

**Submission
No 3**

PROVISION OF ALCOHOL TO MINORS

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The Chair
Social Policy Committee
Parliament House
Macquarie St
SYDNEY NSW 2000



26 June 2012

Dear Mr Notley-Smith MP

Re: Inquiry into the provision of alcohol to minors

Thank you for providing us with the opportunity to respond to the above inquiry. Within the Victorian context, alcohol continues to play a dominant role in alcohol and other drug (AOD) treatment presentations and youth related alcohol consumption continues to provide challenges for government and other stakeholders.

The Victorian Alcohol and Drug Association have prepared a position paper on Secondary supply which we attach for your reference.

We also note that the Victorian Auditor-General has prepared a report entitled *Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm* and would urge you to reflect on that report in your deliberations. The report can be accessed the Victorian Auditor-General's website:

http://www.audit.vic.gov.au/reports_and_publications/latest_reports/2011-12/20120620-alcohol.aspx

Should you have any queries, please contact the undersigned (details below).

Sincerely,

Sam Biondo

Executive Officer

Victorian Alcohol and Drug Association



Secondary Supply

Issued *September 2011*

Introduction

The Victorian Alcohol and Drug Association (VAADA) would urge caution in implementing secondary supply legislation in Victoria. To date, there has only been limited research on the efficacy of these laws, and at the time of writing, there have been no reviews undertaken following the similar reforms in New South Wales, Tasmania and Queensland.

VAADA appreciates the need to address the harms associated with alcohol consumption including underage drinking, and advocates for the implementation of evidence-informed policy and practices to alleviate these harms. While VAADA acknowledges and endorses the evidence illustrating the elevation of risk associated with alcohol consumption of young people (Preventative Health Taskforce 2009:16) the logistics involved in implementing and enforcing secondary supply legislation, as well as any forecast regarding its impact, do not appear to have been considered.

Benefits of Secondary Supply

VAADA acknowledges the positive messages this legislation may relay to families and young people. The legislation may also engage hosts with a greater sense of responsibility and obligation to supervise events involving young people and alcohol, resulting in a reduction in harmful outcomes for young people while drinking at a private residence, and may have possible positive flow on effects in reducing risk and harm after young people have left a private residence (such as, due to an increased level of adult supervision, a reduction in drink driving). However, the extent of these benefits is speculation and primacy should be given to further research in these areas.

Concerns with Secondary Supply

VAADA maintains some concerns with the policing, as well as the purpose behind imposing such a high financial cost for breaching this legislation (up to \$7,000 (Department of Health 2011)). VAADA is of the view that a lower infringement cost would provide an adequate deterrent. Further, the cost may be a deterrent for police to enforce this law, as they will be aware that some people may struggle to pay this fine, particularly low income families. This legislation may also create resourcing issues for police as the necessary increase in policing resources to enforce this law would inevitably create further work in investigation and administering this law. Furthermore, consideration must be

given to the consequences of increasing police powers to enter a private residence and the commensurate reduction in citizens' civil rights that this legislation will entail.

For some, this law may provide impetus for stronger and clearer means of communication within the family regarding alcohol consumption. Alternately, for others it may result in a communication breakdown, whereby young people do not inform their parents of their activities and who they associate with, and potentially resort to consuming alcohol and other drugs in public places in preference to seeking parental consent. In short, this law could result in unpredictable displacement of young people consuming alcohol. This could increase the risk of harm for young people (as they may be drinking in a public place without supervision) and the community and create further resourcing issues for police.

At present, there is a level of ambiguity regarding what constitutes consent. Verbal consent can be misinterpreted and could be difficult to establish if one contests an offence under this legislation. Written consent may be cumbersome to obtain and it may be difficult to ascertain its authenticity. However, aside from these challenges, the concept of obtaining consent may engender a higher level of communication which would result in constructive discourses in alcohol consumption between parents of groups of young people who regularly associate together. These types of discussions would be beneficial in reducing harm to young people.

VAADA's Recommendations

VAADA maintains a number of concerns about the implications of this legislation as canvassed above. There are a number of uncertainties and therefore VAADA would strongly urge the Victorian Government to undertake appropriate research or ensure that a process of rigorous review is built into the legislation to ensure that it has a clear and publicly available evidenced-informed foundation and aims.

VAADA recommends that:

1. Independent research be undertaken to ascertain the efficacy of this reform prior to its implementation. This research should examine the level of reduction of harm to young people, resourcing costs to the state related to enforcing this law, displacement of young people, demographics most likely to be impacted upon and the impact on familial relations;
2. A rigorous process of review be built into the legislation to ensure that its efficacy is reviewed after a set period. This review should cover the areas outlined in recommendation one.

References

Department of Health 2011, Offence of supplying alcohol to minors, accessed 5 April 2011 from <http://www.health.vic.gov.au/alcoholunder18/minors.htm>

Preventative Health Taskforce 2009, *Preventing alcohol related harm in Australia: a window of opportunity; Australia: the healthiest country 2020*, Australian Government.

Disclaimer

While efforts have been made to incorporate and represent the views of our member agencies, the position and recommendations presented in this Paper are those of VAADA.