

## **PROVISION OF ALCOHOL TO MINORS**

**Organisation:** Australian Hotels Association  
**Name:** Mr Paul Nicolaou  
**Position:** Chief Executive  
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**SUPPLEMENTARY SUBMISSION**  
**to the**  
**NSW Legislative Assembly**  
**Social Policy Committee**  
**INQUIRY INTO THE PROVISION**  
**OF ALCOHOL TO MINORS**

by

Australian Hotels Association (NSW)



Lodged by:

Paul Nicolaou  
Chief Executive Officer  
Australian Hotels Association (NSW)  
Level 15, Hudson House, 131 Macquarie Street  
Sydney NSW 2000

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## 1.0 Opening remarks

AHA (NSW) appreciates the opportunity afforded to us by Mr Notley-Smith, Chair of the Parliamentary Inquiry, to provide comment on some of the issues raised during the course of the Inquiry's First Public Hearing on 31 October 2012.

We also express our appreciation to the members of the Committee for their insightful and probing questions of our representative who provided evidence to the Inquiry.

In this Supplementary Submission we will (a) answer the two Questions on Notice taken by our representative and (b) draw together the common threads of the evidence which was provided by other witness who appeared on 31 October 2012.

## 2.0 Questions on Notice

During the questioning on 31 October, our representative offered to provide the Inquiry with a written response to two questions taken on notice.

## 3.0 Response to first Question on Notice

***At page 4 of the Transcript, Mr Grant, MP asked if the hotel industry has a viewpoint as to what might be an appropriate age to start educating young people about alcohol and responsible drinking?***

It is our view that any decision as to an appropriate 'starting age' for education can only be decided after determining what content is to be included in the education.

It was clear from evidence provided at the Public Hearing that there are two discrete elements in alcohol education:

### 3.1 The 'Health' messages

The first element is more related to the effects of excessive consumption of alcohol, including the impairment of brain development during adolescent years. This aspect is one which might best be handled in a school setting and is one which could, in our view, initially and broadly commence during the last 2 years of primary school education and be continued during the secondary school years, subject to agreement from the education sector.

It is noted that education authorities have previously advocated that the current messages are best commenced during Years 10 & 11, but if there is to be a change in the overall thrust of the message, perhaps the Inquiry will recommend an earlier starting age as appropriate.

This first strand is the one which contains the 'health' messages and which (as referred to in our first submission), is already addressed by campaigns such as 'Drinkwise', programs

which are conducted by Life Education NSW and 'binge drinking' messages such as those generated by state and federal Health Departments.

In this regard, and to illustrate the differences between 'health' and 'social' messages and the still outstanding need to better explain the law, the Inquiry's attention is drawn to [www.whatareyoudoingtoyourself.com](http://www.whatareyoudoingtoyourself.com)

AHA (NSW) accepts that this current NSW Health campaign, while quite useful from a harm minimisation viewpoint, does not satisfactorily convey the required and still lacking message – the education and understanding of the law which all of the witnesses said was absent.

There are also a number of other somewhat similar education campaigns, which are drawn to the Inquiry's attention:

One is the Schools Education Resource which is 'Out Tonight? – Party Right', developed by the NSW Office of Liquor, Gaming and Racing (OLGR) in conjunction with the NSW Department of Education & Communities, Curriculum and Learning Innovation Centre. This will be the subject of a formal launch during Term One in 2013 with the support of AHA (NSW) and ClubsNSW and is a free internet-based resource, targeting years 10, 11 and 12 secondary school students. It focuses on improving young people's awareness about alcohol and the potential risks and dangers associated with alcohol consumption.

The website is: [www.partyright.nsw.edu.au](http://www.partyright.nsw.edu.au).

Other similar programmes include 'MyNite' (on the NSW Police website) which covers safe party strategies and the NSW Police Force and Health Department programme 'Supply Means Supply' which targets the secondary supply of alcohol to minors through a series of 'YouTube' videos on the NSW Police website – highlighting scenarios by which minors may get access to alcohol – the sibling, the person co-opted to purchase on behalf of young people, the adult supplying without consent, the family friend, etc..

### **3.1.1 The confusion over what is a standard drink**

This issue is interwoven with the various 'health messages'. Evidence provided to the Inquiry stated there was general confusion about what is a 'standard drink'.

The concept of a 'standard drink', originally developed by the National Health and Medical Research Council and now adopted by the federal Department of Health & Ageing and across state and territory jurisdictions, is a measure not of how much liquid has been consumed, but how much pure alcohol has entered the system. The measure defines a standard drink as one which contains 10 grams of pure alcohol.

One standard drink (10 grams) =

- 1 x 285 ml glass of full strength beer (4.8%) or
- 1 x 375 ml can of mid strength beer (3.4%) or
- 1.6 x 285ml glasses of light strength beer (2.8%) or
  - 5 x 285ml glasses of super light (0.9%) or

- 1 x 100 ml glass of sparkling wine or
- 1 x 100 ml glass of red or white wine or
  - 300 ml bottle of alcoholic soda or
- 1 x 60 ml glass of fortified wine (port, muscat or sherry) or
  - One 30 ml nip of spirit

Patrons are advised to not assume that a glass holds one standard drink (eg. many wine glasses and larger beer glasses such as 'schooners' and 'pints' hold amounts greater than 285ml and 100ml).

As will be seen from the above, and moreso from the published table (of what constitutes a standard drink) – see Attachment 'A' – the various permutations and the complexity of the list makes it far from easy to understand (especially for those who are not of a mind to accept the message).

As part of the various harm minimisation messages, it would be beneficial, to adolescents, to consumers generally and to serving staff who are required to practice responsible service of alcohol, if this confusing list was able to be distilled into something far simpler and more readily understood.

### **3.2 NSW 'Liquor Law' education**

The second – and quite distinct element – is for education which better informs all consumers of the various requirements of liquor laws, including the need to take personal responsibility, and the laws in relation to the supply of liquor to minors.

From the evidence provided to the Inquiry, this education clearly needs to be directed towards adults and young people – to allow all citizens to better understand the relevant laws of NSW. This would allow adults to better conform with the law, lead by example in their own consumption, and for parents to be better equipped, more clearly understand and take greater interest in the laws, as they relate to their provision of alcohol to minors.

#### **3.2.1 The content of liquor law education**

It is our view that this second strand is one which would best be covered by a series of government radio and TV advertisements in a targeted community-wide approach. The theme of the campaign (contained in a series of advertisements) should be "The Drinking Laws in NSW".

This is the message that needs to be better conveyed to the public (and especially to young people), to engender a culture of responsible behaviour – one which clearly states that in NSW:

- it is illegal for anyone under 18 years to attempt to enter licensed premises unaccompanied or to attempt to obtain alcohol via the internet (and includes a clear definition of a responsible accompanying adult (to be determined by the Inquiry);
- it is illegal to sell or supply alcohol to people under 18 years of age;

- it is illegal for under-age persons to consume alcohol (other than in the limited circumstances to be determined by the Inquiry);
- it is illegal to drink on streets in alcohol-free zones and alcohol prohibited areas;
- the law requires that intoxicated persons be turned away from entering licensed premises);
- it is illegal to be intoxicated while on licensed premises and it is an offence to not leave when asked;
- persons who are evicted from licensed premises (for the range of reasons specified in the *Liquor Act 2007*), must move 50 metres away and not attempt to re-enter the premises within 24 hours. (The reasons for removal from licensed premises include being intoxicated; engaging in behaviour which is violent, quarrelsome or disorderly; smoking in smoke-free areas or using or possessing prohibited drugs).

The serious consequences of these offences needs to be reinforced by education which indicates the monetary penalties and on-the-spot infringements which apply and must also include the penalties associated with the most recent Drunk & Disorderly provisions initiated by the O'Farrell Government. In this regard the involvement of senior NSW Police, the Department of Attorney General and the Office of Liquor Gaming & Racing, as well as the 3 peak hospitality industry associations would provide appropriate and worthwhile input to better reinforce a message of what the law requires.

It will be of interest to the Inquiry that in late November this year, AHA (NSW) in partnership with NSW Police, will launch a media and in-venue campaign to reinforce the message that if a person is asked to leave or refused entry to licensed premises due to intoxication, or violent, quarrelsome or disorderly behaviour and they refuse, they are liable to a \$550 fine.

## 4.0 Response to second Question on Notice

***At page 6 of the Transcript, the Chair asked, in regard to penalties for responsible adults or parents and/or the users themselves, the minors, what do you feel about mandatory attendance at alcohol education workshops for the parents and/or the minors?***

4.1 The AHA (NSW) view is that mandatory attendance at alcohol education workshops (or similar) for minors and/or parents has its place within a suite of measures but, it must be remembered that such education will only come after someone has broken the law. It is not a substitute for wider community education.

A community education initiative of the wider population would be far more effective than relying on only targeting those who have already offended.

Having said that, we also note other evidence given to the Inquiry (and rely on our own industry experience) both which indicate that children are usually a product of their home environment.

4.2 The NSW Police initiative, 'Your Choice' has been running for some years in various parts of NSW. It is a targeted campaign which relies on the Youth Cautioning system. Young people receive a caution for almost all offences in NSW except for motor vehicle theft and robbery.

Rather than a caution, or a monetary fine usually paid for by the parent, 'Your Choice' gives the young person and their parents a choice – to pay the fine or attend a 2 hour seminar together. The seminar is presented by police and others and examines consequences of drinking, including legal and health issues.

The Inquiry may wish to review the effectiveness of current mechanisms which give rise to mandatory or optional attendance to ensure their suitability.

## **5.0 Comment on evidence provided to the Inquiry by other witnesses**

We believe it will be helpful to the Inquiry and its formulation of recommendations, if we provide some comment on particular aspects of the evidence provided by other witnesses on 31 October 2012. This is not an effort to 'verbal' the witnesses' evidence but is submitted to the Inquiry to tie-together and link the common themes which emerged in evidence on that day.

### **5.1 NSW Parents Council, Inc evidence**

5.1.1 It is of note that Dr Mezrani's concluded view was that while brain development occurs up to age 20 or 21, 18 remains an appropriate 'legal age'. That conforms to our previously expressed view that the legal age of 18 has wide and historical community recognition and acceptance and that it should remain unaltered.

5.1.2 It is our understanding that the NSW Parents Council advocated the introduction of an offence provision for under-age service and supply. This provision already is in place. Existing laws preclude the sale, supply and secondary supply to minors, other than in limited circumstances.

It is our view that the vast majority of the community would not take kindly to a government which interfered with their personal rights and freedoms by introducing further restriction which limited the service and supply of alcohol in private settings to only persons of legal age.

In fact, limiting the rights of parents would most likely not be observed, would be impossible to police and would have the immediate effect of further demonising liquor. Our contrary



view is not to glamorise alcohol but to make the relevant laws both practical in implementation, totally understandable and widely known to all.

5.1.3 One issue raised by the Parents Council, which is worthy of further consideration – in addition to our support for a public awareness campaign encapsulating all relevant NSW Liquor Law as it affects appropriate consumption, proper behaviour, age restrictions, etc – is to develop a ‘one-click’ website resource.

Our view is that the website should be developed in conjunction with and as an adjunct to the NSW Government’s wider education advertising campaign.

While some seem to believe the education should be targeted at young people, we are of the view that a much more effective outcome, and one which is more economical and budget sensitive, would be to target all citizens with one campaign. This is supported by the evidence given by the Parents Council that there is a demonstrated wide community misunderstanding of liquor laws and that parents’ behaviour dictates children’s behaviour (in that there is no use educating children if parents continue to display a different behaviour).

In this regard, and to ensure the most palatable education campaign, it would be useful to heed the suggestion from the NSW Commissioner for Children & Young People, that education and advertising content be developed for young people / by young people so the messages are relevant. That will also allow parents and other adults to relate to the messages and identify with them in respect of their own children or younger relations and acquaintances.

It will be of interest to the Inquiry that in September this year, the NSW Office of Liquor, Gaming & Racing (OLGR) released its Fact Sheet – ‘Underage drinking laws’ – see Attachment ‘B’. While this adequately incorporates all the legal provisions and requirements, it is a rather lengthy and wordy document, is somewhat difficult to find on the internet and is less likely than an education campaign to produce the required level of community understanding and acceptance of both legislative and responsible consumption requirements.

Of similar interest to the Inquiry will be that, in relation to alcohol and minors, NSW Police, NSW Health and Education have each produced resources (some of which we have referred to previously in this Supplementary Submission).

## **5.2 Life Education NSW evidence**

AHA (NSW) has been a long-time supporter of the work of Life Education NSW and it was pleasing and encouraging to hear from Jay Bacik.

Rev Bacik’s hands-on experience with educating and providing practical assistance to young people highlighted the need for a simplified and clear message directed towards reminding parents of their moral responsibilities and to help youngsters to conform to the law.

His response, related to a question about sporting associations, was instructive in that it applies equally to licensed premises where, in each case, all responsibility is presently

placed on the 'servers' of alcohol but there is too little emphasis on the control of individual behaviour.

Again, we feel that this is another practical example of how an overall education campaign would be beneficial if it was to concentrate on what is allowed under the law – for all people, not only youngsters.

### **5.3 Prom Night Events evidence**

5.3.1 Mr Kleiner's description of the difficulties which occur at the entranceways to School Formals, when youngsters turn-up expecting to be admitted while already affected by alcohol, is exactly the scenario which confronts staff and security personnel at licensed premises – particularly those in entertainment precincts – on a regular basis.

It is the most frequent cause of the disputes, arguments and aggression which occurs on the streets and in the vicinity of licensed premises.

This scenario of pre-fuelled patrons also supports our view that the public need to be made aware (via an overall alcohol law advisory campaign) of the requirement under liquor law that they cannot and will not be admitted to licensed premises when so affected.

5.3.2 The experience related by Prom Night Events, where some young people attempt to smuggle 'hip-flask'-size bottles and 'miniature' bottles of spirits into functions is also a problem at licensed venues. However, in our experience, although it is an attempt by some to avoid higher 'across the bar' prices, it is far from a regular occurrence in our settings.

Should the Inquiry believe it is an issue which deserves further attention, the existing undesirable products provisions which exist at s100 and s101 of the *Liquor Act 2007* would likely need to be amended and strengthened to allow these products to be banned from sale in NSW.

Having said that, our experience is that those who wish to flaunt the law, would simply buy a larger bottle of spirits and decant the contents into one or several 'hip-flasks'.

5.3.3 We now turn to Mr Kleiner's suggestion that s117 (4) of the *Liquor Act 2007* be tightened to include a requirement that the supply of alcohol to minors must be 'responsible'. The existing provision states:

***“Supplying liquor to minors on other premises***

*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”.*

AHA (NSW) believes that society would generally accept this additional 'responsible' provision, although domestic premises are now specifically excluded.

It will be necessary - before it is recommended by the Inquiry - to determine how it is enforced and whether it has been effective in other States. It would also need to be

determined that it would provide an additional safeguard than is currently afforded in s117 (5) which states:

*“It is a defence to a prosecution for an offence under subsection (4) if it is proved that the defendant was authorised to supply liquor to the minor by the parent or guardian of the minor”.*

Reports of the initiatives adopted in Queensland and Tasmania indicate their laws have been tightened to preclude the ‘reckless’ and/or ‘excessive’ supply of alcohol minors when it occurs without parental consent or knowledge.

Utilising our wide experience in our industry which responds to millions of patrons, AHA (NSW) would be anxious to participate with the Parliamentary Inquiry, in a closer examination of interstate schemes and provisions to determine:

- those which could be recommended as being advantageous to NSW;
- how ‘excessive supply’ and ‘without adequate supervision’ are both determined;
- how additional provisions might be introduced to cover supply which is ‘sanctioned’ by parental consent;
- the acceptable forms of parental consent;
- the quantum of offence penalties in interstate jurisdictions and their effectiveness or otherwise.
- and finally, whether the delegated assignment provisions in the *Liquor Act 2007* should remain or be made more rigid.

5.3.4 Prom Night Events oral evidence also raised the suggestion that ‘Minors Functions Authorisations’ be extended to all licensed premises.

AHA (NSW) has subsequently re-examined the provisions of s121 & s122 of the *Liquor Act 2007*. Our conclusion is that the existing provisions are appropriate as they stand and are all that are needed.

To extend the Minors Authorisation to other than hotels and public entertainment venues by perhaps including restaurants and registered clubs appears to be unnecessary. In this regard, the Inquiry may wish to ascertain the views of the NSW Office of Liquor, Gaming & Racing and those of ClubsNSW and the NSW Restaurant & Catering Association.

## **5.4 Foundation for Alcohol Research and Education evidence**

5.4.1 In his evidence, Mr Thorn appeared to attribute some of the difficulties associated with alcohol consumption by minors to the wide availability of alcohol in our community.

It is the view of AHA (NSW) that those relatively few underage people who are hell-bent on obtaining and illegally consuming alcohol will, regardless of the number of outlets, still find ways to obtain it.

5.4.2 Mr Thorn also quoted figures which imply that 4 per cent of 13 to 15 year olds ‘say’ they bought alcohol at a liquor store and among those closer to age 18, it was 40 per cent.

Those figures need to be considered by the Inquiry in light of the fact that, when questioned about what they know as an illegal activity, young people are not likely to 'dob-in' their friends or family who have helped them obtain liquor through secondary supply.

5.4.3 In regard to the suggestion that s117 (4) of the *Liquor Act 2007* needs to be tightened, we have already addressed (in in para 5.3.3 above) the issues which the Inquiry will carefully need to consider before arriving at a concluded view.

5.4.4 Mr Thorn's submission included a suggestion that 'Controlled Purchase' mechanisms be introduced in NSW. These are 'sting operations' where teenagers would be used as decoys to attempt to obtain liquor from licensed premises.

As our representative submitted in his opening statement at the Public Hearing, this suggestion has been considered and dismissed in the past.

While such operations have been used, in limited circumstances, to detect underage purchase of tobacco products, the main difference with alcohol is that minors would be required to enter licensed premises – and thus by itself, that activity would be breaking the law and would not achieve anything more than provided in existing legislation, where serious offence penalties and sanctions for underage supply already exist.

Put another way, it would be illegal to supply alcohol to a minor even if that sale is supervised covertly by police, so the young person, the venue and the supervisor break the law.

It must also be noted that alternative operations which might use persons who 'look' under 18 but who are in fact already 'of age', serves no useful purpose because it is not illegal to supply (or to purchase) when a person attains the age of 18.

In NSW, the Controlled Operations legislation is reserved for solely significant crimes including drug distribution, firearms offences etc.

5.4.5 It was useful that Mr Thorn, like all other witnesses, agreed that there was poor community understanding and acceptance of existing liquor laws.

## **5.5 NSW Commission for Children and Young People evidence**

5.5.1 The compelling evidence provided by Cmr Mitchell and Ms Whittington reinforced many of the conclusions of earlier witnesses, and included that:

- everyone knows the legal age is 18, but are unaware of the finer details of NSW liquor law;
- the current education, which concentrates on minimising harm associated with alcohol consumption by young people, ignored the laws as they currently stand;
- statistics confirmed a high percentage of alcohol was supplied to minors by parents;

- initiatives were necessary which provide guidance to influence and educate parents;
- increasing the legal drinking age to 21 might increase risky liquor consumption (as evidenced in New Zealand);

AHA (NSW) supports those views, particularly because they emphasise the need for a different tactic from existing harm minimisation strategies to an approach which concentrates on liquor law education.

5.5.2 In regard to the content of an education campaign, we were encouraged that the Commissioner stated that “regulation and education go together nicely” and, as we submitted above, it would be useful to heed the suggestion from Commissioner, that education and advertising content be developed “for young people / by young people” so the messages are relevant. That would also allow parents and other adults to relate to the messages and identify with them in respect of their own children and younger acquaintances.

AHA (NSW) has indicated to Commissioner Mitchell that we would be prepared to work in conjunction with the Commission for Children and Young People in the development of the content of a future education campaign.

5.5.3 It is noted that the preference of the Commission for Children and Young People is to remove the ability to delegate ‘supply responsibility’ in cases where parents cannot guarantee the responsible behaviour of other adults.

While this is a laudable suggestion, we query how it would operate in practice; whether it would actually have the desired affect and whether it would, by itself, change the attitude of those adults who now display an “I don’t care” disregard for or no understanding of the present laws.

The comment that we “need to get into the heads of parents” supports our view that education which covers relevant aspects of liquor law is the way forward.

5.5.4 The Commissioner’s view that financial penalties could have an adverse affect on families in lower socio-economic circumstances, compared to those who can more easily afford to pay infringements, is accepted.

However, it is our view that the Inquiry needs to balance this against the deterrent which monetary fines do provide and the clear message that they send to the entire community.

In this regard, we note that Premier O’Farrell was reported to be positive towards one of the suggestions in our previous written submission which provided that a monetary penalty should be imposed on unaccompanied minors who attempt to enter licensed premises.

Media reports such as Seven News of 23 September 2012 and Illawarra Mercury of 24 September, quote the NSW Premier as saying “he welcomed the idea and believed parents should bear some responsibility”.

It was equally encouraging to read other comment such as in the Northern Daily Leader's editorial of 24 September 2012, which was right on the mark when it stated:

*“There is some merit in an Australian Hotels Association proposal to get tough on underage drinkers. Firstly, the submission the hotels body has made to the NSW government has been made for all the right reasons.*

*Pubs don't want underage drinkers in their establishments or bottle shops and placing an onus on the law breakers is a good move.*

*Up to now the rules and regulations have been a little one sided. Pubs and clubs face significant fines if kids under the legal drinking age purchase or consume alcohol on or from their premises.*

*While we must have laws to deter those who are considered too young to make sensible decisions about alcohol, it's wrong that the onus rests with the publicans and their staff”.*

## 6.0 Concluding remarks

6.1 AHA (NSW) hopes that this Supplementary Submission will be of benefit to all Members of the Parliamentary Inquiry and assist them to arrive at practical recommendations for further consideration by the NSW Government.

6.2 While we have addressed issues canvassed in evidence given to the Public Hearing on 31 October, we also commend and draw the Inquiry's attention to other issues raised in our initial submission, including that:

- the provisions [at s114] of the Liquor Act be reviewed so that sale of alcohol over the internet and its receipt on delivery can be better restricted to persons above 18 years of age – para 2.1.5;
- the offence provisions and monetary penalties in s124 & s126 for allowing minors on licensed premises (including bottle shops / liquor stores) be extended to include an offence for minors attempting or actually entering licensed premises – paras 2.1.6 & 2.2.2
- the view of Police be obtained to examine how the provisions of s118 of the Liquor Act can be more readily enforced – para 2.1.9;
- the defence provisions in s117(4) of the Liquor Act be tightened – para 2.4.1;
- hire contracts for functions in community halls include a requirement to engage RSA-accredited security personnel – para 2.4.3;
- police patrols of public parks, etc be increased – para 2.5.2; and
- the Inquiry recommend a review of *The Children (Parental Responsibility) Act 1994* and include our recommended additional provisions – para 2.5.3

6.3 If it will be of further assistance to the Inquiry, AHA (NSW) will be most willing to make our representatives available to further explore and develop these suggestions.

In this regard, initial contact should be made with Mr Paul Nicolaou, Chief Executive Officer

Attachment 'A' – OLGR (NSW) Fact Sheet – 'Underage drinking laws'

Attachment 'B' – Sample Standard Drinks Guide

## Underage drinking laws



This fact sheet outlines underage drinking offences in the NSW liquor laws and the restrictions applying to under 18s in licensed premises.

**Important note** – under 18s are referred to as “minors” in the liquor laws.

### Responsible adults

This fact sheet includes information on the legal obligations of a “responsible adult” when they accompany a minor into licensed premises and in other situations. A “responsible adult” is an adult who is:

- a) a parent, step-parent or guardian of the minor
- b) the minor’s spouse or de facto partner, or
- c) for the time being standing in as the parent of the minor.

### Proof of age documents

The documents listed below are the only documents acceptable as proof of age under NSW liquor laws. No other documents can be accepted by licensed premises as proof of age.

- a) a motor vehicle driver or rider licence or permit issued by the NSW Roads & Maritime Services (formerly NSW Roads and Traffic Authority) or by the corresponding public authority of another State or Territory or by another country
- b) a NSW Photo Card issued by Roads & Maritime Services
- c) a proof of age card issued by a public authority of the Commonwealth or of another State or Territory (other than NSW), or
- d) an Australian or foreign passport.

### Obligations on alcohol licensees, staff and members of the public

A maximum court imposed fine of \$11,000 and/or 12 months imprisonment, or an on-the-spot penalty of \$1,100, applies for the following five offences.

#### 1. Selling alcohol to minors

A person (including a parent or guardian) must not sell alcohol to a minor.

#### 2. Supplying alcohol to minors on licensed premises

A person (including a parent or guardian) must not supply alcohol to a minor on licensed premises.

A person can avoid a penalty if he/she proves that the minor was at least 14 years old and had produced a proof of age document that appeared genuine and indicated he/she was 18 years of age or older.

#### 3. Supplying alcohol to minors on other premises

A person must not supply alcohol to a minor on unlicensed premises unless the person is the minor’s parent or guardian.

A person can avoid a penalty if he/she proves that he/she was authorised to supply the alcohol by the minor’s parent or guardian.

#### 4. Obtaining alcohol for minors from licensed premises

A person must not obtain alcohol from licensed premises on behalf of a minor unless he/she is the minor’s parent or guardian.

A person can avoid a penalty if he/she proves that they were authorised to obtain the alcohol by the minor’s parent or guardian.

#### 5. Allowing alcohol to be sold or supplied to minors on licensed premises

A licensee must not allow alcohol to be sold or supplied or served to a minor on licensed premises.

A licensee can avoid a penalty if he/she proves that the alcohol was supplied to the minor by the minor’s parent or guardian.

#### **Burden of proof: Important note for parents, guardians and authorised adults**

A parent or guardian will need to prove in a court that they are the parent or guardian of the minor. A member of the public will need to prove in a court that he/she was authorised by the parent or guardian to supply alcohol to the minor.

**Note:** Offences relating to licensees supplying or allowing alcohol to be supplied to a minor on licensed premises do not apply where a licensed caterer supplies alcohol on private domestic premises.



# Underage drinking laws



## Minors cannot obtain, consume or carry away alcohol from licensed premises

- a minor must not consume alcohol on licensed premises.
- a minor must not obtain, or attempt to obtain, alcohol for consumption on licensed premises.
- a minor must not carry alcohol away, or attempt to carry alcohol away, from licensed premises unless he/she was ordered or requested by another person to do so.
- a minor must not consume alcohol in an unlicensed restaurant unless it is consumed in the company of, and with the permission of, the minor's parent or guardian.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a minor for these offences.

*Note: The above offences do not apply where a licensed caterer supplies alcohol on private domestic premises.*

## Person must not send, order or request a minor to obtain alcohol

- a person must not send a minor to licensed premises to obtain alcohol.
- a person must not order or request a minor to go to licensed premises to obtain alcohol.

A maximum court imposed fine of \$3,300, or an on-the-spot penalty of \$1,100, applies for these offences.

*Note: The above offences do not apply where a licensed caterer supplies alcohol on private domestic premises.*

## Responsible adult not to allow minor to consume alcohol on licensed premises

A responsible adult who is accompanying a minor must not allow the minor to consume alcohol on licensed premises.

A maximum court imposed fine of \$3,300, or an on-the-spot penalty of \$330, applies to a responsible adult for this offence.

To avoid a penalty, the person must prove that he/she was not the responsible adult in relation to the minor at the relevant time.

## Licensee not to allow minors to sell or supply alcohol on licensed premises

A licensee who wishes to allow a minor to sell, supply or serve on licensed premises must first obtain approval from the Independent Liquor & Gaming Authority.

A maximum court imposed fine of \$5,500, or an on-the-spot penalty of \$550, applies to a licensee if approval is not obtained.

## Minors on licensed premises

### What is a "bar area" in a hotel or registered club?

A "bar area" means any part of the hotel or club premises in which alcohol is ordinarily sold or supplied for consumption on the premises. However, a "bar area" does not include:

- a dining area in a hotel or club, or
- any part of a hotel in which alcohol is sold or supplied exclusively to residents (not including an area in respect of which a residents' bar authorisation is in force), or
- any part of a hotel where a minors area authorisation or minors functions authorisation is in force at the particular time, or
- any part of club premises where a non-restricted area is in force, or
- any part of club premises where a junior members authorisation or a club functions authorisation is in force at the particular time.

## Minor not to enter or remain in hotel and club bar areas

A minor must not enter or remain in the bar area of a hotel or registered club.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a minor for this offence.

A minor can avoid a penalty if he/she proves that they believed on reasonable grounds that a minors functions authorisation was in force for the hotel bar area.

## Minors performing in a bar area

A minor can enter or remain in a bar area of a hotel or registered club while in the company of a responsible adult if he/she is performing in a show or other live entertainment performance held in the bar area.

## Minors travelling through a bar area

A minor can enter or remain in a bar area of a hotel or registered club while in the company of a responsible adult for as long as is reasonably necessary to access another area of the hotel or club premises that the minor may lawfully enter.

## Minors attending weddings in a club bar area

A minor can be in the bar area of a registered club to attend a wedding reception for a member of the club, or for a child or parent of a member of the club, or for someone whom a member of the club has acted as a guardian. The minor must have been formerly invited to the reception.

# Underage drinking laws



## **Apprentices and trainees**

A minor can enter or remain in a bar area of a hotel or registered club if he/she:

- is an apprentice or trainee as defined in the *Apprenticeship and Traineeship Act 2001* and is receiving trade training (cannot be training in the sale, supply or service of alcohol), or
- is receiving training and instruction in the servicing, repair or maintenance of gaming machines under the supervision of a licensed gaming machines technician.

## **Minors in hotels in the company of a responsible adult – Minors area authorisation**

A hotel licensee may apply for a minors area authorisation to enable a minor to use a part of the hotel while in the company of a responsible adult. An application form is available from [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au). A minors area authorisation can apply to an area of a hotel that would otherwise be a bar area.

Minor must be accompanied by a responsible adult in certain hotel areas and public entertainment venues

A minor must not:

- enter or remain in a part of a hotel where a minors area authorisation is in force unless he/she is in the company of a responsible adult, or
- or remain in a licensed public entertainment venue unless he/she is in the company of a responsible adult, or a function is being held in the venue in accordance with a minors functions authorisation.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a minor for this offence.

## **Minors attending a function**

A minor can avoid a penalty if he/she proves that they believed on reasonable grounds that a minors functions authorisation was in force for the hotel bar area.

This offence does not apply to a licensed public entertainment venue that is a cinema or theatre.

## **Apprentices and trainees**

A minor can enter or remain in a part of a hotel in respect of which a minors area authorisation is in force or in a licensed public entertainment venue without being in the company of a responsible adult if he/she:

- is an apprentice or trainee (within the meaning of the *Apprenticeship and Traineeship Act 2001*) and is receiving trade training that is not training in the sale, supply or service of alcohol, or
- is receiving training and instruction in the servicing, repair or maintenance of gaming machines under the supervision of a licensed gaming machines technician.

## **Burden of proof: Important note for responsible adults**

If a responsible adult is charged with an offence, he/she will need to prove they were the responsible adult in relation to a minor.

## **Functions for minors in hotels and public entertainment venues – Minors functions authorisation**

A hotel or public entertainment venue licensee may apply for a minors functions authorisation to enable minors to attend a function in a part of the licensed premises. An application form and fact sheet are available from [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au). An authorisation is not required to allow unaccompanied minors into a cinema or theatre.

The following conditions apply to a minors functions authorisation:

- at least 7 days notice must be given to the local police before any function is held
- the notice must specify the name and nature of the function, the number of minors attending, the number of adult supervisors, and details of the security arrangements
- the licensee and person conducting the function must comply with any directions given by the local police or the Authority
- alcohol must not be sold, supplied, disposed of or consumed in the function area
- gaming machines and tobacco vending machines must not be located in the function area, and
- any area in which gaming machines or tobacco vending machines are located must not be accessible to any minor attending the function.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies if these conditions are not complied with.

## **Licensee not to allow minors to enter or remain in hotel and club bar areas**

A licensee is guilty of an offence if a minor enters a bar area of a hotel or club premises.

A licensee is also guilty of an offence if a minor is not immediately removed from a bar area of a hotel or club premises.

A maximum court imposed fine of \$5,500, or an on-the-spot penalty of \$1,100, applies to a licensee for these two offences.

## ***Minors performing in a bar area***

These offences do not apply where a minor is in a bar area of a hotel or club premises while in the company of a responsible adult and is performing in a show or other live entertainment performance held in the bar area.

## ***Minors travelling through a bar area***

These offences do not apply where a minor is in a bar area of a hotel or club premises while in the company of a responsible adult for as long as is reasonably necessary to access another area of the hotel or club premises that the minor may lawfully enter.

## ***Minors attending weddings in a club bar area***

These offences do not apply where a minor is in the bar area of club premises to attend a wedding reception for a member of the club, or for a child or parent of a member of the club, or for someone who a member of the club has acted as a guardian. The minor must have been formerly invited to the reception.

## ***Apprentices and trainees***

These offences do not apply where a minor is in a bar area of a hotel or club premises if he/she is an apprentice or trainee (within the meaning of the *Apprenticeship and Traineeship Act 2001*) and is receiving trade training that is not training in the sale, supply or service of alcohol.

## **Licensee not to allow minors to enter or remain in certain hotel areas and public entertainment venues**

A licensee is guilty of an offence if a minor who is not in the company of a responsible adult enters:

- a part of a hotel in respect of which a minors area authorisation is in force, or
- a licensed public entertainment venue.

A licensee is also guilty of an offence if a minor who is not in the company of a responsible adult is not immediately removed from:

- a part of a hotel in respect of which a minors area authorisation is in force, or
- a licensed public entertainment venue.

A maximum court imposed fine of \$5,500, or an on-the-spot penalty of \$1,100, applies to a licensee for these two offences.

These offences do not apply to a licensed public entertainment venue that is a cinema or theatre.

These offences do not apply if the minor:

- was at least 14 years old and had produced a proof of age document that appeared genuine and indicated the minor was 18 years of age or older,
- is an apprentice or trainee (within the meaning of the *Apprenticeship and Traineeship Act 2001*) and is receiving trade training that is not training in the sale, supply or service of alcohol,
- has entered, or is on, the licensed premises concerned for such purposes, or in such circumstances, as may be approved by the Authority and are specified in the licence,

- is in a hotel or club bar area and is performing in a show or other live entertainment performance held in the bar area and is in the company of a responsible adult.

## ***Minors attending a function***

These offences do not apply where a minor is in a licensed public entertainment venue to attend a function in accordance with a minors functions authorisation.

## ***Burden of proof: Important note for licensees***

A licensee will need to prove in court that a person was the responsible adult in relation to a minor.

## **Responsible adult not to leave minor unaccompanied on licensed premises**

A responsible adult must not leave a minor unaccompanied on licensed premises without first informing the licensee or an employee or agent of the licensee.

A maximum court imposed fine of \$3,300, or an on-the-spot penalty of \$330, applies to a responsible adult for this offence.

## ***Burden of proof: Important note for responsible adults***

If a person is charged with an offence, he/she will need to prove they were not the responsible adult in relation to a minor.

## **Minors must be refused entry to licensed premises**

If a "responsible person" for a hotel/club/licensed public entertainment venue is aware that a suspected minor is attempting to enter the premises, and the presence of that person if he/she is under the age of 18 years would be an offence, the responsible person must refuse entry unless the person produces a proof of age document that appears genuine and indicates the person is 18 years of age or older.

# Underage drinking laws



A maximum court imposed fine of \$5,500, or an on-the-spot penalty of \$550, applies to the responsible person for this offence.

A “responsible person” means all of the following persons:

- the licensee
- the manager of the premises
- an employee or agent of the licensee or manager, and
- a person acting or purporting to act on behalf of the licensee or manager.

## Alcohol sales via the internet or other media

A licensee who sells alcohol by retail by taking orders over the telephone, by facsimile or by mail order must display their licence number in any advertisement or published information.

A licensee who sells alcohol by retail through an internet site must prominently display their licence number on the site and in any advertisement or published information.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a licensee for these offences.

A licensee who sells alcohol by retail by taking orders over the telephone, by facsimile or by mail order, or who sells alcohol through an internet site, must require the buyer to supply his/her date of birth to confirm they are at least 18 years of age. A buyer need only supply their date of birth once if the licensee records it for subsequent purchases.

The licensee must also give written instructions to the person responsible for delivery of the alcohol requiring it be delivered:

- to the adult person who placed the order, or
- to another adult person at those premises who undertakes to accept it on behalf of the person who placed the order, or
- if the delivery is not made on the same day as the order is taken or the sale is made, in accordance with the customer’s instructions.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a licensee for these offences.

## ***Delivery of alcohol received by a minor***

Delivery of alcohol sold via the internet, telephone, facsimile or mail order to a minor is an offence. The licensee, and any person who delivers the alcohol on the licensee’s behalf, are taken to have committed an offence.

A maximum court imposed fine of \$11,000 and/or 12 months imprisonment, or an on-the-spot penalty of \$1,100, applies to a licensee and a person who delivers alcohol for these offences.

A licensee can avoid a penalty if he/she proves that:

- he/she complied with the requirements referred to above (i.e. required the purchaser to state his/her date of birth and provided written instructions to the person responsible for delivery of the alcohol), and
- at the time he/she did not know, and could not reasonably be expected to have known, that the offence was committed.

A person (not a licensee) can avoid a penalty if he/she proves that:

- the person to whom the alcohol was delivered was at least 14 years old and had produced a proof of age document that appeared genuine and indicated he/she was 18 years of age or older, and
- at the time he/she did not know, and could not reasonably be expected to have known, that the offence was committed.

A minor must not take delivery of any alcohol sold over the telephone or by facsimile or by mail order or through an internet site unless he/she was ordered or requested by his or her parent or guardian.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a minor for this offence.

A person must not order or request a minor to take delivery of alcohol sold over the telephone or by facsimile or by mail order or through an internet site.

A maximum court imposed fine of \$3,300, or an on-the-spot penalty of \$330, applies to a person for this offence.

# Underage drinking laws

## Requesting information and evidence (proof) of age from minors

### Minor required to provide information to licensee, police, etc

A licensee, their employee or agent, a police officer or an inspector may require a person who is reasonably suspected of being a minor and is attempting something unlawful under the alcohol laws to state their full name, residential address and date of birth. The person may also be required to produce there and then, or at a police station within a reasonable time, a proof of age document.

When requested, the person must not:

- refuse or fail to state his or her full name, residential address and date of birth, or
- unless they have a reasonable excuse, refuse or fail to produce a proof of age document that may reasonably be accepted as applying to the person.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a person for this offence.

### Minor must not use false evidence of age

A minor who uses any false evidence of age document in order to gain entry to, remain in, or obtain alcohol from, licensed premises, is guilty of an offence.

A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to a minor for this offence.

A minor who uses fake ID may also have his or her provisional driver licence extended for an additional six months (from 36 to 42 months).

### Signs in licensed premises

Information about signs that must be displayed on licensed premises in relation to minors is available in our Fact Sheet available from [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au).



**Trade & Investment**

Office of Liquor, Gaming & Racing

Level 6, 323 Castlereagh St, Haymarket NSW 2000  
GPO Box 7060, Sydney NSW 2001  
Telephone 02 9995 0666 [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)

## NUMBER OF STANDARD DRINKS – BEER



**1.1**

285ml

Full Strength  
4.8% Alc. Vol



**0.8**

285ml

Mid Strength  
3.5% Alc. Vol



**0.6**

285ml

Low Strength  
2.7% Alc. Vol



**1.6**

425ml

Full Strength  
4.8% Alc. Vol



**1.2**

425ml

Mid Strength  
3.5% Alc. Vol



**0.9**

425ml

Low Strength  
2.7% Alc. Vol



**1.4**

375ml

Full Strength  
4.8% Alc. Vol



**1**

375ml

Mid Strength  
3.5% Alc. Vol



**0.8**

375ml

Low Strength  
2.7% Alc. Vol



**1.4**

375ml

Full Strength  
4.8% Alc. Vol



**1**

375ml

Mid Strength  
3.5% Alc. Vol



**0.8**

375ml

Low Strength  
2.7% Alc. Vol



**34**

24 x 375ml

Full Strength  
4.8% Alc. Vol



**24**

24 x 375ml

Mid Strength  
3.5% Alc. Vol



**19**

24 x 375ml

Low Strength  
2.7% Alc. Vol

These are only an approximate number of standard drinks. Always read the container for the exact number of standard drinks.



# NUMBER OF STANDARD DRINKS – WINE



**1.5**

150ml

Average

Restaurant Serving  
of Red Wine  
13% Alc. Vol



**1**

100ml

Standard Serve  
of Red Wine  
13% Alc. Vol



**0.8**

60ml

Standard Serve  
of Port  
17.5% Alc. Vol



**1.4**

150ml

Average

Restaurant Serving  
of White Wine  
11.5% Alc. Vol



**0.9**

100ml

Standard Serve  
of White Wine  
11.5% Alc. Vol



**1.4**

150ml

Average Restaurant  
Serve of Champagne  
12% Alc. Vol



**7.1**

750ml

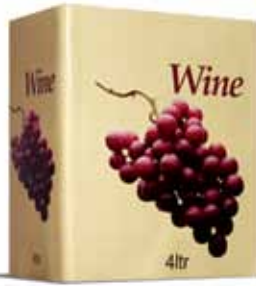
Bottle of Champagne  
12% Alc. Vol



**7.7**

750ml

Bottle of Red Wine  
13% Alc. Vol



**41**

4 Litres

Cask Red Wine  
13% Alc. Vol



**21**

2 Litres

Cask Red Wine  
13% Alc. Vol



**6.8**

750ml

Bottle of White Wine  
11.5% Alc. Vol



**36**

4 Litres

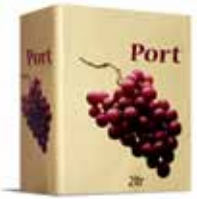
Cask White Wine  
11.5% Alc. Vol



**18**

2 Litres

Cask White Wine  
11.5% Alc. Vol



**28**

2 Litres

Cask of Port  
17.5% Alc. Vol

These are only an approximate number of standard drinks. Always read the container for the exact number of standard drinks.

# NUMBER OF STANDARD DRINKS – SPIRITS

							
<b>1</b>	<b>22</b>	<b>1.1</b>	<b>1.2</b>	<b>2.6</b>	<b>1.5</b>	<b>1.8</b>	<b>3.6</b>
30ml	700ml	275ml	330ml	660ml	275ml	330ml	660ml
High Strength Spirit Nip	High Strength Bottle of Spirits	Full Strength RTD*	Full Strength RTD*	Full Strength RTD*	High Strength RTD*	High Strength RTD*	High Strength RTD*
40% Alc. Vol	40% Alc. Vol	5% Alc. Vol	5% Alc. Vol	5% Alc. Vol	7% Alc. Vol	7% Alc. Vol	7% Alc. Vol
							
<b>1</b>	<b>1.2</b>	<b>1.5</b>	<b>1.7</b>	<b>1.4 – 1.9</b>	<b>1.6</b>	<b>2.1</b>	<b>2.4</b>
250ml	300ml	375ml	440ml	250ml	300ml	375ml	440ml
Full Strength Pre-mix Spirits	Full Strength Pre-mix Spirits	Full Strength Pre-mix Spirits	Full Strength Pre-mix Spirits	High Strength Pre-mix Spirits	High Strength Pre-mix Spirits	High Strength Pre-mix Spirits	High Strength Pre-mix Spirits
5% Alc. Vol	5% Alc. Vol	5% Alc. Vol	5% Alc. Vol	7% – 10% Alc. Vol	7% Alc. Vol	7% Alc. Vol	7% Alc. Vol

These are only an approximate number of standard drinks. Always read the container for the exact number of standard drinks.

\* Ready-to-Drink