

**Submission
No 24**

PROVISION OF ALCOHOL TO MINORS

Name: Mr David Elliott MP and Mr Dominic Perrottet MP

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David Elliott MP

Member for Baulkham Hills

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Mr Bruce Notley-Smith MP
Chair, Social Policy Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Notley-Smith

We are writing to you regarding the inquiry by The Social Policy Committee into the supply of alcohol to minors by parents.

After discussions with Castle Hill Local Area Command and local licensed establishments, we have prepared a submission on this matter for consideration by your committee.

THE RESPONSIBLE CONSUMPTION OF ALCOHOL

This submission offers observations and suggestions to reduce the rates of alcohol-induced violence and sickness amongst the youth of New South Wales, whilst ensuring both parents and youth remain responsible in their consumption, and supply, of alcohol.

After discussions with The Hills Local Area Command and managers of licensed premises, we submit the following ideas for consideration.

- 1) Recommendation: Limits on legislative restrictions concerning the responsible supply of alcohol to children within the family home.*

Discussion: While irresponsible consumption and supply of alcohol cannot and should not be tolerated, it is important to ensure safeguards remain in place to not only protect traditional cultural practices regarding alcohol, but also to ensure parents can properly educate their children on the effects of alcohol. Parents should not be penalised for responsibly introducing their children to alcohol at an appropriate age within the family home. Legislation should only be targeted towards parents who act irresponsibly in this regard.

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2) Recommendation: Supervising adults to be banned from supplying alcohol to children not under their legal care.

Discussion: While parents are always expected to take due care in supervising their own children's consumption of alcohol within the family home, some parents are less concerned when other individuals have access to alcohol when entering the family home for parties and other events. Stronger legislation should ensure that adults are breached. It is our view that parents or legal guardians cannot abrogate their vicarious liability by giving consent to other people to break the law.

3) Recommendation: Venue managers to be made responsible for the consumption of alcohol on their premises.

Discussion: With some licensed venues in our community refusing to hold birthday parties for security reasons, many events are now held in community halls and similar facilities. Where alcohol is present at these venues, we feel it is appropriate to make the manager or managing committee of the venue responsible for the provision of alcohol on site. Legislation should ensure that venue managers are required to take responsibility for their venues to ensure the controlled and responsible supply of alcohol. Furthermore, responsible supply of alcohol at off-licence venues should also limit the number of drinks that can be legally purchased at any one time to one or two drinks.

4) Recommendation: Children who are given permission to host parties must be held responsible for that event.

Discussion: On occasion, parents will permit their child to organise and run parties without parental supervision. On such occasions, parents may set guidelines for their children to follow in running such events. However, when these guidelines are breached, the child who breaches the guidelines should be held responsible. Furthermore, legislation should ensure that where parents have acted responsibly, but children have breached parental guidelines, the child be held responsible for breaches of the law. However, where parents fail to issue appropriate guidelines, parents should be held responsible. Parents and legal guardians cannot absolve themselves from their vicarious liability unless they can establish that they took all reasonable steps to ensure that the function was operated in a legitimate manner, such as realistic attendance numbers and guests not being permitted to bring alcohol onto the premises.

5) Recommendation: Events without parental supervision to be registered online with police.

Discussion: Where parents elect to allow their children to run parties without parental supervision, there still need to be provisions for safety and well being. Legislation should ensure that all gatherings where there will be no parental supervision should be registered with police. Responsibility for failure to register these parties should fall upon parents where the parents were made aware of the event, or the child where the parents were not made aware of the event.

6) Recommendation: Penalties should be increased for public intoxication.

Discussion: It is not unusual for young people to visit several licensed premises or venues in one night. Where these individuals attend different venues under the influence of alcohol, the risk of anti-social behaviour increases as those who supply alcohol may not immediately be aware of the inebriated state of people they are serving to. Legislation should ensure that penalties for those guilty of public intoxication be strengthened to reduce the risk of anti-social behaviour and complement this with facilities where offenders can sober up.

7) Recommendation: Persons guilty of anti-social behaviour while under the influence of alcohol and/or supplying alcohol to minors should have their drivers licence suspended for three years.

Discussion: In order to ensure the community more broadly embraces the responsible consumption of alcohol and to ensure youth are not exposed to inappropriate alcohol consumption, tangible and practical incentives must be available to police to ensure people obey the law. Legislation should ensure that all people, including minors, found guilty of supplying alcohol to minors and/or guilty of anti-social behaviour while under the influence of alcohol and/or fraudulently obtaining false identification have their drivers licence suspended for three years.

8) Recommendation: Licensed premises may retain identification cards believed to be fraudulent and retain photos of individuals in possession of fraudulent identification for police use.

Discussion: While knowingly supplying alcohol to minors is a criminal offence, there remains a shortfall in legislation concerning the use of false identification documents. Licensed premises should not simply be required to refuse entry to individuals suspected of using false identification without further action. Legislation should ensure that licensed premises may retain identification cards believed to be fraudulent and retain photos of individuals in possession of fraudulent identification for police use.

9) Recommendation: Restrictions should be placed on the sale of products to people aged between 18 and 21 based upon the alcoholic content of the product.

Discussion: There is no set age where people are introduced to alcohol. However, alcohol-fuelled violence is most common among younger people who have not had as much experience as others in dealing the effects of alcohol. This results in irresponsible consumption. To minimise the risk of alcohol-fuelled violence among younger people, exposure to lower alcoholic-content products would allow individuals to be introduced to alcohol at a safer rate. Legislation should ensure that restrictions be placed on the sale of products to people aged between 18 and 21 based upon the alcoholic content of the product, with a particular focus on light beer, full strength beer and spirits.

10) Recommendation: A separate, stronger set of penalties should apply to individuals aged 18 to 21 who are guilty of anti-social behaviour under the influence of alcohol or who supply alcohol to minors.

Discussion: Anti-social behaviour while under the influence of alcohol is most prevalent among younger people. There should be a strong deterrent in place to ensure young people are encouraged to be responsible in their consumption of alcohol and to ensure young people do not supply alcohol to minors. Legislation should ensure a separate, stronger set of penalties should apply to individuals aged 18 to 21 who are guilty of anti-social behaviour under the influence of alcohol or who supply alcohol to minors.

11) Recommendation: Databases covering Local Government Areas and Local Area Commands be established to inform licensed premises of individuals banned from licensed premises for anti-social behaviour while under the influence of alcohol.

Discussion: It is a common practice for individuals who have been banned from licensed premises to visit other licensed premises nearby and continue to engage in anti-social behaviour. It is unfair on law-abiding patrons to be subjected to anti-social individuals simply because these individuals have been banned from another premises nearby. Where drivers are not permitted to drive a different vehicle after being suspended from driving their personal vehicle, nor should individuals be permitted to visit another licensed premises after having been banned from a previous premises. Legislation should allow for the establishment of databases covering Local Government Areas, accessible by police and staff of licensed premises, to inform licensed premises of individuals banned from licensed premises for anti-social behaviour while under the influence of alcohol.

12) Recommendation: A statewide database be established to inform licensed premises of individuals banned from licensed premises for violent behaviour while under the influence of alcohol.

Discussion: This idea follows on from recommendation 11. While patrons guilty of anti-social behaviour may have behaved out of character and may be entitled to readmission to a premises when not under the influence of alcohol, individuals who become violent and dangerous when under the influence of alcohol should not be permitted inside licensed venues. Legislation should allow for the establishment of a statewide database, accessible by police and staff of licensed premises, to inform licensed premises of individuals banned from licensed premises for violent behaviour while under the influence of alcohol.

13) Recommendation: Police should be given the power to enforce bans from licensed premises.

Discussion: Current legislation provides only limited rights to security staff and other staff on licensed premises when dealing with anti-social patrons. Rather than creating a new regulatory body to train security staff in the discharge of legislation, police should be empowered to enforce any and all bans from licensed premises not only in the interests of public safety, but also to ensure a clear delineation of responsibilities between security staff and police. Legislation should ensure that police are given the power to enforce bans from licensed premises. Consideration should be given to resurrecting a special licensing group of police in each region or district command under the control of an Assistant Commissioner, who would be given appropriate authority under relevant legislation. They would be supervised by a Sergeant and consist of six to eight units who would be rotated on a twelve month tenure. They would be developed in their skills of investigation, brief preparation, understanding an interpretation of the liquor and clubs legislation and have the support of the police legal service.

In conclusion, as recently as this month we have attended meetings within the local community where our constituents have expressly sought our support for policies that encourage the recent recommendations by Police Commissioner Scipione, allowing for earlier closing times and the promotion of "lock-outs" of licensed premises which operate beyond midnight. Whilst we understand these policies have mixed levels of success, we concur with the general consensus which sees this as a default to areas where regular breaches to existing liquor licensing laws are occurring.

Yours sincerely

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