

Curbing Alcohol Supply to Children – Secondary Supply Legislation

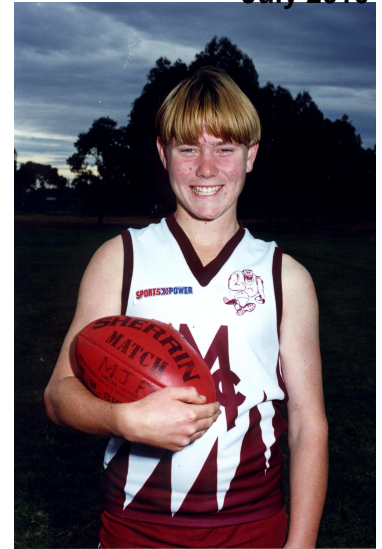


Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

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In 1999 Leigh Clark was 15 and was an out-going, cheerful and mischievous teenager with a fanatical devotion to sports. One cold and wet night, Leigh joined up with a group of young school children who had acquired a large quantity of high strength imitation vodka essence. The essence was purchased by a parent and given to two other boys in the group. Within 30 minutes Leigh was visibly intoxicated and unable to stand or walk properly. Despite this, his companions allowed him to walk home alone. He collapsed and died just 300 m from where he had drunk the essence.

Leigh's father, Bruce, initially thought the legal loophole through which adults can serve alcohol to children was "an oversight". "I thought that somebody just didn't realise what the implications were and that all I would have to do was put up my hand, go to some sensible person in the State Government and they would say 'Oh, you're right. This is wrong so let's fix it'. But they seem to refuse to acknowledge there is a problem. Some people actually think (tougher laws) would make the problem worse."



While children below 18 are generally not permitted to drink on licensed premises, most States and Territories do not restrict young people drinking on private premises, so underage persons can be supplied with and consume an unlimited amount of alcohol in private dwellings.

The three main locations in which teenagers consume alcohol were the family home, a friend's home and at a party.

The National Health and Medical Research Council advises that young people under 18 years should avoid alcohol as early drinking increases the likelihood of accidents and injuries, physical and mental health conditions, anti-social behaviour, risk taking and later alcohol dependence. The brain is likely to be more sensitive to damage from alcohol in childhood and adolescence as it is still developing, leading to learning difficulties and memory problems.

Levels of Children Drinking

The 2005 Australian Secondary Students' Alcohol and Drug Survey found that in the week prior to the survey, approximately 10% of 12 to 17 year olds reported binge drinking or drinking at risky levels (defined as seven or more standard drinks for males and five or more for females). For 16 and 17 year olds, 20% drank at risky levels. In 2007 the National Drug Strategy Household Survey found more than 25% of teenagers 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%).

Over the past five decades, the average age of initiation to alcohol in Australia has dropped from 19 to 15.5.

Secondary Supply Laws

'Secondary Supply' laws refer to laws which make it illegal for an adult to supply children with alcohol without the permission of the parent or guardian of the child. Such laws exist in Queensland, NSW and Tasmania.

In Queensland the supply of alcohol to a child under the age of 18 is prohibited except under the following conditions:

- That the adult supplying the alcohol to the child is responsible for the child (a parent or legal guardian);

- That the amount of alcohol supplied is not excessive; and
- The server provides adequate supervision of the child who consumes the alcohol.

If these conditions are not met the provision of alcohol to children is regarded as “irresponsible supply” and is unlawful. A person breaching the law can be fined up to \$6,000.

In Tasmania the law requires that:

- A private party must be supervised by a responsible adult who is not intoxicated;
- All youth drinking at a party must have permission from a parent or guardian;
- The supervisor must ensure the young people at the party do not become intoxicated; and
- Non-alcoholic drinks and food must be provided.

The Tasmanian law was introduced after Taylor Forward fell into a campfire and suffered severe burns at a friend’s party in 2005. He was 15 at the time and had become intoxicated on alcohol supplied by another parent.

In 2006 the Victorian Parliament’s Drug and Crime Prevention Committee recommended that the *Liquor Control Reform Act 1998* be amended to prohibit secondary supply in private residences, but this advice was not accepted by the government. The advice was rejected on the grounds of the difficulties associated with enforcing such a law. However, such a law would empower parents to seek legal action against those who supply their children with alcohol without the permission of the parents.

What you can do

Write polite and respectful letters to:

The Hon. Lisa Neville
 Minister for Community Services
 Level 22, 50 Lonsdale Street
 Melbourne, Victoria, 3000
 E-mail: lisa.neville@parliament.vic.gov.au
 Salutation: Dear Minister

The Hon John Brumby
 Premier
 PO Box 4912VV
 Melbourne, Victoria, 3002
 E-mail: john.brumby@parliament.vic.gov.au
 Salutation: Dear Premier

Mary Wooldridge MLA
 Shadow Minister for Community Services
 Suite 2, 1020 Doncaster Road
 Doncaster East VIC 3109
 E-mail: mary.wooldridge@parliament.vic.gov.au
 Salutation : Dear Ms Wooldridge

Mr Ted Baillieu
 Leader of the Opposition
 Parliament House
 East Melbourne
 E-mail: ted.baillieu@parliament.vic.gov.au
 Salutation : Dear Mr Baillieu

Points to make in your letters:

- Note with concern that adults can supply an unlimited amount of alcohol to a child on a private premise in Victoria without the permission of the child’s parents.
- Urge that the Victorian Government introduces “secondary supply” legislation to prohibit the supply of alcohol to children and minors without the permission of parents or guardians in order to:
 - Ensure that parents have greater control over the drinking of their children;
 - Provide greater education in the community about the dangers inherent in allowing children and minors to drink;
 - Encourage adults to avoid supplying alcohol to children and minors;
 - Reduce the prevalence and incidence of underage drinking and the risk of harm; and
 - Provide a community standard regarding underage drinking in the absence of a readily accepted social norm.
- Note that such legislation already exists in Queensland, NSW and Tasmania.
- Point out that such legislation will make adults more cautious about supplying alcohol to other people’s children where they do not have explicit permission to do so. This will also empower parents to be able to take action where an adult has supplied alcohol to their children without their permission.

For further information go to www.leighclarkfoundation.com.au or www.keepemsafe.com.au