



SECONDARY SUPPLY



NCETA
Australia's National Research Centre
on AOD Workforce Development

What the legislation says
about supplying alcohol to young people



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Licensed Premises & Public Spaces

In Australia, people aged over 18 may legally purchase alcohol from, and consume alcohol on licensed premises and unregulated public places. In all Australian states and territories, people aged under 18 (minors) are prohibited from consuming, purchasing, and being sold or supplied alcohol on licensed premises (with some minor exceptions).

Offences on Licensed Premises & Public Spaces

- It is illegal to sell or supply alcohol to minors in licensed premises or public areas in all states and territories.
- It is illegal for minors to buy, sell, possess or consume alcohol in licensed premises or public areas.

Unregulated Spaces

As Australia does not have a minimum drinking age, minors may legally consume alcohol in premises which are not subject to regulation. Such consumption typically occurs

in private homes, in the presence of family and friends. While most minors either abstain or drink alcohol in a 'low risk' manner, some 16- to 17-year-olds drink riskily.¹

National Health and Medical Research Centre (NHMRC) Alcohol Guidelines

Regardless of their level of consumption, adolescent drinking is contrary to the 2009 National Health and Medical Research Centre's (NHMRC) Australian Guidelines to Reduce Health Risks from Drinking Alcohol² which recommend:

- Adolescents under 15 years of age abstain from drinking any alcohol
- The safest option for young people aged 15 to 17 years is to delay drinking for as long as possible.

These guidelines are based upon the recognition that young people under the age of 15 are at the greatest risk of harm from drinking and that the health risks associated with drinking alcohol accumulate over a person's lifetime. Therefore, the more young

people drink, the greater their risk of suffering either short-term (e.g., victim of an assault) and/or long-term alcohol-related harm (e.g., chronic disease).

How do Minors Obtain Alcohol?

As minors are unable to legally purchase alcohol for themselves, most rely upon their parents, friends, and peers to supply them with alcohol. This is known as **secondary supply**. Secondary supply generally occurs in private homes with alcohol supplied by parents, friends, and acquaintances.

Australian Statutory Provisions

Secondary supply is an important factor in underage drinking in Australia, and several Australian states and territories have implemented legislation which seeks to limit who may give minors alcohol, as well as set boundaries regarding the way minors are supplied with alcohol on private premises.

Each jurisdiction has different legislation.

Regulating Secondary Supply

New South Wales, the Northern Territory, Queensland, Tasmania and Victoria all limit the people who may supply alcohol to minors to private premises.

In these jurisdictions, minors may only be supplied alcohol on private premises by:

- Parents/guardians or responsible persons/adults
- People authorised by the parent/guardian
- People who have parental rights and responsibilities for the minor.

If anyone, other than a parent, supplies alcohol to a minor without the permission of the minor's parents in NSW, NT, QLD, TAS, and VIC they may be subject to criminal prosecution.

In the Australian Capital Territory, South Australia and Western Australia there are no legislative restrictions on who may supply alcohol to minors on private premises (see Table 1).

Table 1 Secondary Supply Offences by State and Territory (as at February 2013)

State	ACT	NSW	NT	QLD	SA	TAS*	VIC	WA
An offence for a person (other than parent/guardian responsible for person) to supply liquor to a person under 18 years on private premises	No	Yes	Yes	Yes	No	Yes	Yes	No
An offence to not responsibly supervise a minor for whom the adult is responsible and has supplied liquor	No	No	Yes	Yes	No	Yes	No	No

Responsible Supply of Alcohol

In the Northern Territory, Queensland, and Tasmania those who supply alcohol to minors must also *supervise* the minor's consumption of alcohol and ensure that alcohol is supplied in a *responsible* manner. There are no similar provisions in the legislation in New South Wales and Victoria.

How do you responsibly supervise a minor's alcohol consumption?

Responsible Supervision

Factors which indicate whether a minor's alcohol consumption was responsibly supervised include:

- whether the adult and/or minor were 'drunk' (Northern Territory), 'intoxicated' (Tasmania) or 'unduly intoxicated' (Queensland)
- the age of the minor
- whether the adult was supervising the minor's consumption of alcohol 'directly' (Tasmania) or 'responsibly' (Northern Territory and Queensland)
- whether food was provided for minors to consume
- the quantity and type of liquor consumed
- the period of time over which alcohol was consumed.

Many of these factors are common sense. They reflect the strategies parents already put in place when trying to teach their children how to consume alcohol responsibly.

What parents may not understand is how to determine whether their child is drunk, intoxicated, or unduly intoxicated according to the law.

How are 'drunk', 'intoxicated', and 'unduly intoxicated' defined?

Northern Territory: A person is drunk if their speech, balance, coordination or behaviour appears to be noticeably impaired; and it is reasonable to believe the impairment results from the person's consumption of liquor.

Queensland: Unduly intoxicated means a state of being in which a person's mental and physical faculties are impaired because of consumption of liquor so as to diminish the person's ability to think and act in a way in which an ordinary prudent person in full possession of his or her faculties, and using reasonable care, would act under like circumstances.

Tasmania: Intoxicated is not statutorily defined in Tasmania. Therefore, its ordinary dictionary meaning would apply. However, intoxicated has been

legally accepted as 'a state wherein there is, due to the effects of alcohol or drugs, a loss of self control or judgement which is more than of minor degree'. This means the person must be 'at least materially, to very materially, affected by liquor.'

Indicators of Intoxication

Due to their inexperience with alcohol and sometimes their smaller size, minors may exhibit the characteristics of intoxication more quickly than adults. Indicators of intoxication include:

- Speech: Slurring, difficulty-forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible
- Coordination: Sways, staggers, stumbles, trips, weaves, walks into objects
- Appearance: Bloodshot-eyes, eyes-glazed, inability to focus, tired, asleep, dishevelled
- Behaviour: Inappropriate actions or language, aggressive, rude, over-friendly, argumentative.

References

- ¹ Australian Institute of Health and Welfare. 2010 National Drug Strategy Household Survey report. Drug statistics series no. 25. Cat. no. PHE 145. Canberra: Australian Institute of Health and Welfare 2011.
- ² National Health and Medical Research Council (2009). Australian guidelines to reduce health risks from drinking alcohol. Canberra: Commonwealth of Australia.
- ³ Drabsch, T. (2003). Alcohol Abuse. Sydney, NSW: New South Wales Parliamentary Library; South Tweed Heads Rugby League Football Club Limited v Cole & 1 Or [2002] NSWCA 205 revised - 28/08/2002.
- ⁴ Iron Knob Hotel [2009] SALC 17; Robinson v Warren (1976) 4 QLD Lawyer 211.

National Centre for Education and Training on Addiction (NCETA) (Producer). (2011) Liquor Licensing Legislation in Australia: DVD.

Trifonoff, A., Andrew, R., Steenson, T., Nicholas, R., & Roche, A.M. (2011). *Liquor Licensing in Australia: An Overview*. Adelaide, SA: National Centre for Education and Training on Addiction (NCETA), Flinders University.

Trifonoff, A., Andrew, R., Steenson, T., Nicholas, R., & Roche, A.M. (2011). *Liquor Licensing in Australia: Police Expectations and Experiences*. Adelaide, SA: National Centre for Education and Training on Addiction (NCETA), Flinders University.

Trifonoff, A., Andrew, R., Steenson, T., Nicholas, R., & Roche, A.M. (2011). *Liquor Licensing Legislation in Australia: Executive Summary*. Adelaide, SA: National Centre for Education and Training on Addiction (NCETA), Flinders University.

Resources

National

Australian Drug Foundation What is secondary supply? Factsheet
<http://www.druginfo.adf.org.au/fact-sheets/what-is-secondary-supply-web-fact-sheet>

Parenting Strategies: Preventing Adolescent Alcohol Misuse Website

http://www.parentingstrategies.net/guidelines_introduction/

Health Direct: 1800 022 222

Kids Helpline: 1800 55 1800 or www.kidshelp.com.au

Headspace: www.headspace.org.au

ACT

Office of Regulatory Services Website

<http://www.ors.act.gov.au/>

Alcohol & Drug Services Brochure - June 2012

<http://www.health.act.gov.au/c/health?a=sendfile&ft=p&fid=-1825958639&sid=>

NSW

Office of Liquor, Gaming, and Racing (OLGR) Website <http://www.olgr.nsw.gov.au>

OLGR Underage Drinking Laws Factsheets

http://www.olgr.nsw.gov.au/pdfs/L_FS_UDL.pdf

OLGR Schoolies and Parents Factsheets

http://www.olgr.nsw.gov.au/youth_schoolies_parents.asp

NSW Police Supply Means Supply Factsheets

http://www.police.nsw.gov.au/community_issues/alcohol/supply_means_supply

http://www.police.nsw.gov.au/community_issues/alcohol/liquor_laws_and_under_18s

NSW Department of Education and Training Factsheets

www.schools.nsw.edu.au/learning/yrk12focusareas/druged/parents/index.php www.schools.nsw.edu.au/leavingschool/next/index.htm

NT

The Northern Territory Department of Children and Families Factsheets

<http://childrenandfamilies.nt.gov.au/Families/>

Teenagers, Drugs and Alcohol: Parent Tip Sheet 15

http://childrenandfamilies.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/62/93.pdf&siteID=5&str_title=Teenagers,%20drugs%20and%20alcohol.pdf

Teenage Parties: Parent Tip Sheet 13

http://childrenandfamilies.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/63/21.pdf&siteID=5&str_title=Teenage%20parties.pdf

NT Licensing Commission, Department of Justice Website

http://www.nt.gov.au/justice/licenreg/contact_us.shtml

Party Smart Registration Form

http://www.nt.gov.au/pfes/documents/File/police/safety/public/Party_Smart_Registration_Form.doc

QLD

Office of Liquor, Gaming, and Racing (OLGR) Website and Factsheets: www.olgr.qld.gov.au

Tips for Responsible Drinking

http://www.olgr.qld.gov.au/consumers/responsible_drinking/index.shtml

Information about Irresponsible Supply

http://www.olgr.qld.gov.au/consumers/underageDrinking/Irresponsible_supply/index.shtml

No Minor Offence Campaign

http://www.olgr.qld.gov.au/industry/harm_min/No%20minor%20offence/index.shtml

Information about Schoolies

<http://www.olgr.qld.gov.au/consumers/Schoolies/index.shtml>

SA

Department of Education Factsheets

Alcohol and adolescent development

http://www.decd.sa.gov.au/drugstrategy/files/links/teenalcohol_factsheet1_we.pdf

Alcohol, teenage parties and the law

http://www.decd.sa.gov.au/drugstrategy/files/links/DECD_DS_TA_factsheet_2_WEB.pdf

Standard drinks and reducing the risks of alcohol- revised 2010

http://www.decd.sa.gov.au/drugstrategy/files/links/Alcohol_factsheet_3_revise.pdf

Fact or Myth?

http://www.decd.sa.gov.au/drugstrategy/files/links/teenalcohol_factsheet4_we.pdf

Medicines and alcohol: A dangerous mix

http://www.decd.sa.gov.au/drugstrategy/files/links/teenalcohol_factsheet5_we.pdf

Which parental factors influence young people's choices?

http://www.decd.sa.gov.au/drugstrategy/files/links/teenalcohol_factsheet6_we.pdf

Teenage drinking: parents' communication style can make a difference

http://www.decd.sa.gov.au/drugstrategy/files/links/teenalcohol_factsheet7_we.pdf

Teenage drinking: communicating with other parents and families

http://www.decd.sa.gov.au/drugstrategy/files/links/teenalcohol_factsheet8_we.pdf

Consumer and Business Services Website and Factsheets

<http://www.olgc.sa.gov.au/splash.shtm>

Alcohol, Teenage Parties, and the Law: Factsheet 2

http://www.olgc.sa.gov.au/general/youth_factsheets/Factsheet2.pdf

Teenage drinking: Parents communication style can make a difference: Fact sheet 7

http://www.olgc.sa.gov.au/general/youth_factsheets/Factsheet7.pdf

TAS

Tasmania Police Factsheets

Youth and alcohol at home and on other private property

<http://www.police.tas.gov.au/services-online/pamphlets-publications/youth-and-alcohol/>

Youth and Alcohol Brochure

http://www.police.tas.gov.au/uploads/file/Pamphlets/Youth_and_Alcohol_brochure.pdf

VIC

Victorian Commission for Gambling and Liquor Regulation (VCGLR) Factsheets

Young people and the liquor law

<http://www.vcglr.vic.gov.au/home/community/young+people+and+alcohol/young+people+and+the+liquor+law/>

Dangers of pre-loading on alcohol

<http://www.vcglr.vic.gov.au/home/community/young+people+and+alcohol/dangers+of+pre-loading+on+alcohol>

Effects of alcohol on young people

<http://www.vcglr.vic.gov.au/home/community/young+people+and+alcohol/effects+of+alcohol+on+young+people/>

Alcohol and your kids: A guide for parents

<http://www.vcglr.vic.gov.au/home/community/young+people+and+alcohol/alcohol+and+your+kids+++a+guide+for+parents+and+carers/>

Party safe

<http://www.vcglr.vic.gov.au/home/community/young+people+and+alcohol/party+safe/>

Supplying alcohol to minors in a private home factsheet

http://www.vcglr.vic.gov.au/resources/6ddd7d5b-3e0d-4b7b-bc16-ad_6c019b33ac/vcglrsupplyingalcoholtominorsinprivatehome1pplowres.pdf

Teen Drinking Law Website

<http://www.teendrinkinglaw.vic.gov.au/>

WA

Young People and Alcohol

<http://www.crimeprevention.wa.gov.au/uploads/file/Young%20People%20and%20Alcohol.pdf>

WA Early Intervention Pilot Program (WAEIPP): 08 94541472 or 08 94541471

Parent Drug Information Service (PDIS): 08 9442 5050 or toll free 1800 653 203

Hosting a Party Webpage

<http://www.police.wa.gov.au/Yoursafety/Hostingaparty/tabid/1353/Default.aspx>

Alcohol Think Again Website & Factsheets

<http://www.alcoholthinkagain.com.au/Campaigns/ParentsYoungPeopleAndAlcohol/ResourcesForParents.aspx>

<http://www.alcoholthinkagain.com.au/Portals/1/Media/Pdf/Hosting-A-Party-Final.pdf>



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