

**Submission
No 18**

PROVISION OF ALCOHOL TO MINORS

Organisation: NSW Government
Name: Mr Phil Minns
Position: Acting Director General
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**Premier
& Cabinet**

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Bruce Notley-Smith MP
Chair
Social Policy Committee
Legislative Assembly
Parliament of NSW
Sydney NSW 2000

Dear Mr Notley-Smith

Inquiry into the provision of alcohol to minors

Thank you for the opportunity to provide input towards the Legislative Assembly Social Policy Committee's Inquiry into the provision of Alcohol to Minors.

The attached information is provided to inform the Committee's consideration of its terms of reference.

Yours sincerely

Phil Minns
Acting Director General

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

Information provided by the NSW Government

The NSW Government welcomes the opportunity to provide input towards the Legislative Assembly Social Policy Committee's Inquiry into the provision of Alcohol to Minors. The following information is provided to inform the Committee's consideration of its terms of reference.

(a) Whether 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 in homes, parks, halls and public places generally, are sufficient

The NSW *Liquor Act 2007* recognises the need to protect minors from alcohol-related harm through a range of offence provisions relating to the sale and supply of alcohol to minors. This approach is consistent with long held community concerns about the harm that can be associated with alcohol consumption by minors. That harm is articulated in the *Australian guidelines to reduce health risks from drinking alcohol* issued by the National Health and Medical Research Council. The guidelines, which are available at <http://www.nhmrc.gov.au/guidelines>, state that "for children and young people under 18 years of age, not drinking alcohol is the safest option". Alcohol consumption is also linked to juvenile offending and anti-social behaviour.

The Liquor Act regulates the provision of alcohol to minors both on licensed premises and other locations, such as the home. Under the Act, it is an offence to:

- Sell liquor to a minor in any circumstance (s.117(1)).
- For a licensee to allow liquor to be sold or supplied to a minor on licensed premises (s.117(8)). However, the Act provides a defence where reasonable steps have been taken by a licensee and others to prevent liquor being sold or supplied to a minor.
- Supply liquor to a minor on licensed premises (s.117(2)).
- Supply liquor to a minor away from licensed premises (s.117(4)), unless it is supplied by the minor's parent or guardian. A defence applies where supply is authorised by a minor's parent or guardian (see terms of reference (b) and (c)).
- Obtain liquor for a minor from licensed premises (s.117(6)).

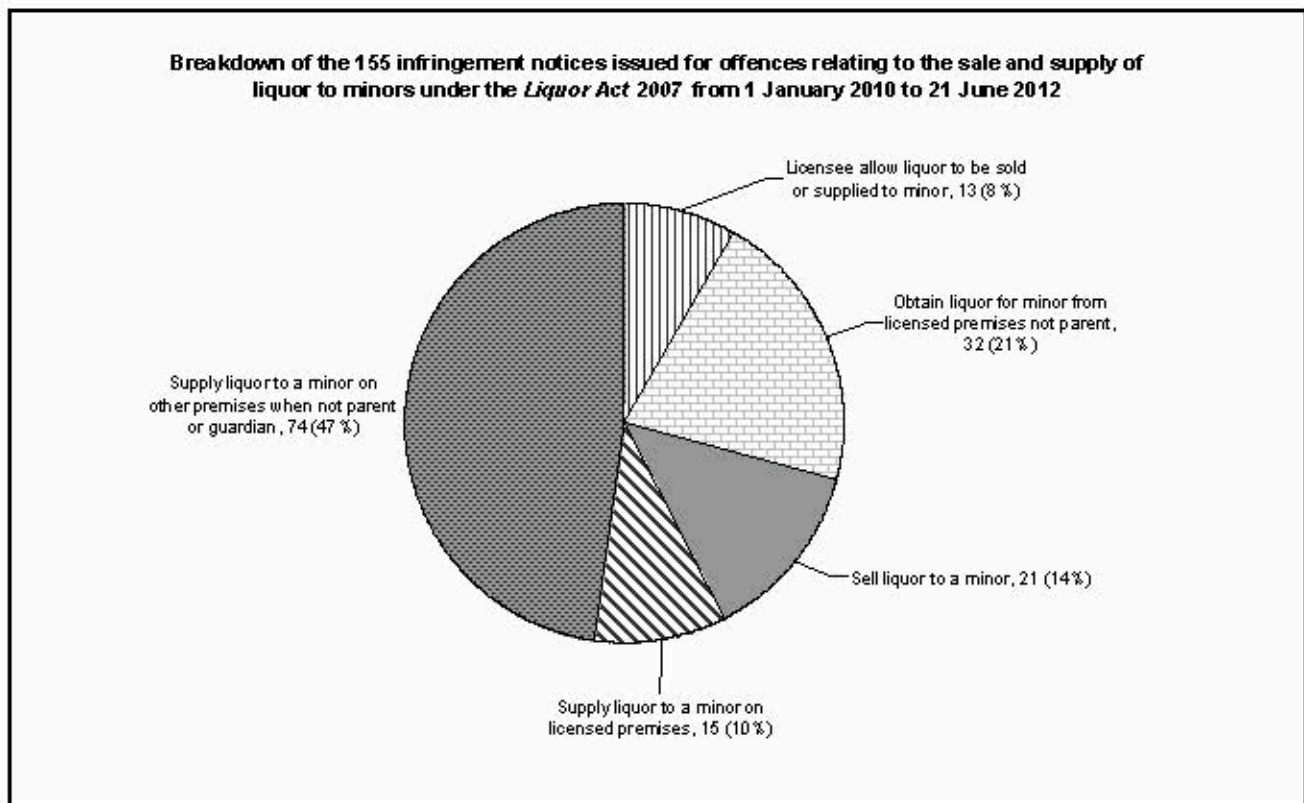
Significant penalties of up to \$11,000 and/or 12 months imprisonment apply to all of these criminal offences. These penalties send a strong message to the community. Further details regarding these offences, penalties and defences in are included in the tables at **Attachments A and B**. The tables also provide a comparison with provisions in other States and Territories.

Prosecutions and convictions

The table below indicates the number of prosecutions and convictions for these offences between 2009 and 2011.

Section	Offence	Prosecutions in the Local Court 2009-2011
117(1)	Sell liquor to a minor	24 convictions out of 25 matters
117(2)	Supply liquor to a minor on licensed premises	8 convictions out of 10 matters
117(4)	Supply liquor to a minor other than on licensed premises	31 convictions out of 40 matters
117(6)	Obtain liquor for a minor from licensed premises	12 convictions out of 16 matters
117(8)	Licensee allows liquor to be sold or supplied to minors on licensed premises	4 convictions out of 5 matters
Total		79 convictions out of 96 matters

In addition, the chart below indicates the number and proportion of penalty notices issued in NSW by Police and Office of Liquor, Gaming and Racing (OLGR) compliance officers for each of the offences for sale and supply of alcohol to minors between 1 January 2010 and 31 June 2012.



Three strikes and you're out

Under the NSW Government's 'Three strikes and you're out' disciplinary scheme, a liquor licensee can incur a strike for a range of serious breaches of the Liquor Act, including where a licensee sells or supplies liquor to a minor on licensed premises, or allows liquor to be sold or supplied to a minor.

The incurrance of a third strike within a three year period can result in significant sanctions being imposed, including the imposition of licence conditions, licence suspension for up to 12 months, licence cancellation and a moratorium on a new liquor licence being granted for the same business operators at the venue for up to 12 months, and/or disqualification of a licensee.

For registered clubs, a third strike can result in imposition of licence conditions, disqualification of a club secretary, dismissal of any or all of the club directors, and/or the appointment of an administrator to manage the club.

(b) Whether provisions in the *Liquor Act 2007*, which provide that a person must not supply liquor to a minor on any premises other than licensed premises unless the person is a parent or guardian of the minor, remain appropriate

The Liquor Act makes it clear that, while it is lawful for a parent or guardian to supply liquor to their child at home or elsewhere away from licensed premises, it is still illegal for that to occur on licensed premises. Similarly, while a parent or guardian can authorise someone to supply liquor to their child away from licensed premises, that authorisation does not extend onto licensed premises.

Unlike in some other Australian jurisdictions, it is an offence in NSW to supply liquor to a minor on un-licensed premises (including in a private home) unless the liquor is supplied by the minor's parent or guardian. A defence is available where a person is authorised to supply liquor to a minor by the minor's parent or guardian.

The law is designed to decriminalise circumstances where a parent or guardian supplies their child with liquor in the family home, while at the same time, providing significant penalties where liquor is sold or supplied to a minor in most other settings.

Local Community Drug Action Teams report that minors are also accessing alcohol in public spaces through role models such as sports coaches and at larger group events where parents have provided the alcohol.

(c) Whether the defence against prosecution for an offence of providing liquor to a minor if it is proved that the defendant was authorised by the minor's parent or guardian to supply liquor to the minor, remains appropriate

The Act provides for a defence in a prosecution for supplying liquor to a minor away from licensed premises where the person is authorised to supply liquor by the minor's parent or guardian.

These provisions cater for family settings and gatherings, where another family member or a family friend may be asked by a parent or guardian to serve liquor to their child as part of a celebration. This may occur in the family home, or in public places like a park or reserve, where families come together to celebrate an occasion.

However, in any prosecution, the burden rests with the person being prosecuted to prove that they were authorised by the minor's parent or guardian. This is an important control introduced when the current Liquor Act commenced in July 2008, and which did not exist under the previous legislation.

The legislation does not define what constitutes "*permission*." Ultimately, the Local Court, which is responsible for determining Liquor Act prosecutions, must be satisfied that authorisation was given by the parent or guardian. Factors that would likely be taken into consideration include whether the authorisation was given verbally or in writing, whether there were any associated instructions or limits given, and whether the parent or guardian was present when the liquor was supplied.

(d) Whether there is broad community understanding of the rights and responsibilities of parents, guardians and responsible adults regarding the provision of alcohol to minors

The introduction of a new Liquor Act from 1 July 2008 provided an opportunity to remove a significant amount of complexity previously associated with the liquor laws. The law was simplified so that it is easier for the community to understand the limited circumstances in which liquor can be supplied legally to a minor – as well as clarifying who is liable where liquor is supplied unlawfully to a minor – either on licensed premises or elsewhere.

Current policies and programs to enhance community understanding of underage liquor laws

Office of Liquor, Gaming and Racing

- The website of the Office of Liquor, Gaming and Racing (OLGR) includes information outlining key provisions of the underage drinking laws for the community and answering frequently asked questions, as well as information for the liquor industry on responsibilities in ensuring minors are not sold or supplied liquor on licensed premises.
- OLGR also works closely with the State's 140 plus liquor accords, which bring together local licensees, councils, police and others to implement strategies to address local liquor-related problems.
- A number of liquor accords regularly undertake patron and community education campaigns that focus on preventing underage drinking. These campaigns often coincide with seasonal peaks,

like schoolies week and the school formal season, outlining the criminal consequences associated with the unlawful sale and supply of alcohol to minors.

- OLGR, in partnership with the Department of Education and Communities, is also developing an interactive online education resource for secondary school students in years 9 to 12. The development of this education resource will be a key preventative strategy to educate 16 to 18 year olds to ensure they have a greater understanding of how the liquor laws operate.

Ministry of Health

- *What are you doing to yourself? Responsible Drinking Campaign*
The Ministry of Health's "What are you doing to yourself?" social marketing campaign aims to reduce excessive and risky drinking through the promotion of personal responsibility to alcohol consumption. The campaign runs annually over the summer months targeting 16-29 year olds. The campaign focuses on identified 'hotspots' with high rates of alcohol related violence using print, outdoor, targeted mobile and online advertising. The campaign messages are further supported by a range of detailed print resources targeting young people, families and Aboriginal communities distributed through the Community Drug Action Team Program.
<http://www.whatareyoudoingtoyourself.com/>
- *Road Safety Messages*
The NSW Roads and Traffic Authority (RTA) undertook a number of evidence based drink driving campaigns including 'the brain – drinking kills driving skills' to explain the effects of alcohol on the brain. The campaigns challenged the belief that having a few beers has no impact on driving ability. Other campaigns focused on fatigue and speeding and were effective in shifting entrenched attitudes to road safety issues. Key Messages included: don't drink and drive – you will get caught; random breath testing can be anywhere, anytime; every police car is a mobile RBT; and the penalties for drink driving are severe.
- *Supply Means Supply*
An education and licensing enforcement program targeting the supply of alcohol to minors - one of the biggest contributing factors to underage drinking. The campaign aims to reduce underage drinking and young people's access to alcohol by raising awareness and knowledge of offences and penalties relating to the supply of alcohol to minors.
http://www.police.nsw.gov.au/community_issues/alcohol/supply_means_supply
<http://www.healthpromotion.com.au/SupplyMeansSupply/SecondarySupplyIndex.htm>
- *Most People Don't Supply Alcohol to Minors*
Utilises sporting clubs as a vehicle to disseminate tailored information resources and messages regarding the Supply Means Supply campaign.
- *Everyone Doesn't Do It (EDDI)*
EDDI is an interactive website tool available to school students that 'normalises' non-drinking to under 18 year olds. Using a 'social norm approach' the website offers an opportunity for students to complete an alcohol reality check. The website is promoted to high schools in the Central Coast and Northern Sydney Local Health Districts.
- *The Reduce Risk Increase Student Knowledge (RRISK) program*
The RRISK program www.risk.com.au is a health promotion program that addresses risk-taking behaviour associated with alcohol, drugs, driving and celebrating, amongst year 11 students in the North Coast of NSW. It extends the school based drug education and road safety curriculum by providing opportunities for senior high school students to develop knowledge, attitudes and skills to reduce risk taking and develop safer celebrating strategies. The program includes a multi-strategic seminar day, a range of in-school activities, presentations on risk taking, alcohol, drugs, safe celebrating, safe driving and vehicle safety.

(e) Whether New South Wales can benefit from experiences in other jurisdictions in relation to the provision of alcohol to minors by parents, guardians or responsible adults

The liquor laws in each Australian jurisdiction contain a general prohibition relating to the sale and supply of liquor to minors. However, not all jurisdictions regulate the supply of liquor to minors away from licensed premises or in a private setting, such as a family home.

For instance, Western Australia does not regulate the supply of liquor to minors away from licensed premises. South Australia and the Australian Capital Territory (ACT) only regulate the supply of liquor to minors in public places, not private settings.

Details of each of the underage offences relating to the sale and supply of liquor to minors away from licensed premises in each jurisdiction, including penalties, are included in the table at **Attachment B**. The table also outlines the prescribed defences that are available for certain offences.

With the exception of the ACT, these defence provisions generally recognise instances where liquor is supplied by a parent, guardian or responsible adult, or where the minor is accompanied by, or under the supervision of, a responsible adult.

In NSW, a defence is available to a person who is authorised to supply liquor to a minor by a parent or guardian of the minor, whether or not the minor is in the company of a parent, guardian or responsible adult.

In Queensland, the Northern Territory and Tasmania, laws provide that a person must not sell or supply liquor to a minor unless the person is a responsible adult, and the supply is consistent with “responsible supervision” of the minor.

In these jurisdictions, a responsible adult includes a parent, guardian, adult with parental rights to a minor, and in Tasmania, also a person authorised to supply liquor by a parent or guardian.

Under these “responsible supervision” provisions, a number of statutory criteria consider whether the supply of liquor is consistent with the responsible supervision of the minor by the responsible adult. This includes whether the adult or minor is intoxicated, the age of the minor and the quantity of liquor supplied, as well as the period of time in which it was supplied.

Penalties

Penalties for the sale and supply of liquor across Australian jurisdictions range from \$2,200 (ACT – supply liquor to a minor in a public place) up to \$25,000 (Queensland – licensee or approved manager allowing liquor to be sold or supplied to a minor on or adjacent to licensed premises).

In NSW, the maximum penalties that apply for the offences of selling or supplying liquor to a minor are \$11,000 and/or 12 months imprisonment. However, as previously noted, multiple offences by licensees can lead to more significant penalties under the Three Strikes disciplinary scheme.

The only other jurisdiction that provides for a penalty of imprisonment for supplying liquor to a minor is Tasmania. Under the *Police Offences Act 1935*, a penalty of 12 months imprisonment (or a penalty of up to \$13,000) can be imposed in Tasmania where liquor is supplied to a minor in a private place by a person other than a responsible adult or the supply by the responsible adult is not consistent with responsible supervision.

(f) Any other related matters

Impact of alcohol on young people

There is increasing evidence that consumption of alcohol by young people can adversely affect brain development and lead to alcohol-related problems in later life. Alcohol has significant toxic effects on

the cells of the central nervous system, and depending on the dose and duration of exposure, is likely to result in serious short-term and long-term harm to the brain.

Research released by Professor Ian Hickie of the University of Sydney in 2009 found that neural development in the brain is not complete at 18 years of age and that important structures continue to develop into the early twenties. His research noted that damage to the brain during this critical period of brain development in teenage years appears to have long-lasting consequences.

In addition, researchers have noted the following impacts of alcohol consumption by young people:

- Damage to the hippocampus which handles memory and learning, with worse performance than peers in tests, problems with school performance and cognitive impairments;
- Association with greater risk taking behaviour (including drinking to intoxication) than adults and also involvement in violence and anti-social behaviour;
- Disproportionate impact of harm from alcohol-related accident or injury, for example, over half of all serious alcohol-related road injuries occur among 15–24 year olds; and
- Greater likelihood of alcohol dependence and alcohol-related problems in later life depending on age of use, including mental health problems.

The current Australian Alcohol Guidelines for Low Risk Drinking, released by the National Health and Medical Research Council (NHRMC) in 2009, recommend that the safest option for those under 18 years of age is not to consume alcohol. The guidelines indicate that children under 15 years are at the greatest risk of harm from drinking alcohol and for young people aged 15–17 years, the safest option is to delay the initiation of drinking for as long as possible.

Data in relation to underage alcohol consumption

The 2010 *National Drug Strategy Household Survey* found that a higher proportion of 12-17 year olds abstained from alcohol (61.6%) than had consumed it in the last 12 months (38.4%). From 2007 to 2010, the proportion of 12-15 year olds and 16-17 year olds abstaining from alcohol increased (from 69.9% to 77.2%, and 24.4% to 31.6%, respectively).

The most recent *Report from the NSW School Students Health Behaviours Survey* indicates that in 2008, 77.2% of students aged 12-17 years had never had an alcoholic drink. There was no significant difference between males and females.

Alcohol supply to minors

The 2010 *National Drug Strategy Household Survey* found that 49.4% of recent drinkers aged 12-15 years and 43.4% of those aged 16-17 years nominated relatives as the source of their alcohol. The major source for students in NSW aged 12–17 years that had consumed alcohol in the past seven days was parents (28% for females, 29.5% for males).

The 2008 *Report from the NSW School Students Health Behaviours Survey* indicates that, among those students 12-17 years who consumed alcohol in the last 7 days:

- 28.7% were given alcohol by their parents;
- 22.9% got someone else to buy alcohol for them;
- 22.5% were given alcohol by their friends;
- 7.4% bought alcohol themselves;
- 8.1% were given alcohol by their brother or sister; and
- 6.3% took alcohol from home without permission.

Young people in custody

The 2009 *Young People in Custody Health Survey* examined the age at which participants were first drunk. Some participants report that they were first drunk on alcohol at eight years of age. Nearly one-quarter (23%) had been drunk by the age of 12 years; nearly one-half (47%) by the age of 13 years; and more than two-thirds (68%) by the age of 14 years. By the time they were 15 years old, 84% of young people reported that they had been drunk. The mean age of first being drunk on alcohol was 13.4 years.

The most common sources of alcohol for those aged less than 18 years were from friends (47%) and shops (37%). Young men (38%) and non-Aboriginal young people (42%) had the highest proportion of participants accessing their alcohol from shops.

Indigenous young people

The 2009 NSW Population Health Survey indicates that in NSW, over the period 2006 to 2009, approximately 56% of Aboriginal males and 32% of Aboriginal females aged 16-24 years engaged in risky alcohol drinking. Indigenous young people are 2.3 times more likely to die from an alcohol attributable cause than non-Indigenous young people.

Australian Institute of Health and Welfare data indicates that the Aboriginal age group of most concern in relation to alcohol consumption is that of 25-34 years, compared to 14-24 years in the general population.

Relationship between parental supply and adolescent drinking patterns

Many studies have focused on whether there exists a causal relationship between parental supply and adolescent drinking patterns. In a recent study to determine whether there is an association between parental supply and risky drinking, a cross-sectional survey was conducted in seven high schools in NSW where 530 students with a mean age of 16 completed surveys relating to their alcohol consumption, sources of consumption and circumstances around parental supply.

The study concluded that parental supply of alcohol for *unsupervised drinking* is associated with risky drinking among 13-17 year olds. Further, a majority of studies suggest that parental supply of alcohol contributes to an increased *frequency* with which young people consume alcohol.

A negative relationship between parental supply and binge drinking has also been established within the Australian adolescent populations. In a survey used to evaluate the National Alcohol Campaign it was found that:

- A greater proportion of young people who were provided alcohol by parents to drink *under their supervision* drank at lower, rather than higher, risk levels;
- A greater proportion of teenage drinkers reported engaging in high rather than low risk drinking when the alcohol was provided by their older friends and siblings;
- Of those young people who had been provided alcohol by their parents to drink under their supervision on their last drinking occasion, 22% reported that they drank alcohol at high risk levels on this occasion.

Education

NSW schools aim to enable young people to develop knowledge and understanding of the consequences of the use and supply of alcohol through appropriate teaching and learning programs. Individual schools develop teaching and learning programs based on the Personal Development, Health and Physical Education syllabuses to meet the needs of students and their communities (see the NSW Board of Studies website at <http://www.boardofstudies.nsw.edu.au>).

In primary school, students learn about the effects of alcohol on the individual and the community. They examine how the use of drugs such as alcohol can cause harm, and work on devising strategies to reduce the negative impacts of alcohol on society.

In secondary school, students learn about the legal and economic consequences of drug use, including alcohol use. In Years 11 and 12, public school students are involved in the mandatory course *Crossroads: A personal development and health education course for Stage 6 students*. Students explore contemporary drug-related issues in the community and the impact of these issues on individuals, the school, local communities and the wider community. This learning can include examination and discussion of laws and penalties relating to the supply and consumption of alcohol.

ATTACHMENT A: SELL OR SUPPLY LIQUOR TO A MINOR ON LICENSED PREMISES

Jurisdiction	Legislation	Relevant provisions	Maximum penalty	Defence/section not apply
NSW	Liquor Act 2007	<ul style="list-style-type: none"> • 117(1) – sell liquor to a minor • 117(2) – supply liquor to minor on licensed premises • 117(6) – obtain liquor for minor from licensed premises • 117(8) – allowing liquor to be sold or supplied to minors on licensed premises 	\$11,000 or 12 months imprisonment (or both)	<p>It is a defence to a prosecution under subsection (1) or (2) if it is proved that the minor was over 14, and identification was provided that may reasonably be accepted as applying to the person and proving the person was over 18.</p> <p>It is a defence to a prosecution under subsection (6) if it is proven that the defendant was authorised to obtain liquor on behalf of the minor by the parent or guardian of the minor.</p> <p>It is a defence to a prosecution under subsection (8) if it is proven that the liquor was supplied by the parent or guardian of the minor.</p>
Victoria	Liquor Control Reform Act 1998	<ul style="list-style-type: none"> • 119(1) – licensee must not supply, permit liquor to be supplied to minor • 119(2) – licensee guilty if liquor supplied to minor on licensed premises • 119(3) – person, other than licensee or employee, must not supply liquor to minor • 119(4) – employee must not supply liquor to minor 	\$8,450.40 for 119(1), 119(2) and 119(3) \$1,408.40 for 119(4)	<p>These sections do not apply to the supply of liquor:</p> <ul style="list-style-type: none"> • to a minor for consumption with a meal if accompanied by adult spouse or parent or guardian; or • to the spouse or a member of the family of the licensee; or • on licensed premises to a spouse of an adult resident of those premises; or • (packaged liquor) to a family member, employee or apprentice of the licensee if the member or employee is employed to deliver that liquor to an adult for consumption off the licensed premises; or

Jurisdiction	Legislation	Relevant provisions	Maximum penalty	Defence/section not apply
				<ul style="list-style-type: none"> in a residence where liquor is supplied or authorised by a parent, guardian or spouse (over 18 years). <p>It is a defence to a prosecution under section 119 if the defendant can prove that, at the time of the alleged offence, the defendant sighted an evidence of age document, indicating that the person is over 18.</p>
Queensland	Liquor Act 1992	<ul style="list-style-type: none"> 155A – sell liquor to a minor 156(1) – supply, permit or allow liquor to be supplied to minor on licensed premises 	\$25,000 for licensee or approved manager \$8,000 in any other case	
Western Australia	Liquor Control Act 1988	<ul style="list-style-type: none"> 121(1) – sale or supply of liquor to minor on licensed premises 121(2) – permits minor to consume liquor on licensed premises 121(3) – obtain liquor on behalf of minor on licensed premises 	\$10,000 for licensee or manager \$4,000 for employee \$2,000 for any other person	
South Australia	Liquor Licensing Act 1997	<ul style="list-style-type: none"> 110(1) – sale or supply of liquor to minor on licensed premises 110(1a) – licensee sell or supply liquor to minor otherwise than on licensed premises 110(4) – person, acting at request of minor, supplies liquor to minor on licensed premises 	In the case of the licensee or responsible person: \$20,000 for first offence \$40,000 for subsequent offences \$5,000 in any other case	It is a defence to subsections (1) or (1a) to prove that: <ul style="list-style-type: none"> the licensee or some person acting on behalf of the licensee required the minor to produce evidence of age that complies with the requirements of the regulations; and the minor made a false statement, or produced false evidence, in response to that requirement; and in consequence the person who

Jurisdiction	Legislation	Relevant provisions	Maximum penalty	Defence/section not apply
				<p>served the minor reasonably assumed that the minor was of or above the age of 18 years.</p> <p>Section 110 does not apply to the gratuitous supply of liquor to a minor on licensed premises by a parent or guardian or if the minor is a child of licensee, responsible person or employee and is resident on licensed premises.</p>
Tasmania	Liquor Licensing Act 1990	<ul style="list-style-type: none"> • 70(1) – sell liquor to a minor • 70(2) – licensee guilty if employee sells liquor to minor on licensed premises • 71 – supply liquor to minor on licensed premises 	<p>\$6,500 for 70(1) and 71 \$13,000 for 70(2)</p>	
ACT	Liquor Act 2010	<ul style="list-style-type: none"> • 110(1) & (2) – licensee/permit holder supply liquor to minor on licensed/permitted premises • 110(3) & (4) – licensee/permit holder guilty if employee supplies liquor to minor on licensed/permitted premises • 111(1) & (2) – employee supply liquor to minor on licensed/permitted premises • 112(1) – person supply liquor to minor on licensed or permitted premises 	<p>\$5,500 for 110(1) to (4) \$1,100 for 111(1) and (2) \$2,200 for 112(1)</p>	<p>These sections do not apply if the minor was at least 16 at the time of the offence, and had, before the time of the offence, shown a prescribed person an identification document identifying the young person as an adult.</p>
Northern Territory	Liquor Act	<p>106CA(1) – person must not sell or supply, or permit another person to sell or supply, or engage in conduct that results in liquor being sold or supplied to minor on licensed premises</p>	<p>\$11,985</p>	<p>It is a defence to a prosecution for an offence under section 106CA(1) if the defendant establishes that the minor was at least 16, and before the liquor was sold or supplied, the defendant was provided with identification that may reasonably be accepted as indicating</p>

Jurisdiction	Legislation	Relevant provisions	Maximum penalty	Defence/section not apply
				<p>that the person was an adult.</p> <p>It is also a defence to a prosecution if the defendant is a licensee, or employee of the licensee, who establishes that:</p> <ul style="list-style-type: none"> • the liquor was sold or supplied to the minor's parent, guardian or spouse, and the defendant reasonably expected that adult would ensure compliance with that subsection in relation to the minor. • the defendant did not personally sell or supply the liquor to the child, and the licensed premises were not conducted in a way that would entice children to consume liquor, and the defendant exercised proper diligence to prevent the sale, supply or consumption of liquor by children in contravention of that subsection.

ATTACHEMENT B: SUPPLY LIQUOR TO MINOR AWAY FROM LICENSED PREMISES

Jurisdiction	Legislation	Relevant provisions	Maximum penalty	Defence/section not apply
NSW	Liquor Act 2007	117(4) – supply liquor to minor on other premises	\$11,000 or 12 months imprisonment (or both)	<p>This section does not apply to the supply of liquor to a minor by a parent or guardian.</p> <p>It is a defence to a prosecution for an offence under subsection (4) if it is proven that the defendant was authorised to supply liquor to the minor by the parent or guardian of the minor</p>
Victoria	Liquor Control Reform Act 1998	119(5)(e) – supply liquor to minor in a residence	Up to approx. \$7,000	Does not apply if liquor supplied or authorised by parent, guardian or spouse of minor (over 18 years).
Queensland	Liquor Act 1992	<ul style="list-style-type: none"> • 156(2) – supply, cause or permit liquor to be supplied to minor on a street or place adjacent to licensed premises • 156A(1) – adult must not supply liquor to minor at a private place unless adult is responsible adult • 156A(2) – responsible adult must not supply liquor to minor at a private place unless supply is consistent with responsible supervision of minor • 156A(3) – in considering whether the supply of alcohol by the responsible adult is consistent with the responsible supervision of the minor, relevant factors include: <ul style="list-style-type: none"> ○ whether the adult is unduly intoxicated, ○ whether the minor is unduly intoxicated, ○ the age of the minor, ○ whether the minor is consuming liquor supplied with food, 	<p>\$25,000 for licensee or approved manager and \$8,000 in any other case</p> <p>\$8,000</p> <p>\$8,000</p>	Section 156(2) does not apply to the supply of liquor to a minor in a public place, under section 173C, if the minor is accompanied by a responsible adult who is responsibly supervising the minor.

Jurisdiction	Legislation	Relevant provisions	Maximum penalty	Defence/section not apply
		<ul style="list-style-type: none"> ○ whether the adult is responsibly supervising the minor's consumption of the liquor supplied, and ○ the quantity of liquor supplied and the period of time over which it was supplied. 		
Western Australia	Liquor Control Act 1988	Not regulated.		
South Australia	Liquor Licensing Act 1997	117(2) – supply liquor to minor in a public place	\$5000	This section does not apply to the supply of liquor to a minor who is in the company of an adult guardian or spouse of the minor.
Tasmania	Police Offences Act 1935	<ul style="list-style-type: none"> ● 26(1) – supply liquor to a minor at a private place unless the person is responsible adult ● 26(2) – responsible adult supply liquor to a minor at a private place unless supply is consistent with responsible supervision ● 26(3) - For the purposes of subsection (2), the following factors are relevant in considering whether the supply is consistent with the responsible supervision of the youth: <ul style="list-style-type: none"> ○ whether the responsible adult is directly supervising the youth's consumption of the liquor, ○ whether the responsible adult is intoxicated, ○ whether the responsible adult provides food for the youth to consume with the liquor, ○ whether the youth is intoxicated, ○ the age of the youth, and ○ the quantity and type of liquor supplied and the period over which it is supplied 	\$13,000 or 12 months imprisonment	

Jurisdiction	Legislation	Relevant provisions	Maximum penalty	Defence/section not apply
ACT	Liquor Act 2010	204(1) – supply liquor to minor at public place	\$2,200	This section does not apply in relation to a young person if the young person: <ul style="list-style-type: none"> was at least 16 years old at the time of the offence; and had, before the time of the offence, shown the defendant an identification document identifying the young person as an adult
Northern Territory	Liquor Act	<ul style="list-style-type: none"> 106C(1) – a person must not sell or supply liquor to a minor unless the person is a responsible adult and supply is consistent with responsible supervision. Under subsection 106C(2), the following matters must be taken into account in considering whether the sale or supply is consistent with the responsible supervision of the child: <ul style="list-style-type: none"> whether the adult is drunk, whether the child is drunk, the age of the child, whether the child is consuming the liquor with food, whether the adult is responsibly supervising the child's consumption of the liquor, and the quantity of, and the period over which, the liquor was sold or supplied. 	\$14,100	