person about the weather or how their day is going. Judge their response and movements. It is recommended that you look for more than one sign to assist in your evaluation.

If you believe they are intoxicated, you must politely but firmly refuse service and return the order back to the store/point of collection.

2.2.2. Reasonable belief

You need to form a **reasonable belief** that a person is intoxicated before refusing delivery.

A belief can be formed by observing the situation around you at the time. You must use your judgement to evaluate each situation.



Meaning – Reasonable belief

This refers to what a reasonable person would believe given the situation, the relevant knowledge and facts you have and the circumstances you are in.

You should be sure of your reasons for refusal of supply and these reasons should not be discriminatory, for example due to race, sex, or disability. A person has the right to take the matter to the Anti-Discrimination Board if they feel they have been subjected to discrimination.

When assessing for intoxication, a belief can be formed by observing the physical signs, talking to the person and their family or friends and then considering whether such signs could be the result of intoxication or another condition.

If the person is exhibiting signs of intoxication but you are uncertain:

- Engage them in polite conversation about the possible causes of their signs:
 - “I am unable to deliver alcohol to someone who is intoxicated”
 - “Have you already had a drink today?”
 - “Could there be any reasons that you may be showing signs of intoxication?”
- The person may respond by saying they have a medical condition. If that is the case and you:
 - Do not have reasonable belief that they are intoxicated, you may complete the delivery
 - Do have reasonable belief that they are intoxicated after hearing their response to the signs, then clearly explain that by law you cannot deliver their order.

2.2.3. Conditions that exhibit signs similar to intoxication

Some disabilities or health conditions can mimic signs of intoxication. Alternatively, a person taking a delivery might be affected by medication.

Before you refuse to deliver to someone on the basis they may be intoxicated, you should try to determine whether they have a medical condition or disability that is causing signs or symptoms similar to intoxication.

Some people might be prescribed drugs for conditions such as heart complaints, blood pressure and pain relief which can also have adverse effects if mixed with alcohol. If a person who has or may have a pre-existing medical condition has been drinking, it may still be reasonable to form a belief that they are intoxicated as a result of alcohol consumption. In this case, you must not deliver the order.

The below table are examples only.

Medical conditions that may mimic intoxication	Possible side effects from medication
<ul style="list-style-type: none"> • acute infections • acquired brain injury • brain trauma/tumours • diabetes/hypoglycaemia • epilepsy • head injuries • pneumonia • seizures and post-seizure states • stroke. 	<ul style="list-style-type: none"> • jerky or rapid movements • incoherence • dilated pupils • rapid breath • odd behaviour.



Top tips: How can I tell the difference?

Let the person know you believe they are exhibiting signs of intoxication, and that you are not able to deliver to them if they are intoxicated. Respectfully ask if there might be a medical reason for this.

If you are still uncertain and reasonably believe they are intoxicated, you must not deliver the order.



Remember

- You must comply with the *NSW Anti-Discrimination Act 1977* and Commonwealth anti-discrimination laws when assessing intoxication, and
- It is against the law to supply alcohol to a person you reasonably believe is intoxicated.

So long as you are not being discriminatory, it is alright to form the belief that someone is intoxicated due to the effects of alcohol even if you are wrong.

Module summary

To recap, the key topics covered in Module 2: Intoxication were:

- outline the definition of intoxication and understand your responsibilities under NSW liquor laws
- assess a person and form a reasonable belief about whether the person is intoxicated.

Module 3: Minors

Introduction

The younger and smaller a person is, the less tolerant they are to alcohol. This means that minors are at a greater risk from the effects of alcohol. Young people may be more likely to engage in behaviours that could harm themselves or others, like binge drinking, dangerous physical activities, and risky sexual behaviour.

If you supply alcohol to a minor, it can lead to harm. You have a critical role in preventing underage drinking.



Meaning – Minor

A minor is anyone under the age of 18 years.

Module 3: Key topics

Module 3 covers the following key topics:

- recognising your responsibilities in relation to minors and preventing underage drinking under NSW liquor laws
- being equipped with tips and techniques to help you identify minors and prevent underage drinking
- being able to identify acceptable proof of identity and conduct thorough documentation checks
- following the correct procedure for dealing with false or misleading proof of identity documents.

3.1. What does the law say?

It is against the law to sell or supply alcohol to anyone under the age of 18 (a minor). It is also against the law for anyone to obtain alcohol for a minor. This is known as “secondary supply”.

It is a serious offence to sell or supply alcohol to a minor and action can be taken against the delivery driver, delivery agents and the same day delivery provider. You could receive a fine or lose your job and source of income if alcohol is supplied to a minor.

3.1.1. Defences under the law

There are only two limited defences you can rely on in the event alcohol is supplied to a minor:

- if the minor is older than 14 years of age and provided ID that looked genuine and proved the person was over 18, or
- you, as the delivery person, were not aware the package contained alcohol at the time of delivery and unknowingly committed an offence.

3.1.2. Fines and penalties

Selling or supplying alcohol to a minor is an offence and serious penalties apply, including:

- An on-the-spot fine of \$1,100
- Court imposed fines of up to \$11,000 for an individual
- Court-imposed fines of up to \$27,500 for companies
- 12 months imprisonment.

Under the incentives and demerit point system, demerit points may also be imposed on the Licensee. This means a liquor licence can be suspended or cancelled. Selling or supplying alcohol to a minor attracts double demerit points.

3.1.3. Penalties for secondary supply

If a person supplies alcohol to a minor, they have committed an offence and serious penalties apply, including:

- An on-the-spot fine of \$1,100
- Court imposed fines of up to \$11,000 and/or 12 months imprisonment.

3.1.4. What does this mean for you?

The law affects you directly as you personally have a legal responsibility to prevent minors from being supplied alcohol.

Do not supply or deliver alcohol to anyone under the age of 18.

- When you arrive at a delivery location, look for signs that minors may be present e.g. L or P plates on cars
- Be alert to signs of people engaging in activities which can harm others e.g. secondary supply to minors.

Remember, there are serious risks for a supply to minor offence. In addition to potentially receiving a fine, you could lose your job and source of income.

3.2. Preventing underage drinking

You must:

- Check the delivery recipient's identity and proof of age ID if they appear under 25 years old
- Ensure that the delivery is only made to the adult who placed the order, or another adult person nominated by the purchaser
- Never leave alcohol unattended if being delivered on the same day it is purchased.



Same day delivery providers

Must have systems in place to support their employees and delivery agents to check evidence of age and identity before delivery occurs.

Service providers must ensure written instructions are provided for delivery people that include which adult has been nominated to receive the delivery.

3.2.1. Proof of age

All same day delivery providers must have a process to properly check proof of age ID documents to prevent minors from accessing alcohol.

This process should include:

- asking a customer who looks under 25 years old to produce their proof of age ID documents*
- closely checking the ID to ensure it is valid
- only accepting the forms of ID valid under NSW liquor laws
- requesting a second form of ID when in doubt.

* for anyone who looks 25 years old or over, view their ID or take a signed declaration that states the person's name and that they are 18 years or over.

3.2.2. Acceptable Proof of age ID

To be valid as proof of age, an ID must:

- include a photograph of the person
- include a name, date of birth
- not be expired
- be issued by an applicable government authority.

Images, screenshots or copies of ID are not acceptable.

In NSW, the acceptable forms of ID are:

- An Australian driver or rider licence
- NSW Digital Driver Licence (DDL)
- A foreign Driver Licence
- Australian or foreign passport
- A Photo Card issued in Australia
- NSW Digital Photo Card
- Proof of Age/Evidence of Age Card issued in Australia
- Keypass (over 18) identity card issued by Australia Post
- Digital Keypass issued by Australia Post.

Note: The acceptable forms of ID are different for each state and territory of Australia.

Examples of ID

NSW Driver Licence & Digital Driver Licence (DDL)



NSW Photo Card & Digital Photo Card



Australia Post Keypass & Digital Keypass



Top tips



Remember, some forms of ID can be issued to people under 18 years, so take extra care when checking them. Examples include passports, Learners Permits or Photo Cards.

It is important to be familiar with what valid ID looks like. This includes approved forms of digital ID and their security features.

3.2.3. Best practice for checking ID

Check the ID carefully:

- ask customer to remove the ID from wallets/purses so you can check it carefully
- take the ID from the customer and take your time checking it.
- check the birth date on the ID and confirm the person is over 18
- look at the photograph and check it matches the customer presenting it
Pay attention to distinguishing facial features
- the ID should show no signs of being fake, altered or tampered with
Feel around the photo, birth date and edges of the card. An ID that has wrinkles, bumps or air bubbles could mean the ID has been altered
- note the built-in security features for each ID card, e.g. holograms.



Top tips

Using borrowed ID is one of the most common forms of ID fraud. Minors may borrow an ID from an older sibling or friend, or from a stranger through their friends. You must compare the photograph on the ID with the person standing in front of you.

Examine the ID carefully. The customer may be relying on the fact you will be too busy to check the ID closely.

3.2.3.1. Checking ID under contact-free delivery

To check an ID under contact-free deliveries:

- ask customer to remove the ID from wallets/purses and hold it up for checking
- sight the ID from a safe distance without physically touching it
- if you are unable to sufficiently view the ID from the distance recommended by the NSW Government for social distancing, then ask the customer to place the ID on the ground, or another surface and step away, so that you can check the ID safely
- if the customer is wearing a face mask or any other type of facial covering (helmet, religious head scarf, sunglasses etc), RSA requirements still apply. Check that the photograph on the ID matches the customer presenting it
- If you are unsatisfied, then additional measures should be taken to confirm the customer's age such as requesting an alternative form of ID or requesting the customer to briefly remove any facial covering for this purpose.

Note: You cannot require the customer to remove any item of clothing for ID checking under the law. However, if you are unable to confirm the identity or age of the customer, you must refuse delivery.

3.2.4. Checking Digital ID

Many customers are choosing digital forms of ID, so it's important you know how to check these.

Note: You can ask the customer to hold the digital device at a distance when checking a digital ID, for contact-free deliveries. If you have difficulty viewing, ask the customer to adjust the phone to make checking easier.

3.2.4.1. NSW Digital Driver Licence and NSW Digital Photo Card

There are a number of security features to look for when checking this ID. Ask the customer to:

- swipe down to refresh the screen
- tilt the phone – the waratah hologram should move around
- a watermark of the customer's photo should be underneath their address.

NSW Digital Driver Licence

Light mode

Dark mode

NSW Digital Photo Card

Under 18

Holders who are under 18 years of age will have an icon next to their date of birth for quick identification.

3.2.4.2. Digital Keypass

There are three things that can be done to check this ID:

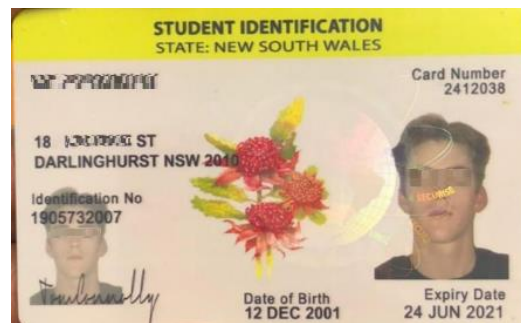
- shake to animate. Ask the customer to shake their phone or tap their photo. This displays an animation confirming the ID isn't a screenshot
- check the 18+ badge to ensure they are over 18
- ask the customer to scroll to the second page to view their date of birth.

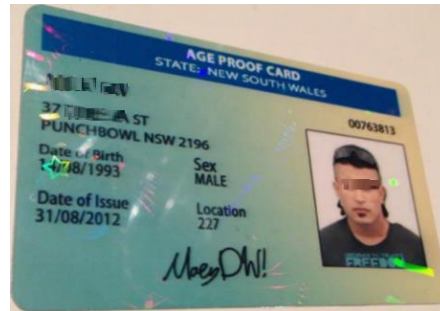
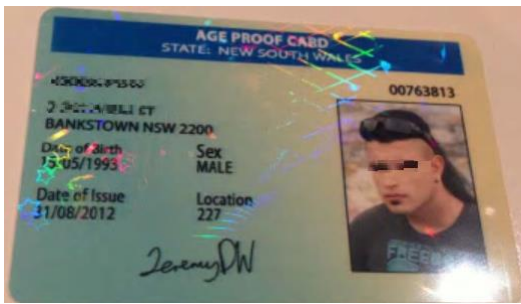


3.2.4.3. Beware of fake IDs

There are many websites that offer very 'real' looking fake IDs, which can be easily purchased by minors. Common issues with fake IDs include:

- the title of the card may not be exactly right e.g. It might say "Age Proof Card" instead of "Proof of Age Card" or the state name may be preceded by "State" e.g. State: NSW
- the emblems or logos may not be right
- the holograms may not be right
- there may be an additional black or coloured border around the edge of the card
- digital ID security features are not animated e.g. moving holograms or shake to animate.





You may choose to ask extra questions, which may assist in confirming the ID is valid. For example, asking the person to state some details on the ID:

- “Can you confirm your address?”
- “Do you live on a street or a road?”
- “What is your month/year of birth?”
- “Can you spell your middle name?”

If you are unsure that the ID belongs to that customer or if the ID is valid, politely ask the customer to provide a secondary form of ID.

If still unsure, you must refuse service.

3.2.4.4. False ID procedure

It is against the law for a person to present false ID with the intent to be supplied alcohol. If you are shown a fake ID, you will need to:

- refuse service to the person; and
- contact the police to report the fake ID.

You may not confiscate an ID in NSW.

Module summary

To recap, the key topics covered in Module 3: Minors were:

- understanding your responsibilities in relation to minors and preventing underage drinking under the NSW liquor laws
- requesting acceptable proof of age identification and conducting thorough documentation checks
- following the correct procedure for dealing with false or misleading proof of identity documents.

Module 4: Refusing supply responsibly

Introduction

It's important for you to understand who you should refuse supply to, and how to refuse supply under the NSW liquor laws.

Module 4: Key topics

Module 4 covers the following key topics:

- recognising your responsibilities in relation to responsible supply under NSW liquor laws
- identifying who should be refused supply under the law
- being able to assess the delivery location and recipient prior to supply
- being equipped with tips and strategies to responsibly refuse supply.

4.1. Identifying customers to whom service must be refused

The law requires that you identify and refuse supply to:

- delivery recipients who look under 25 years old and cannot present valid proof of age ID*
- persons (suspected minors) who produce ID you suspect is fraudulent
- intoxicated persons
- anyone whom you suspect may be purchasing alcohol on behalf of a minor or intoxicated person (secondary supply)
- anyone who attempts to accept delivery but is not the person nominated on the delivery instructions.

* **Note:** Where the delivery recipient looks over 25 years old, view their ID or take a signed declaration that states their name, and that they are 18 years or over.

Failing to refuse supply puts the safety of the customer, yourself and others at risk.

Serious penalties include an on-the-spot fine of \$1,100, court fines of up to \$11,000 and/or 12 months imprisonment.



Remember

The law protects you from being financially penalised by your service provider for refusal to supply in the above circumstances.

4.2. Making an assessment prior to supply

To undertake a responsible supply whilst ensuring your safety, that of others, and your property, you must remember to make an assessment of:

- the delivery location – to avoid risky situations, and
- the recipient – to ensure your decision to supply complies with the law.

4.2.1. Assessing the delivery location

When approaching the delivery location, look out for:

- signs that potential minors may be present, e.g. L or P plates on cars at the location
- signs of people in or around the delivery location displaying signs of intoxication, e.g. large groups involved in loud, heated discussions or jostling
- people engaging in activities which can harm others, such as secondary supply to minors or intoxicated people.

If approached by aggressive customers, or you see a situation where something is suspicious:

- record any details that you can record, safely
- if you are in your vehicle, do not step out
- do not approach the situation, make sure to keep yourself at a safe distance and out of harm's way
 - if approached, **stay calm**, respectful and don't raise your voice
 - be aware of your body language, stand tall and confident
 - make eye contact and smiling is helpful in disarming a difficult situation
 - stand at least one arm's length between you and the person
- if you cannot resolve a situation when making a delivery, advise the customer to call your service provider's contact centre
- If you feel unsafe at any stage, return to your vehicle and leave the location, and when it is safe to do so contact your service provider and notify them of the incident
- If the customer insists on grabbing the delivery do not struggle, remove yourself from the situation and report it to your supervisor immediately.



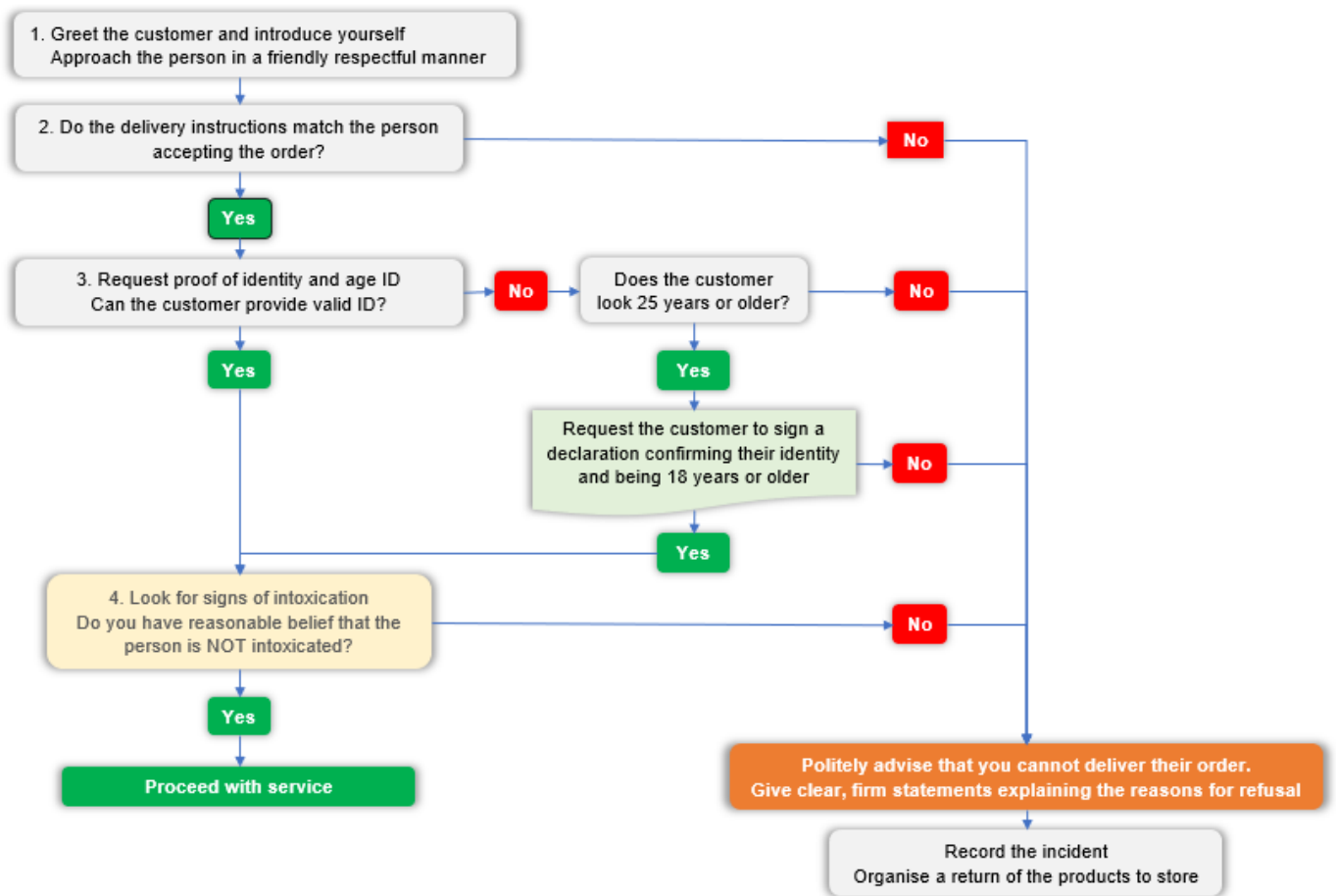
Remember

Reacting to the incident in an inflammatory way can have consequences, including injury to yourself, other individuals and/or property damage.

If necessary, contact the Police on **000**.

4.2.2. Assessing the delivery recipient

If you find no reason for concern when approaching the delivery location, you can proceed to the delivery address. You must then make an assessment of the person you are delivering to, before agreeing to hand over any goods.



4.3. How to refuse supply

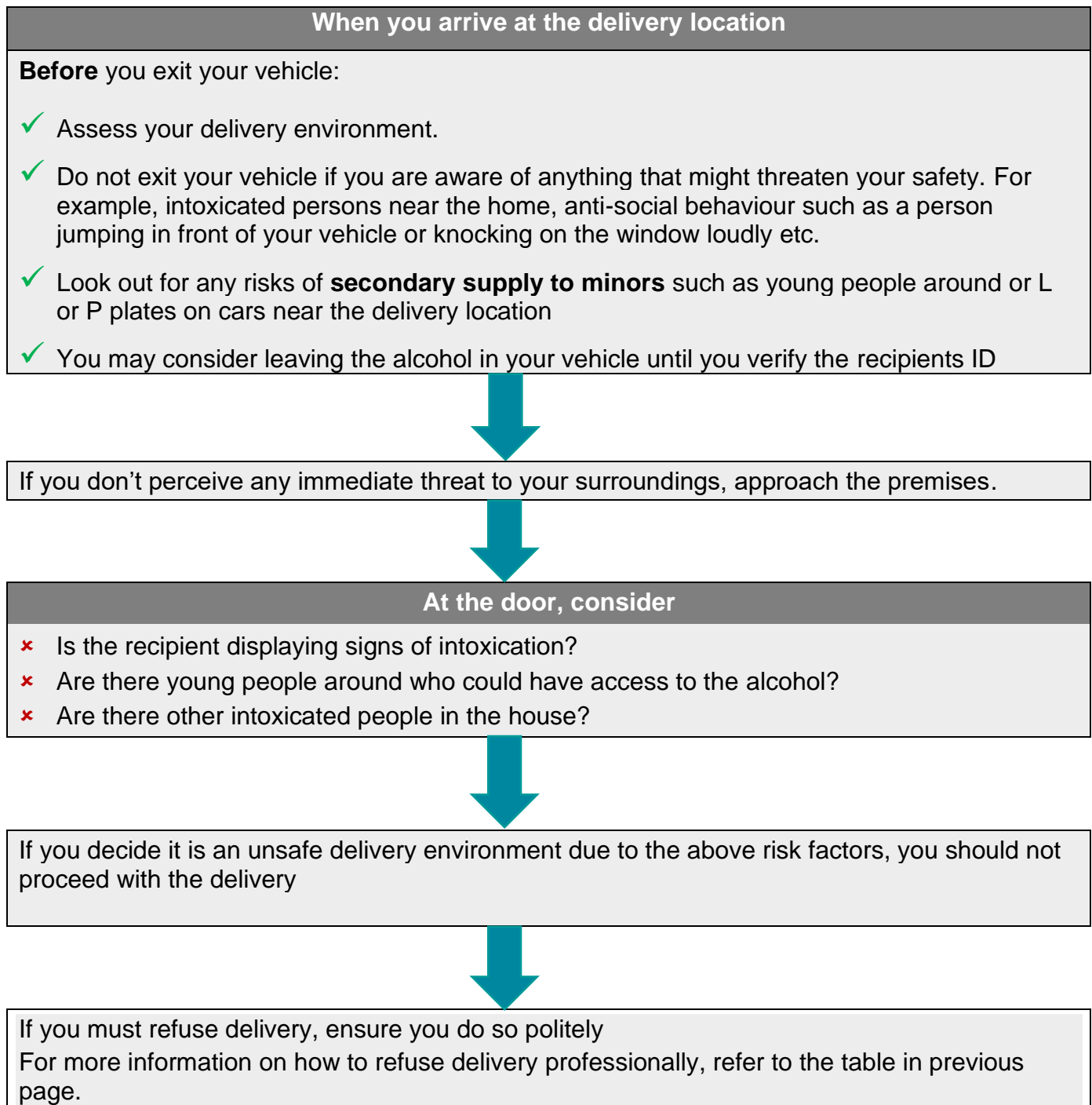
If refusing delivery, you must do so respectfully and professionally.

Do	Don't
<ul style="list-style-type: none"> ✓ Be friendly and polite ✓ Speak clearly, use short simple sentences ✓ Be sure of your reason for refusing service ✓ Clearly tell the customer why they are being refused service ✓ Offer alternatives e.g. "I'd be happy to supply you next time if you provide ID" ✓ Explain to the customer that you do not have a choice. You have a legal obligation ✓ If challenged, repeat calmly and firmly that you are not permitted to supply alcohol due to the law 	<ul style="list-style-type: none"> ✗ Embarrass the person, especially in front of their friends ✗ Talk down to the person ✗ Use bad/offensive language or derogatory names ✗ Take the situation personally and become emotionally involved ✗ Raise your voice or be aggressive ✗ Argue with the person ✗ Put yourself at risk

It is important to always be respectful and polite. Customer aggression can escalate quickly if refusal of service is not handled well.

4.3.1. Ensuring your personal safety when refusing supply

In summary, the following are practical steps to ensure your safety, and that of others around you, is not compromised when refusing supply:



4.3.2. De-escalation strategies when refusing supply

When refusing delivery to a customer who is intoxicated or underage and/or when they become aggravated and aggressive, it can be confronting. Below are some strategies that can help you to defuse and de-escalate the situation.

If the customer becomes aggravated:

Situation	Approach	Expressions to consider
Customer upset at being refused delivery	<ul style="list-style-type: none"> acknowledge the customer and their concerns 	<ul style="list-style-type: none"> 'I understand you're upset at the moment' 'I understand you were expecting this delivery for your party'
Customer demanding delivery	<ul style="list-style-type: none"> defuse the situation by blaming refusal on the law do not talk down to the recipient, or talk abruptly 	<ul style="list-style-type: none"> 'I'm sorry, it's against the law for me to deliver alcohol to someone - who is a minor / purchasing for a minor / who I believe is intoxicated'
Customer raises their voice and is becoming unreasonable	<ul style="list-style-type: none"> stay calm and respectful keep your voice low and calm tone of voice is critical when refusing service maintain eye contact and keep your face neutral stand tall and confident at a slight angle leaning towards the customer maintain at least one arm's length between you and the customer 	<ul style="list-style-type: none"> 'Sorry, that's not my decision, that's the law' 'Sorry, that's the law, I might lose my job if I don't comply'
If a solution isn't reached	<ul style="list-style-type: none"> advise recipient to contact customer service who can assist with their concern 	<ul style="list-style-type: none"> 'Please contact our customer service, they will be able to assist you with your concern / re-schedule the delivery on another day'
If you feel unsafe at any stage	<ul style="list-style-type: none"> remove yourself from the situation. If required, call the police for assistance when safe to do so. <p>Remember: your safety is paramount!</p>	

4.4. Recording refusals

You must record any refusals of delivery, where:

- recipient or nominated person is a minor
- suspected supply/secondary supply to minor
- reasonably believed to be intoxicated
- unable to confirm the person was the adult specified to receive the delivery.

Other circumstances where a non-delivery may be recorded include incidents involving safety, threatening situations or risk of violence and anti-social behaviour

Note: The law offers you protection to ensure that you are not financially penalised for refusing to deliver alcohol in the above circumstances.

How a service provider instructs you to record incidents and refusals of service will vary. You must use the application or tool provided by your service provider to record refusals of delivery. You should familiarise yourself with what to record on non-delivery, such as:

- customer name
- delivery address
- date and time of attempted delivery
- name of delivery driver
- reason for non-delivery.



Same day delivery providers

You must maintain a non-delivery register to allow your delivery persons to record refusals of service. These records must be retained for one year and made available to Police or Liquor & Gaming NSW Inspectors, if requested.

Penalties apply.

4.5. Obligations of a same day alcohol delivery person

In summary, as a delivery driver or delivery agent performing same day delivery of alcohol you have a number of obligations under the *NSW Liquor Act 2007*.

Your obligations	You meet your obligations by
<ul style="list-style-type: none"> ✓ Not deliver a same day delivery liquor order without checking the recipient's identity 	<ul style="list-style-type: none"> ✓ requesting to view the ID of any person who looks under 25-years-old ✓ refusing service to anyone who looks under 25-years-old and cannot present a valid ID ✓ requesting to view the ID of any person who look 25-years-old or over, or take a signed declaration that states the person's name and that they are 18 or over
<ul style="list-style-type: none"> ✓ Not deliver to a minor or to an intoxicated person 	<ul style="list-style-type: none"> ✓ assessing customer for intoxication ✓ not supplying alcohol to a person that you reasonably believe will engage in secondary supply
<ul style="list-style-type: none"> ✓ Not deliver to an alcohol-free zone or alcohol prohibited/restricted area 	<ul style="list-style-type: none"> ✓ ensure that the delivery location does not fall within an alcohol-free zone or alcohol prohibited/restricted area.
<ul style="list-style-type: none"> ✓ Not deliver outside of the approved alcohol delivery hours of: <ul style="list-style-type: none"> – 9am to midnight Monday to Saturday, and – 9am to 11pm on Sunday. 	<ul style="list-style-type: none"> ✓ ensure the delivery would not be within the delivery cut-off periods (midnight [or 11pm on Sunday] and 9am)
<ul style="list-style-type: none"> ✓ Record all refusals of delivery 	<ul style="list-style-type: none"> ✓ ensure that any refusal to deliver due to intoxication or minor is recorded in the non-delivery register

4.6. Scenarios for self-reflection

So far, you have learnt how to recognise your obligations as a same day alcohol delivery person, identify people who must be refused delivery, and how to do so responsibly under the NSW liquor laws. You have also seen practical tips and strategies to ensure your safety and to de-escalate potential aggression when refusing delivery.

Here are a few scenarios that Jake, our delivery driver, encounters on his normal same day alcohol delivery run. Consider these scenarios and determine whether Jake should make or refuse delivery under the law based on the facts and circumstances involved. If refusing delivery, also consider your approach on how to do so responsibly. On completion, turn to page 55 to verify your response.



Remember

The law offers you protection to ensure that you are not financially penalised for refusing to deliver alcohol where the recipient:

- is a minor
- you reasonably believe is intoxicated
- is suspected of purchasing alcohol on behalf of a minor or intoxicated person (secondary supply), or
- details don't match the service provider's delivery instructions.



Scenario 1:

Intoxicated recipient

Jake, a delivery driver, is on his same day alcohol delivery run. It's a beautiful day and he is looking forward to catching up with his mates to watch the Footy Finals in the evening. He's on his first delivery: three cases of wine to Steve Clark. The customer answering the door appears unsteady but looks happy to receive the cases he had ordered online. However, as Jake asks him for his ID, he notices his speech is slurred, he stumbles over things as he gets his wallet and struggles to remove his ID. And he smells of alcohol.

Jake is concerned that if he refuses delivery, it might aggravate the customer, and that his employer might penalise him by reducing his pay or future deliveries. Plus he has other deliveries to get to.

What is Jake's obligation under the law?

Ask yourself:

- should Jake deliver the alcohol as he has verified Steve's ID to confirm he is an adult and the recipient as per his delivery instructions, or
- refuse service as he believes he is intoxicated?



Scenario 2:

Minors – secondary supply

Jake's next delivery is to a person named Donna Cruz. As Jake drives up to the house, he notices several vehicles with P and L plates around the property and young people who could be under 18 around the house.

As Jake exits the vehicle, he realises there is a party on at the property. He walks up to the front door, knocks, and Donna answers. He notices more young people, potentially minors, who appear to be drinking inside. Donna appears to be sober and he's able to verify her ID. Donna notices his hesitation and demands the alcohol she purchased online. Jake is concerned that if he refuses delivery, it might further aggravate the customer, and his employer might penalise him by reducing his pay or his future delivery requests. And he has other deliveries to make.

What is Jake's obligation under the law?

Ask yourself:

- should Jake deliver the alcohol as Donna is an adult and not intoxicated, or
- refuse service as it might be considered secondary supply?



Scenario 3:

Minors – potential secondary supply

Jake's got five more same day deliveries on his delivery run. He arrives at his next delivery location and asks for Amy Peters. A young lady carrying a bunch of toys and a full laundry basket answers the door.

As she looks under 25 years, he asks her for her ID. Amy calls out for Tilly and a little girl comes running to the front door. Amy asks Tilly to grab her wallet and give Jake her licence. The little girl hands over her mum's licence and Jake verifies that she is over 18. He proceeds to hand the alcohol to Amy, to which she says, "My hands are full, can you please hand it to my daughter so she can bring it inside for me?"

What is Jake's obligation under the law?

Ask yourself:

- should Jake deliver the alcohol as Amy is an adult, not intoxicated, and it's not likely that she intends to let her little girl have access to it, or
- refuse service as it might be considered secondary supply?



Scenario 4:

Delivery as per written instructions – recipient is a minor

Jake continues his delivery run and arrives at his next delivery location. As per his delivery instructions, the purchaser has nominated a different person to take delivery. On asking for the nominated recipient, a young person answers the door. On verifying his ID, Jake determines that he is a minor.

Jake is aware that the identity and age of the purchaser and any nominated recipient are verified by his service provider when alcohol is purchased online. However, on checking the nominated person's ID, he has determined he is a minor.

What is Jake's obligation under the law?

Ask yourself:

- should Jake make the delivery as per his delivery instructions, or
- refuse service as the nominated person is a minor?



Scenario 5:

Delivery as per written instructions – recipient has not been nominated

Jake continues with his same day alcohol delivery run. His next delivery, as per his delivery instructions, is a 2 X 24 case of beer. He's looking forward to finishing his deliveries soon to watch the footy finals with his friends!

He arrives at his next delivery location and asks for Jenny Crowley. The man answering the door introduces himself as Jenny's husband and offers to accept delivery as Jenny went grocery shopping and is not expected back soon. However, as per Jake's delivery instructions, Jenny did not specify an alternate person to collect her delivery in her absence.

What is Jake's obligation under the law?

Ask yourself:

- should Jake deliver the alcohol as Jenny's husband looked over 25, and was not intoxicated, or
- refuse delivery as he was not nominated to collect the delivery as per his delivery instructions?



Scenario 6:

Recipient looks over 25 but does not have a valid ID

Jake's now has only two more deliveries to go. His next delivery is a case of 24 beers to Tim Smith. On arriving at the delivery location, Jake asks to see the customer's ID to verify his identity and age. Tim rummages around for his wallet but can't find it. Jake notes that he is over 40 years old and does not appear to be intoxicated.

What is Jake's obligation under the law?

Ask yourself:

- should Jake deliver the alcohol to Tim and continue on, as Tim is the recipient, and is not intoxicated and does not appear to be a minor?



Scenario 7:

Recipient and nominated adult not at home

This is Jake's last delivery for the day and he's got a case of wine for Shelly Bourke. He drives up to the delivery location and rings the bell, but after several attempts decides that no one's home. His delivery instructions do not include an alternate address or recipient. Just as he turns to leave, the customer calls Jake and requests him to leave the case behind the bushes over the front porch as she's just on her way home from the shops.

What is Jake's obligation under the law?

Ask yourself:

- should Jake leave the package behind the bushes as per the customer's request?
- what is his responsibility under the law for same day delivery of alcohol?

Module Summary

To recap, the key topics covered in Module 4: Refusing supply responsibly were:

- understanding who should be refused supply under the NSW liquor laws
- refusing supply in a responsible manner
- recording incidents and refusal of supply under same day delivery
- considering delivery in a range of scenarios based on the law, facts and circumstances.

Module 5: Harm minimisation strategies and approaches

Introduction

Harm minimisation is at the core of the NSW liquor laws. The laws and a range of voluntary strategies considered best practice are designed to reduce alcohol-related harms. These strategies and practises help you to create a safe environment for you and your customers when responsibly supplying alcohol.

In this module, we will explore some of the mandatory and voluntary initiatives that apply to you and to your service provider that will help you understand how they minimise harm. We will also cover how you can apply this in your role as a same day alcohol delivery person.

Module 5 key topics

Module 5: covers the following key topics:

- identifying mandatory harm-minimisation requirements for a same day delivery person
- understanding mandatory strategies that apply to your service providers
- describing voluntary strategies that might be tailored to the business where you work.

5.1. Mandatory strategies for delivery persons

We will start by exploring the mandatory harm minimisation strategies that apply to you as a same day alcohol delivery person in NSW. This will also apply to same day delivery providers personally making alcohol deliveries in NSW. These include:

- mandatory training
- delivery cut-off times for same day delivery
- not delivering to certain public areas
- identity and age verification prior to delivery
- recording non-delivery due to recipient being a minor or intoxicated
- no financial penalty for non-delivery in certain circumstances.



Same day delivery providers

If you engage delivery persons to make same day deliveries, additional harm minimisation strategies listed in Section 5.2 apply to you.

5.1.1. Mandatory training

Training, such as this Responsible Supply of Alcohol Training, ensures that you are aware of your responsibilities, potential penalties, and policies and practices that apply to your workplace.

Effective training:

- helps you understand your responsibilities under the NSW liquor laws
- helps you learn the practical skills to practice responsible supply and delivery
- leads to a safe environment for you, your customer and the community.



More information

Refer to page 53 for mandatory training required to work in other roles, such as a front-line worker to sell, serve or supply alcohol on licensed premises, or as a licensee, approved manager or club secretary. Your training must be done through a provider who is approved by Liquor & Gaming NSW.

Your service provider may also require you to undertake induction training prior to delivery to learn about the business policies and procedures and use of business-specific tools.

5.1.2. Delivery cut-off times for same day delivery

The following cut-off times apply to same day delivery of alcohol. This is intended to address the higher risk of late-night consumption of alcohol by people who would otherwise stop drinking in the absence of rapid delivery options.

- Sunday: 11pm – 9am
- Other days: midnight – 9am.

Any alcohol sold before 9am can be delivered on the same day, but it cannot be delivered before 9am.

Never make exceptions and sell, supply or deliver alcohol after the cut-off times – this is breaching the law. Supplying alcohol during cut-off times could result in a maximum penalty of \$11,000, 12 months imprisonment or both.



Top tips

It is easy to lose track of time if you have a number of deliveries to make or are delivering alcohol amongst other things. Consider setting an alarm on your mobile to ensure you complete your deliveries before the same day delivery cut-off times.

5.1.3. Not delivering to certain public areas

You must not deliver to public areas which are alcohol-free zones, alcohol prohibited areas or restricted alcohol areas. Alcohol-free zones apply to public roads and footpaths, while alcohol prohibited areas apply to parks and public spaces.

Such outdoor alcohol restriction helps prevent alcohol-related anti-social behaviour and crime in public places. You must ensure that the delivery location specified in the order is not in an alcohol-free zone or prohibited or restricted areas, as this could cost you a maximum penalty of \$3,300.

5.1.4. Identity and age verification at delivery

It is against the law to supply or deliver to a minor. This is a serious offence that can cost you a maximum penalty of \$11,000, 12 months imprisonment or both.

If you are an alcohol delivery person, you:

- get written instructions from the service provider on how and to whom the liquor is to be delivered
- must not deliver the alcohol to a minor
- must ask for valid proof of age documentation for anyone under 25-years-old.*

Note: where a person looks 25-years-old or over, view their ID or take a signed declaration that states the person's name and that they are 18 years or over.

5.1.5. Recording non-delivery to minors and intoxicated

As a delivery person, if you make a decision to refuse delivery, you must record the refusal in a non-delivery register. You must record refusals relating to:

- a minor
- an intoxicated person, or
- where the identity or age of the person accepting the order cannot be verified as per the written delivery instructions.

Refer to Section 4.4 for more information on what details to record on refusing delivery.

5.1.6. No financial penalty for non-delivery in certain circumstances

The law offers you protection from being financially penalised by your service provider for refusing delivery in the circumstances set out above. A financial penalty includes **any** action that has a financial impact on you, such as the withholding or delaying of your wages or a loss of hours of employment.

5.2. Mandatory strategies for service providers

Your same day delivery provider is responsible for additional mandatory strategies to meet their obligations to responsibly sell, supply and deliver alcohol and contribute to minimising alcohol-related harm in NSW. These include:

- mandatory signage and notices
- identity and age verification of customers at point of sale
- written instructions for delivery persons
- non-delivery register
- self-exclusion agreement.

5.2.1. Mandatory signage

Online sales by same day delivery is a potential source of supply for minors. Your service provider is required under the law, to display the following notice on their website where alcohol is sold online to minimise alcohol-related harm to minors.

'No alcohol can be sold or supplied to anyone under 18. It's against the law.'

5.2.2. Identity and age verification at point of sale

Your service provider must use an accredited identity service provider to verify the identity and age of a customer the first time they place an order for same day delivery of alcohol in NSW³. For subsequent occasions, an alternative form of authentication, as outlined in the liquor regulation, may be used.

5.2.3. Provide written instructions for delivery persons

Your service provider must provide written delivery instructions to their delivery agents or delivery drivers making same day delivery of alcohol in NSW. This should include:

- details of the adult who placed the order
- adult nominated at the point of sale to accept the delivery
- adult in an alternative delivery address nominated to accept delivery.

5.2.4. Maintaining a non-delivery register

Your service provider is required under the law to maintain a record of non-deliveries by their delivery agents and delivery persons to minors and intoxicated persons in a non-delivery register. You must use the template provided by your service provider to maintain this record.

Section 4.4 includes more information on what must be recorded in the register and when.



Same day delivery providers

You may use your own application or template to maintain this record or download a template from the Liquor & Gaming NSW website. These refusal records must be kept for a minimum of 1 year after the day the delivery was refused.

You cannot financially penalise a delivery person for refusal in the above circumstances. A financial penalty includes **any** action that has a financial impact to a delivery person, such as withholding or delaying payment or a loss of hours of employment.

³ Mandatory verification of customer identity and age at point of sale for same day deliveries apply from 1 June 2022.

5.2.5. Self-exclusion

Self-exclusion, a crucial harm minimisation strategy, is when a customer excludes themselves from being delivered alcohol by entering into a formal agreement with a same day delivery provider for a certain period of time or permanently.

If a customer has elected to self-exclude from an alcohol delivery service, this will take place through your service provider's website. As a delivery person, you should be aware of your provider's application process, or to escalate such enquires to your provider when requested by a customer. However, you should not receive an order from a customer who has been self-excluded.

Many people enter into a self-exclusion agreement when they are undertaking a rehabilitation program. Some customers may only opt to self-exclude for a short period rather than permanently. For example, Dry July, Feb-Fast etc. Note, self-excluded customers may choose to have their name removed from the self-excluded list at any time.



Same day delivery providers

You must enter into a self-exclusion agreement with a person if requested to prevent them from being delivered alcohol by your business under same day delivery.

Online sales and other electronic applications used for purchases must display signs on options available to customers to self-exclude.

5.2.6. Advertising and promotions

Promotional activities relating to the sale, supply and delivery of alcohol can have a significant influence on customers' consumption patterns and behaviour. Undesirable promotions, or ones that are not properly managed, can contribute to alcohol-related harm and anti-social behaviour which impacts individuals, families and communities.

The *Liquor Act 2007* details the types of promotions that may be restricted or prohibited. It's important that service providers are familiar with these requirements to avoid being in breach of the law.



Same day delivery providers

For more information refer to the Liquor & Gaming NSW website for:

Liquor promotions at:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/liquor-promotions>

Liquor promotion guidelines are available at:

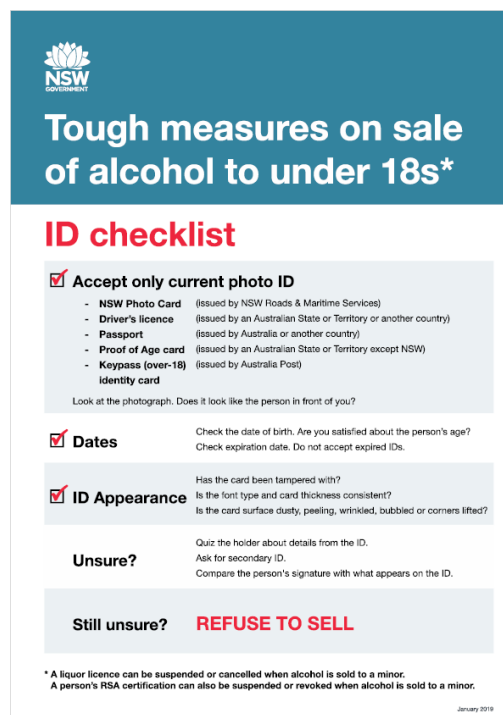
<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4001-liquor-promotion-guidelines.pdf>

5.3. Best practice strategies for service providers

There are voluntary strategies and approaches that your service provider can implement in their business to minimise harm to create a safe, healthy and prosperous business. These strategies reflect how serious your service provider is about addressing potential harms.

5.3.1. Voluntary signage

Liquor & Gaming NSW provide a range of voluntary signs that can assist you and your service providers in minimising harm, such as an ID checklist. They can be purchased or downloaded from the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au).



More information

Voluntary signs are available at: <https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/signs-for-your-business>

Liquor promotion guidelines are available at: <https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4001-liquor-promotion-guidelines.pdf>

5.3.2. Plan of management

A plan of management is a detailed document that specifies the policies and procedures relating to selling alcohol online or delivering alcohol. A plan of management is specific to each business and demonstrates how the business intends to remain compliant with the law. As a delivery person, you may be involved in reviewing this plan.



Same day delivery providers

The plan should be a working document that is regularly reviewed to ensure continued validity. For example, if a new risk or an emerging trend is identified, there is a strategy in place to manage it.

5.3.3. Preparing for high risk periods

There are a number of local community events that present an increased risk of supply to a minor, secondary supply and/or supplying alcohol to an intoxicated person. You should be aware and prepare for such period with additional training.

These may include:

- schoolies
- school formals
- Mardi Gras
- University orientation ('O Week')
- football grand finals
- Anzac Day
- St Patricks Day
- concerts and festivals.

Your service provider should ensure that all staff receive refresher training before a high-risk period and that there is regular communication during the period. Key RSAT principles should be reinforced to reduce any possible alcohol-related harm and underage drinking.

Your service provider should also ensure that staff are aware of any upcoming local events or community issues, such as being aware of emerging fake ID trends.

5.3.4. Best practice workplace strategies

There are many voluntary best practice strategies and approaches that your service provider can implement to minimise harm and to ensure your safety during same day delivery.

Some examples of strategies which your service provider may choose to implement include:

- ZERO-tolerance policy signage against delivery to minors, intoxication, and driver abuse on the website
- driver and courier applications, toolboxes, regular communication including emails, text, podcasts and newsletters for up-to-date information
- creating an interactive group to share information amongst drivers
- refresher training courses – particularly for newly identified risks
- a complaints and feedback register for consumers
- a temporary or permanent ban on customers with instances of violent or inappropriate behaviour over a certain period
- collaborate with other same day service providers on strategies to combat emerging risks and/or recent activities.

5.3.5. Other business policies and procedures

Many businesses develop their own policies and procedures to manage the day-to-day operations under same day delivery, including any licence conditions which must be met. These can help to further minimise harm, protect delivery persons and customers and comply with NSW liquor laws.

These may include:

- internal policies or standard operating procedures for deliver drivers.
- checklists, tools or applications for delivery drivers
- resource centre with fact sheets, case studies, videos, scenarios and tips
- safety procedures manual to ensure the delivery person/s and customer health and safety
- calendar dates and alerts for upcoming events or busy periods
- online alcohol sale limits and examples (with information on consumption)
- early cut-off time for online sales and delivery requests for same day deliveries to ensure delivery persons can complete all deliveries prior to the cut-off timeframe.



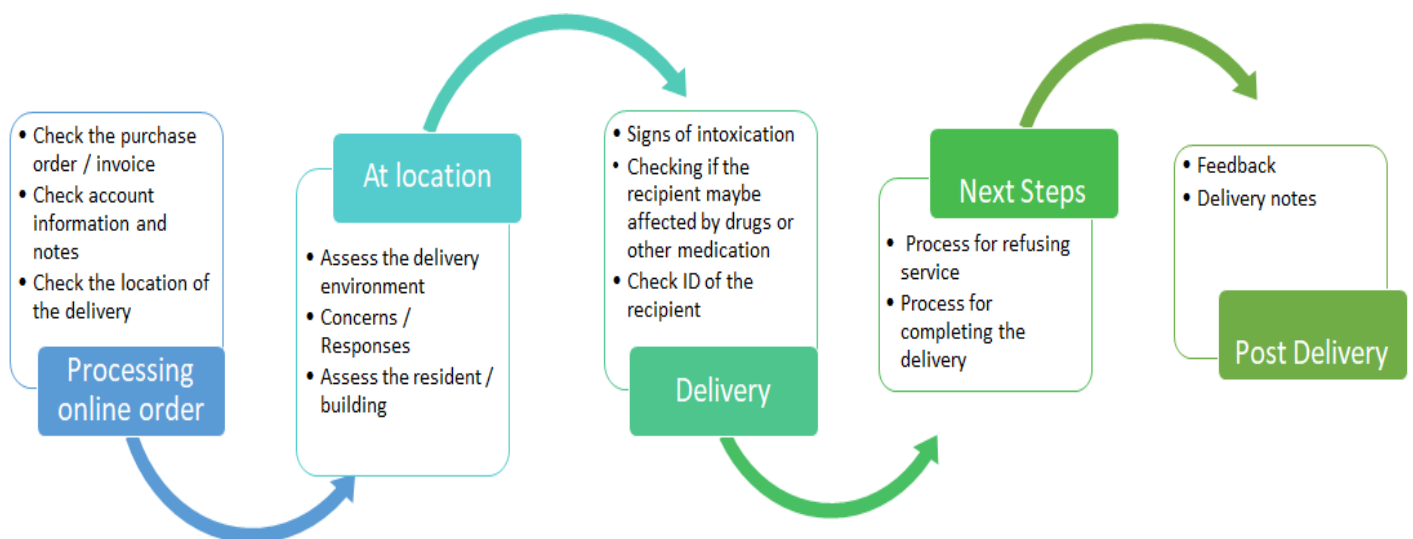
Top Tips

As a delivery person, you need to understand all plans, policies and procedures that apply to same day alcohol delivery. You can suggest ideas, improvements, or changes to these.

5.4. Best practice strategies for delivery persons

While many of the harm minimisation strategies outlined in this module are put in place by your service provider, *you* will be the one delivering alcohol to the delivery recipient. You are in the best position to minimise alcohol-related harms.

It's important that you take appropriate measures to ensure you deliver the alcohol in a responsible manner. Below is a flowchart to assist you in the end-to-end process of your delivery.



Module Summary

To recap, the key topics covered in Module 5: Harm minimisation strategies and approaches were:

- understand and support the implementation of the mandatory harm minimisation strategies in NSW
- understand the purpose and benefits of voluntary harm minimisation strategies
- understand what best practice strategies you can use personally.

Module 6: Compliance and enforcement

Introduction

To make sure that alcohol is sold and delivered responsibly, and to ensure your safety and that of customers and the community, various measures are in place to monitor and enforce the NSW liquor laws. These include enforcement actions which can impact you as someone who is making same day alcohol deliveries.

Your actions can result in significant penalties for you personally, and also for your same day delivery provider.

Module 6 – key topics

Module 6 covers the following key topics:

- understanding compliance and enforcement of NSW liquor laws
- understanding why NSW has a regulatory system in place and how it operates
- understanding the potential consequences of non-compliance.

6.1. Compliance and enforcement in NSW

Most staff in the industry operate safely and comply with NSW liquor laws.

Liquor & Gaming NSW promotes a voluntary culture of compliance through education, such as the RSAT, and encourages responsible sale, supply and delivery of alcohol through industry best practices.

Liquor & Gaming NSW applies an escalating enforcement response with industry workers who demonstrate more serious, repeat or persistent non-compliance or behaviours that are against public interest and community expectation for the liquor industry. Enforcement action is taken in proportion to the seriousness of the non-compliance and the harm it causes.

Liquor & Gaming NSW's approach to compliance and enforcement is underpinned by harm minimisation principles.

6.1.1. What does this mean for you as a same day delivery person?

Being compliant means that you sell, supply and deliver alcohol to delivery recipients responsibly and in accordance with the law. To be compliant with the NSW liquor laws:

You must	You must not
<ul style="list-style-type: none"> ✓ complete this RSAT course and the knowledge test with Liquor & Gaming NSW before you make same day deliveries in NSW ✓ only deliver between the hours of: Sunday: 9am to 11pm Other days: 9am and midnight ✓ deliver alcohol to the adult as per the written instructions received from the licensee or provider and verify the recipient's age. ✓ for anyone who looks under 25-years-old view their ID ✓ for anyone that looks 25-years-old or over, view their ID or take a signed declaration that states the person's name and that they are 18 years or over ✓ make a record when a delivery is not made because the recipient may be under 18, is intoxicated or if the recipient's details don't match the written delivery instructions 	<ul style="list-style-type: none"> ✗ leave alcohol unattended if the nominated recipient is not available to receive the delivery. If the delivery instructions include an alternative address, you must take reasonable steps to deliver the alcohol to the recipient at that address. ✗ deliver alcohol to an intoxicated person or minor ✗ deliver alcohol if you believe that the alcohol is being supplied, or there is risk of supply to a minor or intoxicated person ✗ deliver alcohol to alcohol-free zones, alcohol prohibited or restricted areas ✗ deliver alcohol during cut-off hours

6.1.2. Identifying non-compliance

The first step in compliance action is to identify any breaches of the NSW liquor laws. In order to identify a breach, Liquor & Gaming NSW may:

- receive complaints via various channels, including members of the public (neighbours, parents etc)
- undertake targeted operations to identify a breach in the supply and delivery of alcohol to minors or intoxicated people, and
- work in conjunction with NSW Police to conduct regular overt or covert inspections.



Reminder

Liquor & Gaming NSW will carry out controlled purchasing operations as part of its compliance activities to investigate whether same day alcohol delivery providers or their employees or agents are breaching laws relating to supply to minors. This means that minors can be appointed, under the supervision of an adult Compliance Inspector, to purchase or attempt to purchase alcohol. If a minor's purchase is successful, a provider, employee or agent can be liable for breaches of the law.

6.1.3. Investigation and enforcement

Liquor & Gaming NSW or NSW Police will investigate any alleged breach of the liquor laws. To assess the seriousness of the breach, they will make enquiries, gather evidence, and work with other government bodies where relevant.

Liquor & Gaming NSW can enforce the NSW liquor laws through:

Penalties	When
Warning notices	for less serious offences with lower levels of risk and harm
Penalty notices	for offences such as a breach of liquor licence condition
Licence conditions or orders	additional controls applied to liquor licences to address potential or actual risk
Incentives and demerit points system	applied to licensees as incentives for responsible service providers and sanctions to reduce repeated non-compliance with NSW liquor laws
Disciplinary action	taken on breach of liquor laws that may result in additional licence conditions, or the suspension, cancellation, disqualification and/or revocation of a licence
Prosecution	for the most serious levels of offences and patterns of behaviour that could lead to criminal conviction, financial penalties, forfeiture of assets and/or imprisonment.

Penalties to individuals may apply to you as same day delivery providers or delivery persons making same day alcohol deliveries to a minor or intoxicated person(s).

These regulatory actions are used to encourage positive changes in attitudes and promote proactive compliance. In the end, it's all about harm minimisation to keep the industry and community safe from alcohol-related harm.

6.1.4. What can enforcement action mean for you?

Breaching the liquor laws could result in a heavy penalty, losing your job or losing your livelihood.

Penalties for offences under the liquor laws can cost up to:

- \$11,000 for individuals
- \$27,500 for corporations.

Enforcement action taken against you under the liquor laws can have lasting consequences and lead to:

- the inability to work in the liquor or gaming industry
- the inability to attain a liquor licence
- negative impacts on your reputation
- preventing you from pursuing certain careers, for example a police officer or restaurant owner.



Ask yourself...

Could I afford a fine of up to \$11,000?

Would I have other employment options if my responsible supply of alcohol competency is revoked and I'm no longer able to work as a same day alcohol delivery driver?

How would I feel if my actions resulted in a fine for my service provider?

6.2. Incentives and demerit points system

The incentives and demerit points system provides 'incentives' for responsible service providers and applies 'demerit points' as sanctions. The system makes it easier for you to understand and comply with your obligations under the liquor laws.

The system aims to:

- incentivise well-run businesses
- minimise alcohol-related violence, and
- reduce repeated non-compliance with the NSW liquor laws.

6.2.1. How does it work?

The system rewards responsible service providers that comply with the liquor laws by discounting the annual licence fees. On the other hand, in addition to any penalty or fine, providers who commit a serious offence automatically incur demerit points.

Double demerit points attach to offences involving the sale or supply to minors, due to the seriousness of these offences. These reflect the Government's commitment to minimising the alcohol-related risks of harm to minors.

Service providers who show they are unwilling to meet their obligations and incur multiple demerit points can be removed from the industry.

Service providers who have received demerit points are not eligible for discounts on annual licence fees and pay additional compliance risk loading fees the year after the demerit point was incurred or imposed.

6.2.2. What can the demerit points system mean for you and your service provider?

Remember that your actions as a same day alcohol delivery person making deliveries can directly affect the likelihood of you or your service provider being subject to a regulatory scheme.

With this in mind, it's really important that you always supply and deliver alcohol in a responsible manner and discuss any concerns relating to the risk of harm and non-compliance with your employer.

Module summary

To recap, the key topics covered in Module 6: Compliance and enforcement were:

- understanding compliance and enforcement of NSW liquor laws
- understanding why NSW has a regulatory system in place and how it operates
- understanding the potential consequences of non-compliance.

Next steps

Liquor & Gaming NSW RSAT knowledge test

After you complete the RSAT training with Liquor & Gaming NSW, or with any same day delivery provider or Registered Training Organisation, you must also successfully complete the Liquor & Gaming NSW RSAT knowledge test online.

Upon successful completion of the RSAT knowledge test, Liquor & Gaming NSW will issue you with a certificate of RSAT completion which will allow you to make same day alcohol deliveries in NSW. The online test will only take about 15-20 minutes to complete.



Remember

From 1 December 2021, you must hold a Liquor & Gaming NSW issued Certificate of RSAT completion to make same day alcohol deliveries in NSW.



More information

Visit the Liquor & Gaming NSW website to complete the RSAT knowledge test online:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained>

Additional training

Responsible Service of Alcohol (RSA) training

If you plan to work in the sale, supply or service of alcohol, you will need to undertake the RSA training before you can start work. This includes roles such as service staff, food and beverage attendants, retail liquor salespersons, winery and brewery staff, promotional staff, RSA marshals, licensees, club secretaries, and sales representatives working for suppliers. It also applies to security staff and crowd controllers monitoring customer behaviour.

Obtain an NSW RSA competency by completing the training in a classroom or online environment through a Liquor & Gaming NSW approved training provider.

Responsible Conduct of Gambling (RCG) training

If you plan to work in a venue where there are gaming machines and your work duties are going to involve gaming machines, you will also need to undertake the RCG training before you can start work.

Obtain an NSW RCG competency by completing the training in a classroom environment through a Liquor & Gaming NSW approved training provider.

Privacy training

If you work in the Kings Cross precinct and wish to operate an ID scanner, you will also need to obtain a privacy competency by completing the Privacy training course online.

Licensee and Advanced Licensee training

If you plan to apply for a liquor licence in NSW or be appointed as a club secretary or approved manager, you may need to complete the Licensee or Advanced Licensee training through a Liquor & Gaming NSW approved training provider. You must have a current NSW RSA competency before you can complete Licensee training.



More information

Find out everything you need to know about all the courses available to you, including RSA, RCG, privacy, and licensee training:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained>

Scenario – responses

Scenario 1:

When assessing the situation, Jake should consider:

- if the customer is showing signs of intoxication to reasonably believe that he is intoxicated due to the consumption of alcohol, and
- his responsibility under the law that prohibits delivery of alcohol to an intoxicated person, and the serious penalties involved.

Based on the above facts and assessment:

- Jake can conclude that the customer is showing reasonable signs of intoxication and must be refused service under the law.
- he should politely apologise and explain to Steve that the NSW liquor laws prohibit him from delivering alcohol to a person he believes to be intoxicated, and request Steve to contact the service provider to re-schedule the delivery
- for his own safety, Jake must remain calm in such situations
- record the reasons for his non-delivery and return the order back to the store.

Scenario 2:

When assessing the situation, Jake should consider:

- if the recipient Donna is an adult, and is not intoxicated
- if the young people in the house who appeared to be drinking, who are likely minors, could access the alcohol if he delivered it, and
- his responsibility under the law to not deliver alcohol to a minor, or for anyone to obtain alcohol for a minor, and that serious penalties apply.

Based on the above facts, even though Donna is an adult and not intoxicated:

- Jake must politely but firmly explain to Donna that that he is unable to deliver as it's against the law for him to deliver alcohol where it might result in the supply to a minor
- record the reasons for his non-delivery and return the order back to the store.

Scenario 3:

When assessing the situation, Jake should consider:

- if the recipient Amy is an adult and not intoxicated
- if it's likely that Amy might be purchasing the alcohol to supply to the young person, in this case her child, and
- his responsibility under the law to not permit delivery of alcohol to a minor, or for anyone to obtain alcohol for a minor, and the penalties that apply.

Based on the above facts, even if Amy is an adult and not intoxicated, and it's not likely she is purchasing the alcohol for her young child:

- Jake should be aware of possible reputational risks associated with a minor carrying alcohol products
- Jake should politely request Amy to personally take delivery of the alcohol, and explain that he cannot hand over alcohol to a minor
- Jake could politely offer to place the alcohol item inside the door for Amy, provided he is satisfied the delivery is being made to her, and there are no other circumstances suggesting otherwise
- Amy may also be able to put the basket down so he can hand it to her directly.

It's important to note that the decision to refuse service is based on individual circumstances. To refuse supply, the delivery driver must have reasonable belief that secondary supply may take place.

Further, in the above circumstances where Amy appears to be under 25, it is also important that Jake ensures that she has valid identification, and that she is 18 years or over, before she can accept delivery of the alcohol.

Scenario 4:

When assessing the situation, Jake should consider:

- the recipient listed in his service provider's delivery instructions
- if the recipient (either the purchaser or a nominated person) is an adult
- if the recipient is intoxicated, and
- his responsibility under the law to deliver as per his service provider's delivery instructions, and not deliver alcohol to a minor. And that serious penalties apply.

Based on the above facts, even though the recipient is the nominated person for delivery as per his service provider's delivery instructions, the recipient is a minor:

- Jake must politely but firmly explain to the recipient that that he is unable to deliver as it's against the law for him to deliver alcohol to a minor
- that the customer should discuss this with his service provider
- record the reasons for his non-delivery and return the order back to the store.

Scenario 5:

When assessing the situation, Jake should consider:

- his responsibility under the law to deliver to the nominated recipient listed on his delivery instructions, and that serious penalties apply
- that he cannot deliver if the purchaser is unavailable to receive the delivery and there is no alternate adult nominated as per his delivery instructions.

Based on the above facts, even though the person claiming to be Jenny's husband is an adult and not intoxicated, he cannot accept the delivery on her behalf:

- Jake must politely explain to Jenny's husband that he cannot accept delivery on behalf of Jenny as he was not nominated as a recipient when the order was placed
- explain that under the law he can only deliver to the purchaser or an alternate adult nominated by the purchaser, and that Jenny should contact his service provider to re-schedule the delivery
- record the reasons for non-delivery and return the order back to the store.

Scenario 6:

When assessing the recipient, Jake should consider:

- if the recipient's identity and age match the written delivery instructions
- if the recipient is an adult, and not intoxicated
- his responsibility under the law to ensure delivery is made to the recipient or the nominated adult on the delivery instructions, and the penalties that apply.

Based on the above facts, even though Tim is not a minor and is not intoxicated, Jake cannot deliver the alcohol to Tim until he has verified Tim's identity and age.

Where the recipient appears to be 25 years or older, but is unable to produce a valid ID, the law requires that they sign a declaration stating their name and that they are 18 years or over, before they can accept delivery of the alcohol. Most service providers provide a form that customers must sign in such circumstances.

- Jake must ensure Tim completes this declaration before he delivers the alcohol to him, or
- if Tim refuses to complete the declaration, he must refuse delivery, record the reasons for non-delivery and return the order back to the store.

Scenario 7:

When assessing the situation, Jake should consider:

- if the recipient's verbal instructions are sufficient for him to consider leaving the same day alcohol delivery unattended
- is he able to leave alcohol unattended when making same day deliveries?
- his responsibility under the law to check that the identity of the recipient matches the delivery instructions, that the delivery is not made to a minor or intoxicated person before proceeding.

Based on the above facts, even though Shelly (presumably) has authorised Jake to leave the alcohol in her garden, the law DOES NOT permit leaving same day alcohol delivery unattended as it may be accessed by minors.

- Jake should politely but firmly explain to Shelly that it's against the law for him to leave alcohol unattended when making same day deliveries, and explain the potential risk of the alcohol being accessed by minors
- record the reasons for his non-delivery and return the order back to the store.

Glossary

Name	Definition
Age checking	The process of verifying a prospective customer is of legal drinking age to ensure compliance with regulatory requirements regarding the sale and supply of alcohol to minors
Attended delivery	Acceptance of a same day alcohol delivery at a nominated address by the purchaser or the nominated person, who is an adult and not intoxicated
Cut-off period	Timeframe between 11pm on Sunday and 9am on Monday morning and between midnight and 9am every other day of the week; either attended or unattended, where the delivery of liquor is not permitted to occur.
Delivery agent	Delivery companies, couriers and drivers engaged by same day delivery providers to deliver alcohol
Delivery person	Same day alcohol delivery provider, delivery agent or person making same day alcohol delivery in NSW
Delivery recipient (or customer)	Individual over the age of 18 purchasing the alcohol or adult nominated to accept delivery at the delivery location, or at an alternative delivery location
Dry zone	Declared area as prescribed by law where all consumption and therefore delivery of alcohol is prohibited
Enforcement	Action taken by Liquor & Gaming NSW or NSW Police force against persons or licences who breach NSW liquor laws
None-same day delivery	The delivery of alcohol occurring on any day after the day of purchase
Recipient	Must be the adult purchaser or an alternate adult nominated for same day delivery as per the service provider's delivery instructions
Responsible service of alcohol	The sale, supply and service of liquor in licensed premises in NSW in a responsible manner and in accordance with the law
Responsible supply of alcohol	Delivery and supply of packaged liquor to a person in NSW irrespective of the State or Territory in which the sale is made, in a responsible manner and in accordance with the law
Responsible Supply of Alcohol Training	Mandatory training and knowledge test to be completed by all same day alcohol delivery persons. (includes delivery drivers, service providers and delivery agents making same day deliveries)
Regulatory authority	In the context of responsible service/supply of alcohol in NSW, a 'regulatory authority' is one of three bodies involved in regulating the liquor industry: Liquor & Gaming NSW, Independent Liquor & Gaming Authority and the NSW Police Force
Same day delivery	Supply and delivery of packaged liquor to a person in NSW on the same day it is purchased, irrespective of the State or Territory in which the sale is made
Same day delivery provider OR service provider	Licensee that supplies the alcohol by same day delivery or engages another person, whether it is a delivery person or delivery agent, to supply the alcohol by same day delivery in NSW

Name	Definition
Secondary supply	Obtaining alcohol on behalf of a minor. Also known as second-party sales
Self-exclusion agreement	An agreement between a customer and an online alcohol delivery provider to voluntarily exclude themselves from an online alcohol delivery service for a specified period of time or permanently
Unattended delivery	Delivery person leaves the alcohol unattended at the nominated delivery address in accordance with instructions provided by the purchaser. Note: this can ONLY apply to non-same day deliveries

