

**Submission
No 5**

PROVISION OF ALCOHOL TO MINORS

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NEW SOUTH WALES LEGISLATIVE ASSEMBLY SOCIAL POLICY COMMITTEE
INQUIRY INTO THE PROVISION OF ALCOHOL TO MINORS

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Submitted by: Tasmania Police

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Commissioner of Police
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This submission has been prepared in response to the New South Wales Legislative Assembly Social Policy Committee Inquiry into the provision of alcohol to minors.

Tasmania Police notes the Terms of Reference established for the Inquiry, specifically (e), 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.

This submission relates specifically to the impact in Tasmania of the introduction of Section 26, *Sale or Supply of Alcohol to Youths (Police Offences Act 1935)*.

BACKGROUND

In November 2009, the Tasmanian Government enacted Section 26, *Sale or Supply of Alcohol to Youth (Police Offences Act 1935)*. This legislation serves to regulate the supply of alcohol to persons under the age of 18 years, on private property.

The legislation was modelled with reference to Queensland legislation and based upon a proposed national approach, as outlined in the 2009 Ministerial Council on Drug Strategy (MCDS) *Report to COAG on Options to Reduce Binge Drinking*.

The legislation supports a responsible approach by parents, guardians and other adults with parental and care rights, who choose to supply alcohol to young people.

The legislation provides for:

- an offence for a person to supply liquor to a young person (a person under the age of 18 years) at a private place unless the person is a responsible adult for the youth, or has the permission of a responsible adult.
- an offence for supplying alcohol to a youth at a private place, if the supply is not consistent with responsible supply.

Under the legislation, a young person must be given permission from a responsible adult in order to consume alcohol on private property. A responsible adult is a parent, guardian or someone with parental responsibilities for a young person. A responsible adult is also a person deemed to be authorised to supply alcohol to a young person. The legislation is not prescriptive as to how the consent to provide alcohol to the youth is given or accepted. The permission may therefore be verbal, written or electronic, but should be considered legitimate and reliable.

The legislation requires that a responsible adult for a youth must not supply liquor to the youth at a private place unless the supply is consistent with the responsible supervision of the youth, including:

- consideration being given to the age of the youth
- the consumption of alcohol being supervised
- consideration being given to the quantity, type and the time period over which alcohol is supplied
- food and non-alcoholic drinks being available when alcohol is being consumed
- additionally, the responsible adult should not be intoxicated, nor allow the youth to become intoxicated.

The legislation has assisted in providing an understanding of the responsibilities of adults in supplying alcohol to young people. Importantly, the legislation provides persons with parental responsibilities, with legal recourse in the event of a young person suffering harm, as a result of being supplied alcohol without consent.

PUBLIC AWARENESS OF THE LEGISLATION

When the legislation was enacted, Tasmania Police designed and distributed posters and pamphlets across the broader community, including to schools and on and off-licensed premises. The legislation was also advertised in Tasmania's three major regional newspapers.

Over the past three years, prior to the completion of the Tasmanian school year, Tasmania Police has distributed information to high schools, colleges and licensed premises regarding the requirements of the legislation.

Although no formal evaluation has been undertaken since the introduction of the legislation, anecdotally there appears to be a reasonable level of community awareness of the legislation.

Tasmania Police acknowledges that the value of the legislation is seen in the level of awareness raised in the community, and not in the number of fines or charges made for offences under the legislation.

OUTCOMES OF THE LEGISLATION

Under the legislation, a fine of \$360.00 may be issued via an Infringement Notice for a minor offence. For serious matters, offenders may face Court and receive fines of up to \$12,000, or imprisonment for a term not exceeding 12 months.

Since the introduction of the legislation in November 2009, only a small number of people have been charged with offences under the Act. At 11 July 2012, nine people had been charged, with three convicted, one case dismissed and the remainder pending. The most recent charge was issued in April 2012.

It is notable, that the data indicates offences under the legislation are not occurring in isolation, with additional charges involved in five of the cases. It appears that in the majority of cases the charges have not been brought against parents or responsible persons. This indicates that the legislation may be having a positive effect, with parents and responsible persons seemingly more aware of their obligations regarding the supply of alcohol to young people.

No Infringement Notices have been issued since the legislation was enacted. Rather than proceeding to court, and depending on the seriousness of the offence, the option of issuing an Infringement Notice to offenders is an area with the potential for further promotion within Tasmania Police.