

Alcohol Healthwatch Workshop on Matt Robson's Sale of Liquor (Youth Alcohol Harm Reduction) Bill

Main amendments to the Act

Purchase age raised to 20 - no exceptions. Supply by parents still allowed.

This involves a number of sections:

Section 155- licensee or manager up to \$10,000 fine and/or suspension, server \$2,000

Defence if seller or supplier believed on reasonable grounds that the person was legal age e.g. sighting legal age document

Section 157- supply of liquor on unrestricted licensed premises to person under 20 years by parent or guardian is allowed

Section 162 – under 20 year olds who purchase are liable to a fine up to \$2,000

Section 163 amendments raise the age of being on restricted premises from 18-20

Section 164 – about fines for licensees and managers with underage persons in restricted area.

Benefits (see AHW SOL paper)

- in keeping with public health evidence for effectiveness of strategies
- evidence (both statistical and anecdotal) of slippage to greater consumption Habgood et al, 2001)
- 18-19 year olds now heaviest drinkers – used to be 20-24
- evidence of increased alcohol related harms in younger teens since the lowered age e.g. hospitalisations
- power of message given by higher purchase age – to younger teens, parents
- a very high level of enforcement a “really hard 18” is unrealistic

Risks

- increased drug use if alcohol less accessible
- arguments of other rights and freedoms at this age are quite compelling (marriage, etc)
- makes lawbreakers of responsible use by 18-19 year olds
- 18 more compatible with other countries

Supply to underage persons at private social function

The Bill removes the exemption (section 160 3(d)) which allows underage supply by a person who purchases or acquires liquor with the intention of supplying it to “any other person who is attending a private social gathering”

Currently the SOL Act doesn’t control the supply of liquor to minors on private premises, which means any legal age person can supply to underage teens at a private function without their parents’ knowledge or consent.

Benefits –

- This section has proved confusing for parents as well as difficult for law enforcement agencies.
- makes prosecution for irresponsible supply difficult
- confusion for the public, especially parents who find knowing when to allow alcohol at teenage parties difficult.
- Repealing this clause would remove any doubt that the only people who can legally supply minors are their parents or legal guardian, whether the purchase age was 18 or 20 years.
- Places parents in charge of alcohol use by their children rather than friends’ parents, relatives etc.
- Police have suggested the amendment would strengthen their powers to deal with out of control teenage parties.
- Repealing this clause would remove any doubt that the only people who can legally supply minors are their parents or legal guardian, whether the purchase age was 18 or 20 years.

Risks –

- There would be low risk occasions where relatives etc who gave a small amount of alcohol to an underage person would be breaking the law
- hard to enforce in the private domain – possibly only enforced in out of control situations
- would affect afterbills etc
- may be complicated by new guardianship act
- if passed together with purchase age of 20 is very restrictive on world standards

Intention to supply

Section 160(1) amended by removing the need to prove liquor was purchased with the ‘intention’ to supply to minors. The Bill makes it an offence for any person “to purchase or acquire liquor and supply it to any person who is under the age of 20 years”, but retains the exemption that allows supply by parents or guardians.

This means that only parents or guardians who purchase or acquire liquor and supply it to their child can legally do so.

Benefits:

The need to prove that liquor was purchased with the intention of supplying it to minors makes many circumstances where alcohol is purchased then supplied to underage young people difficult to prosecute.

Risks

Overview of Section 160

Together these amendments to Section 160, even if the current purchase age of 18 years was retained, would considerably strengthen the SOL Act by creating an environment whereby the only situation in which under 18 year olds would be legally allowed to drink alcohol was if it was supplied by the legal parent or guardian.

The Bill provisions are therefore closer to a ‘drinking age’, but not strictly as supply by parents is still allowed and it is not illegal to drink under-age only purchase.

Other discussion around retaining 18 year age for on licence purchase, 20 for off licence

Benefits

- Would reduce underage access to 'takeaway' liquor
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Risks

- Would introduce an inconsistency
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Designation

The Bill designates “all bottle store off-licence premises” as restricted or supervised areas, suggesting that there is no reason for minors to be present in stores whose main purpose is the sale of liquor.

Benefits

- is an added barrier to purchase by minors
- - Off-licences are an important source of alcohol for under-age young people (Habgood et al. 2001).
- - assist with policing off licence sales- If designated as ‘supervised’ areas, minors would still be able to enter with a parent or guardian which would assist parents with young children
- - supported by LLA in 2002 report
- While there are practical difficulties with designating part of supermarkets and other grocery outlets bottle stores, whose sole reason for being is sale of liquor, is quite reasonable, as there should be no reason for unaccompanied minors to be on these premises

Risks

- perceived inconsistencies
- grocery stores showed up as worse for requesting ID in pseudo patrons

Broadcast liquor advertising

The Bill restricts all broadcast liquor advertising before 10pm on any day.

It also extends the current jurisdiction of the Broadcasting Standards Authority to include the broadcast liquor advertising issues that are currently dealt with by the Advertising Standards Authority, a self-regulating industry body. Jurisdiction over broadcast liquor advertising is removed from the ASA.

It therefore brings alcohol advertising into the Sale of Liquor Act, amending the object of the Act to become "...to establish a reasonable system of control over the sale, supply, and broadcasting promotion of liquor to the public....".

Benefits

- raises the debate on alcohol advertising
- raises watershed for TV and includes radio ads thereby reducing exposure of children
- removes jurisdiction for broadcast advertising from agency with commercial interests
- identifies that there are serious issues to having regulation of alcohol advertising under voluntary codes
- puts advertising and sponsorship back together under one organisation
- potential for sanctions for breaches of codes or regulations

Risks

- does not consider the impact of contemporary marketing outside of the broadcast media eg print, internet, point of sale promotions, new products
- the regulation of alcohol marketing is much more complex and should be saved for a broader review so other options can be explored
- BSA may do no better with regulation than ASA

Wish list for further amendments

- Community input into liquor licensing decisions
 - Currently no grounds to object to a licence being granted based on the suitability of the premise location and concerns about its effects on a particular neighbourhood.
 - As part of addressing this issue, the SOL Act could be amended to allow the licensing authorities to have regard to neighbouring land use, not just in relation to setting trading hours, but in relation to whether a particular licence is desirable for the community.
 - Public notification procedures in the SOL Act could be broadened to include direct notification of all residents, businesses and community organisations within a certain radius of a proposed or renewed premises
- A requirement for local authorities to develop a policy on the sale of liquor, including a policy on density and location of licensed premises,
- Mandatory ID
- Conscience vote
- Fire safety the number of patrons allowed on the premises, as determined by fire safety recommendations, is clearly stated on the liquor licence.
- Regulations around licence fees – making licensing fees more reflective of the actual costs of monitoring
- Definition of intoxication
- Strengthening requirements for staff training. The steps proposed to be taken by a licence applicant in relation to training staff should be assessed alongside their host responsibility proposals in the SOL Act criteria for consideration of licence applications.
- Extending powers of Medical Officer of Health so they can immediately issue infringement notices [ask Andrew more here](#)

- Extending Fire service role so they have ability to issue infringement notices
 - NSW liquor amendment bill
Suggested amendments, among others, include:
 - introducing a penalty for members of the public who supply alcohol to intoxicated person on licensed premises (separate to the current, higher penalty that applies to all persons - patrons and staff, this lower penalty for patrons allows the issue of \$110 penalty notices);
 - increases the maximum penalty for certain underage drinking and intoxication offences and repeat offenders
 - extending the social impact assessment process that was introduced last year to cover other licensed venues, and for problematic premises on request of Police Commissioner (in 2004 a new SIA process replaced the "needs test" and allowed the Liquor Administration Board to assess the social impact of a liquor venue at application stage)
 - a fee for late trading applications to help recover costs of associated problems
- a definition of intoxication The proposed definition of intoxication in the NSW bill is as follows: “a person is *intoxicated* if the person’s speech, balance, coordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor”.

Alcohol Healthwatch

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This document was developed to promote workshop discussion

It is not intended for distribution outside of the workshop.