

**Supplementary
Submission
No 29a**

PROVISION OF ALCOHOL TO MINORS

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Submission

***NSW Legislative Assembly
Social Policy Committee Inquiry***

***Provision of Alcohol to Minors
Discussion Paper***

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LSA NSW Submission

Inquiry into the Provision of Alcohol to Minors Discussion Paper

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

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. LSA NSW is one of the four Foundation Members of The Australian Liquor Stores Association (ALSA).

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 12,000 people 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 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 an 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 also 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.

Joint Social Responsibility Campaigns

LSA NSW and its members have a long history of working with Government, regulators and other groups to disseminate educational materials through 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 DrinkWise board member – 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.

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.

Importantly, there have not been any **(ZERO)** Strikes issued against NSW Packaged Liquor Licensees since the introduction of the NSW Government's Three Strikes program, around two years ago.

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 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.

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 supportive 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.

LSA NSW response to the list of proposed recommendations

PROPOSED RECOMMENDATION 1 – *That the Liquor Act 2007 be amended to provide that parents, guardians and responsible adults must supply alcohol to minors in a manner that is consistent with responsible supervision.*

LSA NSW response:

- Would not recommend the Act be amended
- Would encourage that existing laws be enforced
- Would encourage that existing provisions of secondary supply be included in education for the community to encourage positive changes in behaviour
- Defining 'responsible supervision' would be very difficult
- QLD and TAS have amended their laws, however feedback indicates that there are still shortcomings in the legislation

PROPOSED RECOMMENDATION 2 – *That the Liquor Act 2007 be amended to specify factors to be considered in determining whether supply of alcohol to a minor by a parent or guardian is consistent with responsible supervision, including:*

- *The minor's age*
- *Whether the adult is drunk*
- *Whether the minor is drunk*
- *Whether the minor is consuming the alcohol with food*
- *Whether the adult is responsibly supervising the minor's consumption of the alcohol*
- *The quantity and type of alcohol, and the time period over which it is supplied*

LSA NSW response:

- Would not recommend the Act be amended
- Would encourage that existing provisions of secondary supply be included in education for the community to encourage positive changes in behaviour
- With respect to establishing minimum age limits for the supply of alcohol to minors by parents and guardians, LSA NSW does not have a formal position on this issue, however on saying this would encourage the Government use the DrinkWise statistics and research data as a reference point when making further consideration on this issue.

PROPOSED RECOMMENDATION 3 – *Should Section 117(4) of the Liquor Act 2007, which enables parents and guardians to supply alcohol to minors, be removed or retained?*

LSA NSW response:

- LSA NSW does not have a formal position on this issue

PROPOSED RECOMMENDATION 4 – *Should the defence against prosecution in Section 117(5) of the Liquor Act 2007, which enables parents and guardians to authorise other adults to supply alcohol to their child, be removed or retained?*

LSA NSW response:

- LSA NSW does not have a formal position on this issue

PROPOSED RECOMMENDATION 5 – *What is an appropriate penalty for supplying liquor to a minor other than on licensed premises? Are current penalties adequate or should they be increased?*

LSA NSW response:

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 education, 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, educate 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;

LSA NSW 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 adequately communicated, enforced nor reinforced with the community.

PROPOSED RECOMMENDATION 6 – *That attendance at education workshops for adults who commit offences relating to the supply of alcohol to minors form part of the suite of penalties under the Liquor Act 2007*

LSA NSW response:

- The current legislative tools are not being enforced nor reinforced with the community, and LSA NSW supports the enforcement of existing laws in this regard;

PROPOSED RECOMMENDATION 7 – *How could the enforcement of secondary supply laws be improved? Should the focus be on public education and preventing harmful underage drinking?*

LSA NSW response:

- The current legislative tools are not being enforced nor reinforced with the community, and LSA NSW supports the enforcement of existing laws in this regard;
- There could be more communication and sharing of information by Police and regulators with Industry and the community (i.e. results, prosecution, etc) so that the message that illegal behaviour will not be tolerated

PROPOSED RECOMMENDATION 8 – *That any amendments to the Liquor Act 2007 regarding supply of alcohol to minors be accompanied by a social marketing/public education campaign*

LSA NSW response:

- Would not recommend the Act be amended
- Would encourage that existing laws be enforced
- Would encourage that a social marketing/education campaign be launched regardless to educate the community on the current requirements of the Act

PROPOSED RECOMMENDATION 9 – *That the public education campaign have a dual focus – to clearly state what is permitted under the law, and to highlight the health risks of alcohol consumption by minors, based on National Health and Medical Research Council guidelines*

LSA NSW response:

- LSA NSW supports the notion that a public education campaign would not only clearly state people's obligations under the law, and highlight the health risks of alcohol consumption by minors;
- However, due to significant gaps in the evidence base used, LSA NSW does not agree with, nor support the current NHMRC guidelines
- Refer older Guidelines, and/or DrinkWise research and statistics

PROPOSED RECOMMENDATION 10 – *That, as part of a public education campaign, a website be developed to provide parents with clear, readily accessible information about their legal responsibilities in relation to supplying alcohol to minors. The website should also inform parents on how to talk to young people about the law and how to talk to other parents about the legal health consequences of supplying alcohol to minors.*

LSA NSW response:

- LSA NSW supports the recommendation of a public education campaign, and also feels that a multi-tiered approach using tools such as a website, together with social media and smart phone application technology will have a broader reach and traction;
- LSA NSW would also be pleased for our ‘self-regulatory’ initiatives ID-25 and Don’t Buy It For Them to be used and referenced in the public education campaign and/or the education tools.

PROPOSED RECOMMENDATION 11 – *That information about the legal and health consequences of supplying alcohol to minors be provided to parents attending early childhood education / information sessions when their child is of pre-school age.*

LSA NSW response:

- LSA NSW supports in principle that information about the legal and health consequences of supplying alcohol to minors be provided to parents early in their child’s education, however feel that primary school age is more appropriate, as the parents will be able to share their learning and communicate with their children at the same time.

Related Research – Key Observations for Consideration For Proposed Recommendations 9, 10 & 11:

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.

LSA NSW 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.