

**Submission
No 15**

PROVISION OF ALCOHOL TO MINORS

Organisation: Clubs NSW
Name: Mr Anthony Ball
Position: Chief Executive Officer
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Mr Bruce Notley-Smith MP
Committee Chair, Legislative Assembly Social Policy Committee
Parliament House
Sydney NSW 2000

Dear Mr Notley-Smith,

RE: INQUIRY INTO THE PROVISION OF ALCOHOL TO MINORS

Licensed clubs and underage drinking

Licensed clubs are widely recognised as safe, family friendly venues. Strict entry requirements as defined in the *Registered Clubs Act* and individual club by-laws mean that clubs exclude minors from club membership and admittance to the premises unless in the company of an adult, or unless the purpose of membership is to enable the minor to take part in regular sporting activities organised by the club. Once inside a club, a minor is prohibited to access the club's bar and gaming facilities.

Research from the NSW Bureau of Crime Statistics and Research (BOSCAR) affirms the view that licensed clubs have an outstanding safety record regarding alcohol related violence. The research indicated that there were 848 incidents of alcohol related violence in licensed clubs in 2011, or 0.56 incidents per club per year; and that the level of incidents in licensed clubs for the year 2011 is the lowest on record and almost 15 per cent lower than in 1995.¹ By comparison, BOCSAR research found that in 2011, there were 10,457 incidents of alcohol related domestic violence, which comprised 39 per cent of all incidents of domestic violence related assault in New South Wales.²

Given legislative requirements to sign-in, coupled with the lowest rate of alcohol related violence in clubs last year since records began, it is clear that clubs are the safest licensed hospitality venues. Additionally, as community-owned not-for-profit assets, club managers have no financial incentive to serve alcohol to minors or intoxicated people. Therefore, we believe that the existing legislative framework provides appropriate and sufficient protections regarding the provision of alcohol to minors in clubs.

Parental Responsibility and Secondary Supply

The legal age when a young person may purchase alcohol is not necessarily the same as the age when that person is first introduced to alcohol. The 2010 National Drug Strategy Household Survey found that 49.5 per cent of recent and ex-drinkers aged between twelve and seventeen were first supplied with alcohol by a friend or acquaintance, 30.7 per cent by a parent and 14 per cent by a relative. Only 0.4 per cent of minors claimed to have purchased alcohol at a licensed premise.³ Further, 79 per cent of drinkers aged 14 years and over are reported to have consumed alcohol at their own home or in a party environment.⁴ This evidence shows, therefore, that clubs are very

¹ NSW Bureau of Crime Statistics and Research, reference jh12-10558

² NSW Bureau of Crime Statistics and Research, reference Dg12/10480

³ Australian Institute of Health and Welfare (2011), 2010 National Drug Strategy Household Survey report, Canberra

⁴ Ibid

rarely the site of underage drinking, and minors are far more likely to obtain alcohol from friends or family in a domestic or party environment, rather than directly from a licensed club or other venue.

Secondary supply refers to the provision of alcohol by an unauthorised third party to a minor. There are provisions in both the *Liquor Act* and the *Summary Offences Act* that impose penalties against minor who consume alcohol illegally, and against those supplying alcohol to minors illegally. Given the high numbers of minors who claim they are drinking, ClubsNSW questions whether these penalties are being sufficiently enforced. In our opinion, the legislative provisions regarding supply and consumption of alcohol to a minor are clear and appropriate, and do not require amendment. However, ClubsNSW notes that while the legislation has been in place for a number of years, it is unclear if parents and legal guardians of minors are aware of the penalties, or see them as a sufficient deterrent.

It is our view that punitive or prohibitionist measures do not deter minors from experimenting with alcohol. As long as access to alcohol is restricted by age, alcohol consumption will inevitably be viewed by minors as a symbolic rite of passage to adulthood. Therefore, an increased focus on parental and personal responsibility should be encouraged as the key to informing drinkers and preventing alcohol abuse. Educative programs relating to underage drinking, encouraging positive role models in families and instilling an ethic of parental and personal responsibility should be emphasised. It is essential to target and prosecute the secondary supply of alcohol at a broader level, including siblings, older friends and strangers who purchase alcohol on behalf of minors.

Recommendations

Evidence shows it is not appropriate to pursue further measures to prevent underage drinking in clubs, as the incidence of this is extremely low. Therefore ClubsNSW recommends:

- existing provisions in the *Liquor Act* are sufficient for licensed clubs and do not require amendment;
- existing provisions in the *Liquor Act* regarding the consumption of alcohol by minors should be strictly enforced;
- an emphasis on personal responsibility should be instilled through education programs on underage consumption of alcohol and the role of parents in forming appropriate drinking behaviours;
- the development of a public awareness campaign developed in consultation with industry and other stakeholders.

Yours sincerely

Anthony Ball
Chief Executive Officer