

**Submission  
No 6**

## **PROVISION OF ALCOHOL TO MINORS**

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# CDAT community drug action team

## We're Stronger Together

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Dear Social Policy Committee;

We thank you for the opportunity to provide comment in regards to the inquiry into the provision of alcohol to minors, as outlined in the Liquor Act 2007.

The Liquor Act 2007 has aspects and limitations that render it in its current form is currently insufficient and inappropriate. We encourage the following points to be considered and have expounded the rationale underlying each aspect in the latter text.

The Liquor Act 2007:

- becomes confusing, by having legalities of supply changing, depending on an array of people and venues in which alcohol is supplied;
- is inappropriate in that it fails to adequately protect human rights of young people
- is inappropriately reinforces a culture that supports irresponsible alcohol consumption
- is inappropriate in permitting a defense against prosecution, whereby the legislation lacks clarity in terms of what constitutes "authority" to supply.
- is ineffective as there are significant barriers to enforcement which are underpinned by subjectivity and indistinct terminology.
- is incongruent with National Drinking Guidelines, current NSW Health plans
- is not meeting community values and expectation.

It is recommended that Government amend this legislation to make it an *offense for any person, in any setting to supply alcohol to any person under 18 years*, which would protect our young people, enhance community understanding and enforcement ( thus compliance) and in keeping with community expectation, that Government should more proactively take a role in addressing alcohol misuse.

- a) *Comments relating to Provisions in the Liquor Act 2007, which make it illegal for persons to sell or supply alcohol to people under the age of 18 years, including homes, parks, halls and public places, are insufficient.*

The Liquor Act 2007 outlines a variety of settings that are or not appropriate for people to be supplied with alcohol by a parent. Distinctions between private and public venues and licensed and non-licensed venues become convoluted and confusing for citizens. Legislation that is has an array of situational variables, reduces community understanding, resulting in reduced compliance .This legislation would have increased clarity and suitability in aligning, as with licensed venues, to make it an offense for supply of alcohol to minors in any setting

- b) *Comments relating to Provisions in the Liquor Act 2007, which provide that a person must not supply liquor to a minor on any premises other than a licensed premises unless the person is a parent or guardian of the minor, are inappropriate*

The Liquor Act 2007 is inappropriate in that it fails to adequately protect human rights of young people. *Human rights maintains that "all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"*. Research evidence supports that it is a child's right to optimal development. Complete prevention of alcohol is in the best interests of the child as a primary consideration, it is the States responsibility to intervene to protect those interests.

Because children are at the greatest risk of alcohol related harms associated with drinking, the National Health and Medical Research Council has recommended that adolescents under the age of 15 do not drink any alcohol at all, and that adolescents between the ages of 15 and 17 delay starting to drink for as long as possible. Any drinking by adolescents under the age of 18 should be at low risk levels, in a safe environment, and supervised by an adult (Parenting Strategies Program, 2010). Alcohol related harms experienced by teenagers are significant and are at a critical time for brain development. Alcohol use contributes to the three leading causes of death amongst adolescents- un-intentional injuries; homicide; and suicide- along with risk-taking behaviour unsafe sex choices sexual coercion and alcohol overdose ( White and Hayman, 2006) and hospitalisation which includes road injury, suicide, assault, pedestrian road injury, falls and drowning ( DHA, 2010).

Despite established parental and community awareness that alcohol consumed by people under the age of 18 can affect the developing brain (82%) and can lead to problematic drinking habits later in life (77%) (AERF 2011), 37% of Australian secondary school students report that parents are the most common source of supply. Parents are more likely to be the main source of alcohol to younger students than to older students (White et al, 2006) Young drinkers reported they obtained their alcohol from a variety of sources including friends over 18 years old and their parents (Hemphill, 2007). Community education and awareness alone is insufficient as a preventative measure to reduce the supply of alcohol to minors. 82% of Australians believe it is harmful to give anyone under the age of 18years alcohol ( AREF, 2011), however, young people's consumption of alcohol in the family home is often sanctioned by parents who believe that it is a relatively harmless practice or that it is beneficial in educating young people about alcohol( Foley, 2004)

Parents are they key influence on the development of alcohol use behaviours by young people in that attitudes and consumption behaviours are learnt in the context of the family, particularly parents ( Ward et a, 2008). Parents who disapprove of and delay the onset of their children's drinking, reduce the likelihood of alcohol misuse by young people (Nash, 2005) The influence of parents on adolescent's attitudes and decisions about alcohol is greatest before they start drinking ( Parenting Strategies Program, 2010). Amendment of Liquor Act 2007 to prevent supply of alcohol to minors by parents would reinforce responsibility of parents and provide support for families in reinforcing community values, and contributing to reverse the pattern of drinking among young people highlight that the age of initiation is reducing. The Australian School Students Alcohol and Drug Survey (ASSAD) established that: 73% by age12,;80% by age 13; 86% by age 14 and 91% by aged 15, had tried alcohol ( White et al, 1996) Parents require increased leadership and incentive to prevent early introduction of alcohol and prevent ongoing supply of alcohol to children, to enable a more substantive change in the harmful drinking trends of young people. The current law deflects responsibility solely to parents. It additionally, provides a mixed messages in allowing parents to supply alcohol to minors, reinforcing misconstrued beliefs that it is relatively harmless, thus perpetuating an environment in which the Australian drinking culture is accepted, via conveying a permissive attitude to alcohol misuse. Lack of strong legislation fails to support parents to make the best choice regarding their child's welfare in terms of drinking alcohol.

It is government's role to create effective policies that ethically and legally obligates parents to participate in a process that contributes to their child's and broader community welfare (Sorrell 2009). Within a Neoliberal framework, government intervention is justified on the basis that there is a responsibility of Government to protect those unable to make autonomous decision, which must take precedence over personal autonomy of parents. The amendment in this legislation making it an *offense for any person, including a parent, to supply alcohol to any person under 18 years* establishes a more effective framework for government action in more appropriately reinforces a culture that does not supports alcohol consumption by young people. This would remove any ambiguity pertaining to supply of alcohol to minors, enhancing both compliance and ability for law enforcement.



- c) *Comments relating to The defense against prosecution for an offense of providing liquor to a minor if it is proved that a defendant was authorized by the minors parent or guardian to supply liquor to the minor, are inappropriate*

The Liquor Act 2007 is inappropriate in permitting a defense against prosecution in allowing shift in responsibility from the parent to another adult, Federal Health Minister Nicola Roxon has stated that "Evidence is emerging that parents are increasingly supplying alcohol to teenagers and their friends". The current legislation lacks clarity in terms of what constitutes "authority" to supply. There is lack of clarity if this "authority" is for a single occasion and what the boundaries of this "authority" are. There is additionally broad subjectivity and indistinct wording of "responsible" or "acceptable" alcohol consumption, when various groups in Australian society differ about what they consider to be "responsible" drinking and about when they consider drinking to be appropriate and acceptable (NHMRC 2009). These limitations in terminology and in transfer of responsibility underpin ineffective enforcement of legislation, making prosecution difficult. There have been a number of cases across Australia where a child has suffered injuries or died as a result of drinking too much alcohol while under the supervision of an adult other than their parents (Chikritzhs et al. 2004.) Allowing transfer of responsibility to another adult broadens opportunity for miscommunication of what parents deem acceptable and it induces unclear determination as to responsibility in protecting young people **from harm**.

- d) *There is limited community understanding of the rights and responsibilities of parents, guardians and responsible adults regarding the provision of alcohol to minors.*

While the law outlines offences relating to both sale and supply of alcohol to minors, there is little community awareness that this law applies to others in the community more broadly than licensed venues. In addition to limited community awareness, there is limited salience, thus compliance with legislation as community members perceive there is limited likelihood of conviction.

While the law outlines penalties for sale or supply of alcohol to minors, there are numerous weaknesses that reduce the likelihood of a conviction being applied as a result of limitations in policing this crime. For example Police officers are required to have a substantive reason to enter private property, that a neighbor suspects or has reported that there are young people under the age of 18 under the influence of alcohol is insufficient, thus leaving it open for individuals to continue to supply young people under 18 on private property with little detection unless accompanied by an additional complaint such as public nuisance.

There is however, increasing community recognition that current laws and strategies are limited in addressing the trend in harmful drinking patterns. 80% of community members believe Australians have a problem with excess drinking. 58% of Australians believe that government is not doing enough to address alcohol misuse (AERF 2011). Amending the Liquor Act 2007, to prevent any supply of alcohol to minors, serves to reinforce social values regarding the responsible use of alcohol within our community and states aspirations of government in reinforcing an Australian community that promotes healthy start to life and safe environment for our young people.

Governmental implementation of tighter legislation, restricting parental (or other) supply of alcohol to minors is justified as the impact of alcohol misuse and harm is likely to cause harm to others, with 73% of Australians reported having being negatively impacted by someone else's drinking (AERF, 2010). The 2008 Australian National Council on Drugs (ANCD) report, *Supporting the families of young people with problematic drug use: Investigating support options* highlights adolescents whose parents display a permissive attitude towards alcohol consumption tend to drink more and once adolescents start experimenting with alcohol (Fry, Dawe et al, 2008). Implementation of legislation restricting supply by parents encourages and mandates a less permissive approach, reinforcing responsibilities of parents and being an effective strategy in reducing the risk if adolescents drinking at harmful levels.

It is also seen by community as a social responsibility of Government to consider cost of teenage drinking and long terms drinking misuse. Research shows that the earlier an adolescent starts drinking, the greater the chance that they will have problems with alcohol later in life (Parenting Strategies Program, 2010). Implementation of policy, restricting youth access to alcohol, supports early intervention and public health, thereby increasing cost effectiveness and common good in its potential to support change in drinking culture. The costs of effects from someone else's drinking totaling more than \$29.6 billion for our community (AERF

2010) with Australian total social cost from alcohol related harm is estimated to be more than \$36 billion each year.

- e) *NSW can benefit from experiences in other jurisdictions in relation to the provision of alcohol to minors by parents, guardians or responsible adults and by aligning legislation with other government action and more proactively responding to community concerns and expectations for Government to take the lead on reducing alcohol misuse.*

Initiation of alcohol use at a young age may increase the likelihood of negative physical and mental health conditions, social problems and alcohol dependence. (National Preventative Health Taskforce. Prevention Alcohol Related Harm In Australia ,2008) Implementation of improved legislation , further restricting supply of alcohol to minors, supports existing Government policy in *Future directions for Health in NSW- Towards 2025* which highlights key goals to reducing the risk of numbers of people living with physical and mental illness where lifestyle factors are a contributing factor by keeping people healthy by preventing injury and disease through early intervention to reduce impact and improving the environment in which people live and *NSW Youth Health Policy 2011-2016* supporting young people at key transition points to intervene early to reduce risk and maximize life opportunities”.

While Queensland, has establish a further legislation, in addition to this Act, which attracts an increased fine for alcohol supply to minors for *irresponsible* supply, this remains limited in that it is still subjective and open to interpretation as what constitutes responsible and still fails to address the impact on the permissive drinking culture by enabling parental and other supply of alcohol to young people. Nevertheless, it is a slight improvement in terms of reinforcing responsibility of responsible supply.

f) *Any other related matter*

Traditionally, it has been considered the right of parents to decide when and how their children first try alcohol. The “Mediterranean model” of introducing alcohol to young people in a gradual manner in the presence of their parents, has been popular with many parents. Current drinking patterns of youth,with the majority (61%) consuming alcohol with the intention of getting drunk. ( AERF 2011) and 30% of 15year olds; 44% of 17 year olds consuming at levels that placed them at risk of alcohol-related harm (White & Haymen 2006), highlight this practice is not conducive to developing responsible drinking patterns among young people.(Chikritzhs et.al. 2004). The legislation in its current form reinforces this practise, which is inappropriate within the current Australian Drinking Culture environment.

We acknowledge that there is a blend of responsibility in terms of addressing the current harmful drinking patterns and health of young Australians, however, we urge Government to consider the recommendation *to amend the Liquor Act 2007 to make it an offense for any person, in any setting to supply alcohol to any person under 18 years*, in order to protect our young people, enhance community understanding and enforcement ( thus compliance) and more closely align with community expectation, that Government should more proactively take a role in addressing alcohol misuse.

Thank you for your time and inviting community consultation and response in being able to support our community in reducing alcohol related harm within our young people,

Kind Regards

Dean Naylor-Clark

Dean Naylor-Clark  
Chairperson, on behalf of Ulladulla Community Drug Action Team



## REFERENCES

1. <http://www.nhmrc.gov.au/your-health/alcohol-guidelines>
2. Australian Drug Foundation: What is secondary supply?: Drug Information Clearing House: Fact Sheet Number 6.4 June 08
3. AERF (Iaslett et al) 'The Range and Magnitude of Alcohol's Harm to Others' (2010)
4. AERF (2011) annual alcohol poll: community attitudes and behaviour
5. Althaus, C, Bridgman, P and Davis G (2007) the Australian policy handbook, 4<sup>th</sup> ed, Allen and Unwin, NSW.
6. Chikritzhs et al. 2004. Under-aged drinking among 14-17 year olds and related harms in Australia.,
7. Dept Health & Ageing 2008-2010 Don't Turn A Night Into A Nightmare Campaign
8. Foley et al. 2004 "Adults' approval and adolescents' alcohol use pp. 345-357; King et al T 2005 Parental opinions and behaviour regarding teenage alcohol consumption, Kypri et al. 2007 "Parent attitudes on the supply of alcohol to minors", pp. 41-7,
9. Fry, S., Dawe, S., Harnett, P., Kowalenko, S. and Harlen, M. 2008, Supporting the families of young people with problematic drug use: Investigating support options, Australian National Council on Drugs Research paper n.15.
10. Hemphill et al. 2007 Adolescents Expenditure on alcohol: A pilot Study. pp 623-636
11. [http://www.humanrights.gov.au/human\\_rights/briefs/brief\\_1.html#sources](http://www.humanrights.gov.au/human_rights/briefs/brief_1.html#sources)
12. Nash et al. 2005 cited in The role of families in preventing alcohol-related harm among young people: 2008
13. National Health & Medical Research Council (2009). Australian Guidelines to Reduce Health Risks from Drinking Alcohol. Canberra.
14. National Preventative Health Taskforce. Prevention Alcohol Related Harm In Australia (2008)
15. Parenting Strategies Program (2010). Parenting Guidelines for Adolescent Alcohol Use. Melbourne: Orygen Youth Health Research Centre, University of Melbourne. [www.parentingstrategies.net](http://www.parentingstrategies.net) Parenting Guidelines
16. Sorrell, T (Dawson and Verweij) 2009 Ethics, prevention and public health, Oxford University Press Oxford
17. The Age : Samantha Maiden ' Rudd's drink laws to target parents' March 24th 2008
18. Ward, B & Snow, P (2008) Australian Drug Foundation: The role of families in preventing alcohol-related harm among young people. Drug Information clearing house: Issues paper No 5, 2008
19. White, V., & Hayman, J. (2006). Australian secondary school students' use of alcohol in 2005. Melbourne: Centre for Community Child Health, Royal Children's Hospital.