

**Submission  
No 29**

## **PROVISION OF ALCOHOL TO MINORS**

**Organisation:** Liquor Stores Association NSW  
**Name:** Mr Michael Waters  
**Position:** General Manager  
**Date Received:** 22/11/2012

# Submission

***‘NSW Legislative Assembly  
Social Policy Committee Inquiry  
into the  
Provision of Alcohol to Minors’***

Prepared by:

**Liquor Stores Association NSW (LSA NSW)**

November 2012

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For further information please contact:

Terry Mott  
CEO

Or

Michael Waters  
General Manager

## LSA NSW Submission

### *'Inquiry into the Provision of Alcohol to Minors'*

The Liquor Stores Association NSW (LSA NSW) welcomes the opportunity to make a submission to the NSW Legislative Assembly Social Policy Committee Inquiry into the Provision of Alcohol to Minors and would also welcome the opportunity to discuss the submission at a suitable time.

#### Terms of Reference

LSA NSW's understanding of the terms of reference for the inquiry is as follows:

***"This inquiry is a current NSW Parliament Legislative Assembly inquiry conducted by the Social Policy Committee. An inquiry into the provision of alcohol to minors, including the appropriateness of current laws for the provision of alcohol to minors by parents, guardians and responsible adults; community understanding of these laws; and experiences in other jurisdictions in regard to the provision of alcohol to minors".***

#### About the LSA NSW

The Liquor Stores Association of New South Wales (LSA NSW) has been the consistent voice of the NSW Retail Liquor Industry since 1961, and is a united industry body representing all NSW packaged liquor retailers whether it be the independent liquor store, licenced general store, supermarket or corporate chain store.

Our primary purpose is to *'create and promote a responsible, sustainable and diverse off-premise liquor sector in NSW, by effective and relevant engagement of all stakeholders'*

LSA NSW represents around 75 – 80% of the market of take-away packaged liquor licences in NSW. The membership includes some of the most recognised and trusted brands in liquor retailing in Australia. These range from small independent family owned local convenience outlets, independently owned and run outlets operating under banners such as Cellarbrations, Little Bottler, Local Liquor, Porter's Liquor and many more, through to Woolworths packaged liquor outlets including Dan Murphy's, BWS Liquor and Woolworth's Liquor and Coles Packaged Liquor outlets including First Choice, Vintage Cellars & Liquorland stores and more recently also ALDI Licensed Supermarkets.

NSW Packaged Liquor stores directly employ around 10,000 staff across NSW, including many trainees and apprentices.

LSA NSW believes that alcohol consumption is ultimately an issue of individual responsibility and individual behaviour. However, LSA NSW also fully accepts that it has a key responsibility to work with the Government and the community to minimise harm to individuals and local communities. The current regulatory framework in NSW is one of the tightest in the world.

It is for this reason that LSA NSW continues to promote standards of operation for its members beyond the required standards of legal compliance.

LSA NSW and the Retail Packaged Liquor sector take their responsible service of alcohol responsibilities seriously which is why we developed and continue to promote **ID-25** and **Don't Buy It For Them** to discourage underage attempts at purchase and to educate parents and adults about their responsibility to not purchase alcohol on behalf of minors.

The issue of refusing service, particularly to parents, when our members believe secondary supply is taking place is one of the biggest challenges liquor retailers and their employees face. Refusal often results in the employee being subjected to aggressive and threatening behaviour.

LSA NSW has implemented a range of voluntary product and service control initiatives across our members' stores which are focussed on responsible supply and promotion of alcohol. Several of these initiatives, initially trialled and introduced by our larger members such as Woolworths, have subsequently been developed and promoted to all other industry members, including:

**ID-25** – a program to educate customers, dissuade attempted purchase by minors and to reinforce staff awareness and confidence to refuse service to minors with point-of-sale material. Under this program, if a customer looks under the age of 25, staff members are encouraged to ask to see proof of age ID prior to selling alcohol to that customer, under a inoffensive promotional line “if you look under 25 take it as a compliment as we will ask for ID”.

**Don't Buy It For Them** – a program to discourage secondary supply and to educate the community on their shared responsibility not to supply to under age and highlights the penalties for doing so – it also reinforces staff awareness and confidence to refuse service when in doubt, with back-up point-of-sale material.

In addition to these initiatives LSA NSW has also recently worked with our National Association the Australian Liquor Stores Association (ALSA) to develop and launch the ALSA Product Ranging Guidelines

**ALSA Product Ranging Guidelines** – incorporate a checklist guide to assist individual operators to make sensible product ranging decisions on products that may potentially be packaged and marketed irresponsibly.



LSA NSW and its members have a long history of working with Government and regulators to disseminate educational materials through their liquor outlets directly to consumers:

- Point-of-sale information campaigns on responsible drinking including standard drinks educational campaigns on behalf of the Commonwealth Department of Health & Ageing;
- Point-of-sale information leaflets to direct consumers to 'Get The Facts' on behalf of DrinkWise Australia;

ALSA was a founding Board member of DrinkWise – a not-for-profit, independent research and social change agency funded by the Australian alcohol industry. Through research, community based programs and social marketing campaigns it is dedicated to building a safer drinking culture in Australia. The Board of DrinkWise encompasses both industry and community members.

In addition, LSA NSW supports ALSA's national retail training body – the Retail Liquor Development Foundation (RLDF), to provide cost effective training to encourage responsible and professional retailing by its members.

**Retail Liquor Development Foundation** – was established in 2004 to support the training and education needs of the liquor industry. RLDF is now wholly owned by ALSA following the previous six years of support by the Fosters Group and is available to liquor retailers and their staff nationally.

LSA NSW is also currently working with other industry groups to pioneer additional training and accreditation standards for licensees and their staff.

LSA NSW has a demonstrated commitment to responsible supply and promotion of alcohol beverage products.

### **Outcomes & Track Record**

NSW Liquor Licence enforcement by both NSW Police and by the Office of Liquor Gaming & Racing Inspectors over recent years has shown that the above measures and ongoing reinforcement by LSA NSW of the need for our members to be vigilant and to abide by the regulatory environment has consistently resulted in near zero breaches on those issues by NSW Packaged Liquor Licensees.

## Key Considerations

LSA NSW provides the following key considerations, for the inquiry to take into consideration as part of the inquiry, and when considering future potential policy development.

The Retail Liquor Industry and our membership in itself is diverse and includes small, medium and large independent outlets, as well as the three chain store operators Woolworths Liquor Group, Coles Liquor Group and ALDI Licensed Supermarkets.

### Alcohol Consumption in Australia:

It must be recognised that responsible consumption of alcohol by adults is a lawful, socially acceptable, recreational activity which provides considerable social benefit to large numbers of people and also provides significant economic benefit to the community.

The recent Australian Bureau of Statistics (ABS) media release dated May 3<sup>rd</sup>, 2012 confirms that despite a growing population there has been a drop in the overall volume of pure alcohol sold, and this is now the fourth year in a row that overall apparent per capita consumption has declined – now 5.4% down compared to 2009.

[Apparent total consumption of pure alcohol in Australia in 2010-11](#) decreased by 1.1% to 182.0 million litres.

In 2010-11 there were 182.0 million litres of pure alcohol available for consumption, compared with 184.0 million litres in 2009-10. This decline in overall consumption is in spite of the significant increase in the number of licensed outlets around Australia.

### The Behaviour of People:

By far the majority of people who consume alcohol do so responsibly. Outlets for the sale of alcohol therefore have the potential for significant positive social impact in the way that they serve this legitimate community demand.

LSA NSW does however accept that some groups do misuse alcohol and supports targeted, evidence based interventions aimed at those clearly identified groups without penalising the remainder who are the vast majority of responsible and law abiding moderate drinkers.

### Individual Responsibility:

LSA NSW believes that alcohol consumption is ultimately an issue of individual responsibility. However, LSA NSW also fully accepts that it has a key responsibility to work with the Government and the community to minimise harm to individuals and local communities.

LSA NSW believes that measures to address individual responsibility in the context of alcohol consumption generally fall broadly under the two (2) following areas:

- *Require* individuals through regulation, sanctions and policing of existing legislation to take personal responsibility for their behaviour when consuming alcohol or supplying liquor to others, and also while on or in the vicinity of licensed premises and in public places; and
- *Promote and encourage* individuals and communities to take responsibility for alcohol consumption and behave in socially appropriate ways. This is achieved through education, harm minimisation and treatment initiatives aimed at intervening early to avoid problematic drinking and any associated violence as well as to prevent the recurrence of these behaviours;

It is proposed that the focus of individual and social responsibility be on the '*promote and encourage*' area of focus above, in line with the following objectives:

- To consider and develop strategies that increase individuals' awareness of their obligations under the law and legal, social and other ramifications of non-compliance;
- To reduce anti-social behaviour and alcohol-related violence by developing strategies that educate and encourage individuals to be accountable for their behaviour and actions;

### **Changing the Australian Drinking Culture:**

Effective approaches include educational measures to change the Australian drinking culture.

The change in community attitudes toward drink-driving is one of the most successful examples of a positive change in drinking culture. As a key stakeholder, LSA NSW was heavily involved in the development of this campaign, which was brought about not by restricting the availability of alcohol, but rather by a holistic combination of education, effective social marketing campaigns, and rigorous enforcement in the form of random breath testing.

Anyone working in this field over many years recognises that numerous factors, primarily people's behaviour and drinking patterns are the key to better outcomes – not simplistic band-aid solutions.

### **Related Research – Key Observations for Consideration**

Evidence from Government surveys consistently says that the vast majority of underage drinkers obtain any alcohol through parents, friends or older siblings of legal purchasing age in fact the Australian Institute of Health & Welfare (AIHW) 2010 National Drug Strategy Household Survey Report published in July 2011 highlights that ***only 0.4% of 12 – 17 year olds obtained their first alcohol beverage by purchasing (e.g. from a licensed liquor store outlet).***

Therefore any evidence based approach should be focused on the major problem area and promoting education of the community including parents of their responsibility to not supply alcohol to minors.



ALSA supports the enforcement of existing laws in this regard – but is cautious about recommending new legislative interventions when the current legislative tools are not being enforced nor reinforced with the community.

The extracted table below is from the AIHW Report:

Drinking status/ first supply	12–17	18–19	20–29	30–39	40+	Total (12+)	14–19	14+	18+
Friend or acquaintance	49.5	48.3	49.2	50.0	44.0	46.5	50.1	46.6	46.4
Relative	14.1	9.0	9.1	9.0	10.1	9.8	10.9	9.7	9.6
Parent	30.7	31.4	29.2	21.8	24.0	25.2	30.9	25.2	24.9
Stole it	*2.9	*2.4	3.0	5.1	2.3	3.0	2.4	3.0	3.0
Bought it	**0.4	6.3	7.6	11.6	16.8	12.9	3.2	12.9	13.5
Other	*2.4	*2.6	1.9	2.5	2.9	2.6	2.5	2.6	2.6

**Table 4.26: Supply of first glass of alcohol, recent drinkers and ex-drinkers aged 12 years or older, by age, 2010 (per cent)**

**First source of supply**

The most likely source of recent and ex-drinkers' first serve of alcohol was from a friend or acquaintance (Table 4.26). In addition:

- One-quarter (25.2%) of recent and ex-drinkers were supplied with their first glass of alcohol by their parents
- People aged 40 years or older (16.8%) were more likely than younger age groups to have bought their first serve of alcohol themselves.

**Age group (years)**

- Estimate has a relative standard error of 25% to 50% and should be used with caution.
- Estimate has a relative standard error greater than 50% and is considered too unreliable for general use.

*Note:* Base is recent and ex-drinkers.

**Usual source of supply**

The vast majority (90.1%) of recent drinkers aged 18 years or older bought alcohol at shops/retailers (Table 4.27).

For other age groups:

- As there are legal restrictions on the sale of alcohol to minors, it was not surprising that 12–17-year-olds were far less likely to regularly purchase alcohol at shops, and more likely to obtain it from a friend, acquaintance or parent
- There was a statistically significant decrease in 2010 in the proportion of parents regularly buying alcohol for children aged 12–15 years (from 43.1% to 30.4%) and 16–17 years (34.3% to 23.3%).



## Trends

The Australian Institute of Health & Welfare has regularly looked at and reported on trends in underage consumption of alcohol and abstinence.

“Between 1993 and 2010, the proportion of people in Australia aged 14 or older who drank daily remained relatively stable at about 7–8%.

There was also little change in the proportions of people drinking alcohol at levels that put them at risk of harm over their lifetime, or from a single drinking occasion at least once a month.

The proportion of people abstaining rose from 17% in 2007 to 19% in 2010 (a statistically significant difference); the largest increase in abstainers was seen among those aged 12–17 (AIHW 2011a)”.

A higher proportion of 12–17-year-olds abstained from alcohol (61.6%) than had consumed it in the last 12 months (38.4%). The proportion of 12–15-year-olds and 16–17-year-olds abstaining from alcohol increased in 2010 (from 69.9% in 2007 to 77.2% and from 24.4% to 31.6%, respectively).

The proportion of people aged 14 years or older who had never had a full serve of alcohol has generally increased since 1998, with a statistically significant increase between 2007 and 2010 (from 10.1% to 12.1%)

*Australian Institute of Health and Welfare 2012. Australia's health 2012. Australia's health series no.13. Cat. no. AUS 156.*

## Summary

As a key stakeholder in the liquor industry in NSW, LSA NSW appreciates the opportunity to submit to the inquiry. LSA NSW is genuinely interested in continuing to work with all stakeholders to develop and apply evidence-based approaches to minimise the opportunity for minors to access alcohol beverages and assist in communicating responsibility to parents and other adults who may be tempted to supply alcohol to minors.

This is in addition to reinforcing with our members the legal requirements for packaged liquor licensees and their staff to ensure they do not serve minors and to be on the lookout for attempts at secondary supply.

Reiterating, the issue of refusing service, particularly to parents, when our members believe secondary supply is taking place is one of the biggest challenges liquor retailers and their employees face. Refusal often results in the employee being subjected to aggressive and threatening behaviour.

LSA NSW believes that alcohol consumption is ultimately an issue of individual responsibility, however we do accept that we have a responsibility to work with all stakeholders to minimise harm to individuals and local communities.

Responsible consumption of alcohol is a lawful, socially acceptable, recreational activity which provides considerable social benefit to large numbers of people and provides significant economic benefit to the community.

Recent ABS data confirms that despite a growing population, the overall apparent per capita consumption of pure alcohol sold has dropped for the fourth year in a row, and the volume of pure alcohol sold has also declined in addition to the AIHW report that showed an significant increase in the number of 12 – 17 year olds who were abstaining from alcohol.

Research has also confirmed that the rate of underage drinking has remained relatively stable over recent years and more young people are abstaining from alcohol than they were – however those who do consume alcohol reportedly obtain it from parents or other adults so more work is needed to get that message through to the target community.

When it comes to changing people's behaviour, there is no simple answer, and we feel combined effort by government, the industry and the media on educational measures to change the drinking culture will continue to grow in importance and effectiveness.

LSA NSW recommends that an education campaigns are aimed at parents and other adults to make them aware of both the potential risks to minors and the potential penalties that may apply to those adults who consider purchasing on behalf of or supplying alcohol to minors.