

## **Alcohol Policy Coalition Position Statement**

July 2009

### **SUPPLY OF ALCOHOL TO UNDER 18 YEAR-OLDS IN PRIVATE SETTINGS**

#### **Summary**

The use of alcohol by children and teenagers carries particular risks and negative impacts. The supply of alcohol to under 18 year-olds in private settings has inadequate controls in place. The introduction of appropriate legislation will reinforce and support the role that parents play in providing a supportive and safe environment for their children in regard to alcohol. Legislation restricting supply of alcohol to under 18 year-olds in private settings can be viewed as one important component of a comprehensive response to reducing alcohol harm in the community.

The Alcohol Policy Coalition calls for the introduction of nationally consistent legislation. Enforcement of the legislation should be based primarily on an educative approach, backed up by sanctions, with the focus on changing behaviour and creating societal change. Introduction of the legislation should be accompanied by a comprehensive communication and education campaign targeting parents and teenagers. The impacts of the legislation should be closely evaluated and monitored.

#### **The issue**

Secondary Supply of alcohol refers to the sale or supply of alcohol to people under the age of 18 years by adults and by other minors. It is illegal under licensing law in all Australian jurisdictions for staff of licensed premises to serve minors and for adults to purchase alcohol on behalf of minors, although there are exceptions in certain circumstances (e.g. if a meal is consumed.) However, the supply of alcohol to under 18 yr-olds in private homes and at private functions is less clear as the law differs across the country. In most jurisdictions private supply and consumption is unregulated, with only two states currently prohibiting supply to adolescents without the approval of a parent or equivalent responsible adult.

#### ***Levels and patterns of teenage drinking***

The problem of drinking by adolescents, particularly at harmful levels, has been recognised by the Commonwealth Government in the launch of the National Binge Drinking Strategy by the Prime Minister<sup>1</sup> in March 2008.

Alcohol use by young Australians is widespread. The 2005 Australian Secondary Students' Alcohol and Drug Survey (ASSAD)<sup>2</sup> found that in the week prior to the survey, approximately one in ten 12 to 17 year olds reported binge drinking or drinking at risky levels (defined as seven or more drinks for males and five or more for females). For 16 and 17 year olds, one in five drank at risky levels. Further, the National Drug Strategy Household Survey 2007<sup>3</sup> found that more than one-quarter of 14-19 year-olds put

themselves at risk of short-term alcohol-related harm at least once a month, and the proportion was higher among females (28.3%) than males (24.5%).

Alcohol use by young people is of concern for a number of reasons. The Preventative Health Taskforce<sup>4</sup> and the National Health & Medical Research Council in their newly released Australian Guidelines to Reduce Health Risks from Drinking Alcohol<sup>5</sup>, cite some of these as:

- initiation of alcohol use at a young age may increase the likelihood of negative physical and mental health conditions, social problems and alcohol dependence;
- the brain is more sensitive to damage from alcohol in childhood and adolescence as it is still developing, leading to learning difficulties, memory problems and reduced performance on attention-based testing;
- drinking contributes to the three leading causes of death among adolescents – unintentional injuries, homicide and suicide – along with risk taking behaviour, unsafe sex choices, sexual coercion and alcohol overdose;
- risks of accidents, injuries, violence and self-harm are higher among drinkers aged under 18 years, with drinkers under 15 years of age more likely to experience risky or anti-social behaviour<sup>6</sup>.

Young people’s vulnerability to alcohol is recognised in the Australian Guidelines to Reduce Health Risks from Drinking Alcohol published by the National Health and Medical Research Council. Explicitly, they state alcohol is suitable only for adults: “For children and young people under 18 years of age, not drinking alcohol is the safest option.” They advise parents and carers that children under 15 years of age are at the greatest risk of harm from drinking and for this age group abstinence is not negotiable. Young people aged 15–17 years are advised to delay drinking for as long as possible.

A recent Australian study, tracking young people and their drinking patterns from 14- 21 years old, shows drinking in teenage years is linked to higher risks of alcohol dependence problems in young adulthood, even when drinking was at “low-risk” levels<sup>7</sup>. These results confirm earlier Australian research that found the drinking patterns of adolescents in the final years of secondary schooling (high, moderate and low level) is predictive of their drinking in the subsequent early adult years.<sup>8</sup>

### ***Access to alcohol***

Studies on how and where young drinkers acquire alcohol show that most young people report that it is easy or very easy to obtain. Secondary school students say parents are the most common source of alcohol, with 37% of 12- to 17-year-olds indicating their parents gave them their last drink<sup>9</sup>. The proportion of students whose parents supplied them with alcohol was significantly greater among the younger students (39%) than the older students (35%). The three main places for current drinkers to consume alcohol were the family home, a friend’s home or a party.

### ***Why is secondary supply a concern?***

Secondary supply has grown as a community issue over the last decade. It has coincided with the rise in concern about high risk drinking by adolescents, its potential impact on

immediate and longer term health and safety, and realisation of the role adults play in providing comparatively large amounts of alcohol to children, or enabling them to drink in risky circumstances.

The issue arises most commonly at teenage parties when alcohol is supplied by the party hosts, often with inadequate adult supervision. Some parents are concerned that their child is being supplied with alcohol, or has access to it, and is thereby vulnerable to alcohol related risk, particularly without their knowledge or consent. In other cases the hosts of parties are faced with young people attending the event with their own supply of alcohol, often provided by their own parent, which leads to difficulties in controlling behaviour at the function.

Parents, sometimes, give young people alcohol in the belief that it will help to educate them about responsible use, or supply them (i.e. for parties) in the hope that that will control the amount their children will drink, on the assumption that their children won't source an additional amount elsewhere<sup>10</sup>. Parents may want their children to avoid the "wet paint syndrome" where a forbidden behaviour becomes particularly attractive.

Risky drinking by young people is closely associated with unsupervised drinking but parents often supply the alcohol consumed by adolescents in unsupervised situations<sup>11</sup>. Problems associated with the behaviour of intoxicated underage teenagers at events such as 'Schoolies' and youth parties held at private residences recently led the Queensland Government to introduce rigorous legislation to limit the supply of alcohol to adolescents and to control the circumstances in which adolescents drink<sup>12</sup>.

### ***Current legal situation in Australia***

In most states and territories liquor legislation refers to licensed venues only which means liquor supply and consumption in and on domestic premises is not regulated by law. In Victoria, for example, under the *Liquor Control Reform Act 1998* it is not illegal for adults to provide alcohol to minors in a private residence, even when the minors are not their own children; nor is there a limit to the quantity of alcohol they can supply or provide.

Two states, NSW and Queensland, have legislated against secondary supply to underage persons in private premises and the government in Tasmania recently announced that it will introduce legislation<sup>13</sup> to "*prevent people under the age of 18 being supplied with alcohol when they were on private property without proper adult supervision*".

In New South Wales, Section 117 of the *Liquor Act 2007* - states "A person shall not, in any place whether or not licensed premises, sell or supply liquor to a person under the age of 18 years". A parent, guardian and spouse of a minor is exempted from prosecution under the Act. The Act has been in force for some years and it is unclear whether the public is well informed of the restriction. A person convicted of the offence is liable for a penalty of up to \$6000 although most penalties are charged at a fraction of that amount.

Last year the Queensland Government introduced legislation that went further than the law in NSW. Section 156A of the Queensland Liquor Act 1992 now states “*An adult must not supply alcohol to a minor at private place unless the adult is a responsible adult for the minor*” (i.e. parent, step-parent, guardian, or an adult with parental rights and responsibilities.) A second offence of “irresponsible supply” occurs when the adult who supplies a minor with alcohol does not supervise the minor’s consumption of that alcohol to ensure it is consumed safely. Thus, in Queensland any person may be charged with supplying alcohol to a minor unless they have approval to do so; and even if they have approval, or are the minor’s own parent or equivalent, they may be charged with supplying an excessive amount or not providing adequate supervision. A person convicted of either offence is liable for a penalty of up to \$6000.

On the national stage the Australian Government has referred the issue of secondary supply to the Council of Australian Governments (COAG) which has asked the Ministerial Council on Drug Strategy to report on options to reduce binge drinking including reckless secondary supply.

In 2006 the Victorian Parliament’s Drugs and Crime Prevention Committee<sup>14</sup> recommended that the *Liquor Control Reform Act 1998 (Vic)* be amended to prohibit secondary supply in private residences but this advice was not accepted by the government, which cited the difficulties associated with enforcing such a law. The government apparently relied on advice from Victoria Police regarding enforcement, but Victoria Police recently rescinded that view.

### **Summary of arguments supporting the introduction of secondary supply legislation**

Alcohol, while a legal substance widely used in the community, is a psychoactive substance which carries significant risk for the users and others when used inappropriately.

The use of alcohol by children and teenagers carries particular risks and negative impacts.

The role that parents play in providing a supportive and safe environment for their children is an important one in regard to alcohol.

The introduction of appropriate secondary supply legislation will clarify, reinforce and support this role.

Action on secondary supply legislation has strong community support. A recent community attitude survey conducted in Victoria found that 87% of respondents supported or strongly supported the introduction of secondary supply laws<sup>15</sup>

Appropriate legislation prohibiting the irresponsible supply of alcohol to minors would provide the following benefits to the community by:

- setting a community standard for parents to abide by or reject;
- influencing societal norms on underage drinking;

- contributing to educating the community that allowing minors to drink alcohol requires care and supervision;
- providing support to parents and other adults who do not want to give alcohol to minors or encourage drinking;
- placing pressure on adults to cease providing minors with a supply of alcohol;
- not interfering with parents who wish to serve their own children alcohol, in a responsible manner; and
- being likely to contribute to reducing the prevalence and incidence of underage drinking.

Secondary supply legislation can be viewed as one important component of a comprehensive response to reducing alcohol harm in the community.

## **Alcohol Policy Coalition recommendations**

- a) The introduction of nationally consistent secondary supply legislation and that this legislation be based on the Queensland model.

Key aspects include:

- based on the intention to prevent and reduce irresponsible supply, as part of a harm minimisation focus;
  - to legally supply alcohol in a private residence to a minor, the person must not only be a 'responsible adult', but the supply must be consistent with responsible supervision;
  - the legislation allows parents/guardians to supply their children with alcohol in a manner which educates and encourages responsible consumption.
- b) Enforcement of the legislation should be based primarily on an educative approach, backed up by sanctions, with the focus on changing behaviour and creating societal change. The use of diversionary options and counselling of parents should be investigated
- c) Communication and education: introduction of this legislation be accompanied by a comprehensive communication and education campaign targeting parents and teenagers. The campaign would seek to inform the target groups of the new laws; increase awareness of the risks associated with unsupervised teenage drinking; and provide practical information and skills to assist compliance.
- d) Research: the impacts of the introduction of the legislation should be closely evaluated and monitored to identify the effectiveness of the legislation, any unintended consequences and any amendments required.

## **About the Alcohol Policy Coalition**

A new Coalition of health agencies who share a concern about the level of alcohol misuse and the health and social consequences in the community have come together to develop and promote policy responses that are evidence-based and known to be effective in preventing and reducing alcohol related problems.

Members of the new Coalition, which include the Australian Drug Foundation, the Cancer Council Victoria, Turning Point Alcohol and Drug Centre, and VicHealth, have a strong track record in tackling major health issues in the community.

The impetus for the Coalition is the need for a consolidated and coordinated approach and effort by key agencies in preventing and reducing alcohol related problems.

The Coalition believes that finding a solution to the problem of alcohol misuse requires governments, the community, individuals and the alcohol industry to all play a part.

The Coalition's long-term goal is to promote a safer drinking culture in the community.

## References

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