

**Submission
No 14**

PROVISION OF ALCOHOL TO MINORS

Name: Mr Rob Stokes MP

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Rob Stokes

Pittwater MP

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The Committee Manager
Social Policy Committee
Parliament House
Macquarie St
Sydney NSW 2000
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Dear Committee Manager

RE: INQUIRY INTO THE PROVISION OF ALCOHOL TO MINORS

Thank you for the opportunity to make a submission in relation to the above inquiry. The issue of underage drinking is a major concern in my community of Pittwater. Underage drinking is strongly linked to criminal and anti-social behaviour, and poses serious long-term health risks to young people. Just this morning I met with a constituent whose son has been attacked and badly injured by a group of children who were affected by alcohol.

I believe that the law has an important educative role in relation to underage drinking, and that the law should send a clear and unequivocal message that underage drinking is not acceptable. I fail to see any circumstances where the law should countenance the supply of alcohol to minors by persons other than that child's parent or guardian. The current distinction between supply on public premises and private premises is a legal nonsense. The effect of alcohol on growing minds and bodies is the same wherever that alcohol is consumed, whether in a private home, a pub or a park.

For these reasons, I strongly support proposals to clarify laws relating to supply of alcohol to children, specifically the proposal to amend the *Liquor Act 2007 (NSW)* to remove existing defences against prosecution for supplying alcohol to a minor by any person other than that minor's parent or guardian.

We have a serious problem with underage drinking in NSW, and laws proscribing supply of alcohol to children need to be clear, unambiguous and strong.

Please find two articles on this issue attached to this letter, which form a part of my submission.

Thank you for your attention.

Yours sincerely

ROB STOKES MP
Member for Pittwater

Encl



Comment by Rob Stokes, MP Pittwater

Why the Liquor Act fails to protect children from alcohol

During October, I was forced to live on nothing but food and water.

It was part of the "Ocsober" challenge run by Life Education Australia, raising money for health education programs in our schools – giving children the skills and the knowledge to say "no" to drugs and alcohol.

Like many people, I enjoy the odd glass of wine, and assumed that foregoing this pleasure for a little while would make no difference. But after a month, I have really noticed how easy it is to lose weight and save money. Such is the wrath of grapes!

And if giving up the odd drink by a 35 year old can make such a difference – what must alcohol do to someone half my age, who drinks twice as much?

The facts on teenage drinking are stark and shocking. By age 15, almost one third of teenagers are binge drinking. Teenagers who start drinking before age 15 are

five times more likely to become alcohol dependant than those who don't start until age 21, and are less likely to finish their education, get married, and get a job.

Teenage drinkers have a poorer memory, vocabulary and general knowledge than non-drinkers. They face permanent brain damage to areas including the hippocampus – influencing memory, and the frontal lobe – affecting personality.

That is why I find it shocking that it is legal in NSW to supply a minor with alcohol, provided they have the consent, actual or implied, of their parents or guardians.

Section 117 of the Liquor Act 2007 permits a person to supply liquor to a minor with the 'authorisation' of the minor's parent or guardian on private or unlicensed premises.

There is no legislative guidance as to what form this 'authorisation' must take. In other words, the law allows service of alcohol to children at local parties provided that their

parents are okay with it. Frankly, that's not okay with me.

Nor it is okay in Queensland, where recent changes made it illegal for adults to supply alcohol to minors when their parent or guardian is not supervising. Similar changes are currently being considered in Tasmania.

The laws of service of alcohol to minors need to be clear, tough and simple. If someone is under 18 then the only person who should be able to serve them alcohol is a parent.

Such a rule would send a clear message that it is unsafe for children to drink alcohol, and would provide parents with a legal reason to refuse pressure to provide alcohol at teenage parties.

Amending the Liquor Act to prohibit any person other than a minor's parent or guardian from supplying liquor would help strengthen the Act's objectives, reduce the level of access minors have to liquor and simplify the



duties placed on people supervising minors.

We know that too much alcohol results in more than just a hangover. And while water can dissolve aspirin, alcohol can dissolve human dignity.

We need to protect children from alcohol, and parents from pressure to give alcohol to other people's children on the spurious excuse of "implied parental consent".

And even when providing their own children with alcohol at home, parents need to know the terrible consequences that liquor can have on the development of growing minds and bodies.

Updating our laws to prohibit service of alcohol to children by anyone other than their parent or guardian is long overdue.

ALCOHOL, MINORS AND UNLICENSED PREMISES

Written by
Rob Stokes

It is becoming more and more evident that children should not drink alcohol. The guidelines on reducing the health risks of alcohol consumption published by the National Health and Medical Research Council last April made it clear that people under 18 years old should avoid drinking alcohol at all.¹ Alcohol consumption by children is linked to higher risks of physical injury, violence, risky sexual behaviour, academic failure, mental health problems, suicide, and brain damage.² People who start drinking alcohol in childhood or as an adolescent are more likely to face alcohol dependency in adulthood.³ It is a tragic irony that at the same time as we are learning more about the dangers of underage drinking, more teenagers are drinking alcohol at dangerous levels.⁴

Governments have responded by introducing harsher penalties for supplying minors with alcohol from licensed premises, and by empowering police to stop underage drinking in public places. Yet, research indicates that teenage drinkers were more likely to usually consume alcohol at a private party (67.6 per cent) or at a friend's house (57.8 per cent).⁵ And while all Australian jurisdictions uphold strong laws against supplying alcohol to minors from licensed premises, it remains legal in most parts of Australia to serve alcohol to children on unlicensed private property, like a suburban home. In other words, it is perfectly legal throughout most of the country for children to be served liquor by adults other than their parents.

Recently, following a campaign by now Queensland Opposition Leader, John-Paul Langbroek, the Bligh Government introduced new laws to make it illegal for any adult to serve alcohol to a person under 18 years of age, except for that person's parent or guardian.^{6,7} In other Australian states, there is confusion about who, exactly, can serve alcohol to kids. In Western Australia, Victoria and South Australia it is not illegal for minors

to consume alcohol on private premises, nor is it illegal for persons to supply alcohol to minors on private premises. In NSW, the *Liquor Act 2007* makes it illegal for persons to sell or supply alcohol to people under the age of 18 years.⁸ This law applies everywhere and at all times, including homes, parks, halls and public places generally. However, a defence from prosecution is provided for those who are 'authorised' to supply liquor to a minor by the minor's parent or guardian.⁹ There is no legislative guidance as to what form this 'authorization' must take, so that allowing a child to attend a party at which it is reasonable to assume alcohol will be present is probably enough to imply consent. There is much confusion over the legal position in NSW, with even academic commentators erroneously asserting 'it is illegal to give a minor alcohol unless the minor's parent, or equivalent, is present and gives approval'.¹⁰

The laws of service of alcohol to minors need to be clear, tough and simple. If someone is under 18 then the only person who should be able to serve them alcohol is a parent. Opponents of reform will argue that preventing anyone other than a parent or guardian from providing children with liquor would remove the opportunity for minors to consume alcohol under the supervision of grandparents, aunts, uncles, older siblings and extended family without their parent or guardian being present. It might also be argued that restricting the supply of alcohol to children on private venues would be difficult to enforce.

Such arguments are refuted by the clear benefits of a consistent rule that no adult – other than a parent or guardian – should serve alcohol to a child. Such a rule would send a clear message that it is unsafe for children to drink alcohol, and would provide parents with a legal reason to refuse pressure to provide alcohol at teenage parties. Parents could also have more confidence that

alcohol would not be served at parties supervised by other adults – or that there would be legal consequences if it were. Amending liquor laws across the country to prohibit any person other than a minor's parent or guardian from supplying liquor would provide a national standard, reduce the level of access children have to liquor and simplify the duties placed on people supervising children. Liquor laws have traditionally focused on controlling the supply of alcohol from licensed premises, so that there are strong bans on providing children with alcohol at such venues. The absence of bans on supplying liquor to children at unlicensed venues sends a confused and contradictory message that kids drinking with adults (not being their parents) is not OK at the pub, but is perfectly acceptable at a private party.

We know that too much alcohol results in more than just a hangover. And while water can dissolve aspirin, alcohol can dissolve human dignity. We need to protect children from alcohol, and parents from pressure to give alcohol to other people's children on the spurious excuse of implied parental consent. And even when providing their own children with alcohol at home, parents need to know the terrible consequences that liquor can have on the development of growing minds and bodies. Updating our laws to prohibit service of alcohol to children by anyone other than their parent or guardian is long overdue.