

# ALCOHOL, TEENAGE PARTIES AND THE LAW

This fact sheet explains Victorian law in relation to underage drinking and provides suggestions for minimising the harms...

## Did you know?

Although Victorian laws prevent the provision of alcohol to young people under 18 years of age, there are some exceptions—such as a parent or guardian being able to provide alcohol to their own children in their private home.

## Key facts

### Victoria's laws on underage drinking

The Liquor Control Reform Act 1998 sets out the laws in relation to minors and alcohol. Among these are that:

- › The legal drinking age is 18 years.
- › It is generally an offence to supply alcohol to a minor. This includes an adult buying the alcohol and then supplying it to a minor.
- › With some exceptions, it is an offence for a minor to be on licensed premises, or to purchase, receive or consume alcohol.
- › The 2011 amendment to the Liquor Control Reform Act provides for a \$7,000 fine for people who supply alcohol to minors in their own homes without getting permission from the young person's parent or guardian.

### What are the laws about young people drinking alcohol at a party?

- › **In a private home**—it is not illegal for a person aged under 18 years to drink alcohol in a private residence. As the adult supervising a young person drinking alcohol in a private home, you are legally considered the host and as such are responsible for that person. Therefore, you need to be well informed of the legal and insurance implications.
- › **On licensed premises (pubs, bars, reception centres etc.)**—a person aged under 18 years is forbidden to drink alcohol on licensed premises, unless they are accompanied by a parent, guardian or spouse and having a meal. It is up to the licensee to make sure these laws are not broken.

- › **In parks, on beaches or piers, in hired halls and in other public places**—a person aged under 18 years is not allowed to drink alcohol anywhere in a public place and if caught may be charged with underage drinking.

### Penalties for underage drinking

For offences related to underage drinking or the supply of alcohol to a minor, the attending police officer has the discretion to issue an on-the-spot fine or a summons to appear in court. They may issue a caution to a person under 17 years of age.

## Special considerations and tips

- › Many parents are concerned that their teenagers may legally have access to alcohol, or be given alcohol by their friends' parents or other adults, without obtaining their permission. From 1 November 2011 it is illegal to provide alcohol to minors without their parent's or guardian's permission.
- › Remember to make sure your teenager understands the risks and harms associated with drinking alcohol at a young age. It's a good idea to discuss the boundaries and limits you have set for him/her in relation to alcohol, but keep the lines of communication open. [Fact sheet 7: Teenage drinking: Parents communication style can make a difference](#) offers some tips and conversation starters.
- › In Victoria, Queensland, New South Wales and Tasmania it is an offence for anyone to supply other people's children with alcohol unless the parent or guardian of the young person has authorised them to do this. You can sign up to the Community Alcohol Action Network (CAAN) or see the website at [www.caan.adf.org.au](http://www.caan.adf.org.au). Alternatively you can contact your local police station or refer to your liquor act for the underage drinking laws in your state.

### Are you hosting a teenage party?

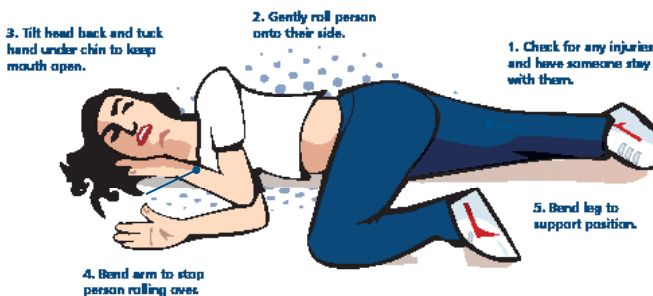
- › Alcohol and other drugs may not be a big issue for younger teenagers but trends in teenage parties do change over time. As the parent of a teenager having a party, you are legally considered the host of the party. You are responsible for providing information to parents of other teenagers

attending your party, particularly if alcohol is involved. Other parents may object to their children attending if alcohol will be consumed or available. They may want to be reassured that the party will be properly supervised.

- › Allowing teenage guests to bring their own alcohol to your party means you may have less control over what they do with it. Even though you have not supplied it yourself, if you are aware that teenagers are consuming alcohol, you could be legally liable if a problem arises during or even after the party.
- › As the host you have a duty of care to all of your guests. This means that you will need to do all that you reasonably can to provide a safe environment, protect your guests (young people as well as adults), and help them avoid trouble. With this in mind, ensure that you are firm, clear and consistent in applying your party rules to all guests while they are on your premises.

### Emergency care

- › It's a good idea to have a plan for emergencies and to have someone available at the party who is able to provide emergency first aid.
- › Someone who is vomiting will often ask to be left alone. However, it is important that someone stays with them in case they choke or pass out. Choking on vomit can cause death so it is important that the person is put in the recovery position if they are unwell and incapacitated.



### Recovery position

An unconscious person should be gently moved into the recovery position so their tongue cannot fall back and prevent breathing.

- › **Don't hesitate to call an ambulance** (tel. **000** or **112** if out of range/phone credit) if you think one is needed. Remember that ambulance officers are not required to call the police to overdoses or drug incidents. However, they will need to make contact with the teenager's parent/s if the young person needs to be taken to hospital.
- › Make sure you pass on this information to your teenager and their guests, so they know what to do if an emergency arises.

### Further information/Where to get help

- › **Victoria Police** runs a helpful program called 'Partysafe' ([www.police.vic.gov.au/content.asp?document\\_id=9566](http://www.police.vic.gov.au/content.asp?document_id=9566)), which provides information, advice and general tips for people attending or hosting a party at a private residence. Once you register your party with your local police station you'll receive a Partysafe kit with lots of helpful information. If you register your party well in advance, they may be able to organise for a patrol car to drive by on the night, to check for any trouble with gatecrashers.
- › Your community legal service, council or shire office may also be able to tell you about local laws, for example, regarding acceptable noise levels.
- › As the parent of a minor, you have a right to all the information needed to decide whether or not to allow your child to attend a party. Here are some things to consider:
  - Written invitations tend to mean that the party is for invited guests only. The RSVP also provides an opportunity to speak with parents who are hosting the party.
  - Find out how many people will be at the party, and if indeed attendance is by invitation only, whether there will be any food served, whether alcohol will be provided or allowed and what time the party will finish.
  - Drop off your teenager at the party and arrange to pick her or him up at a certain time.
  - Get the name and phone number of a responsible adult who will be present at the house where the party is being held. Don't hesitate to call him or her if you would like more information or are concerned about anything to do with the party.
- › **The Australian Drug Foundation** has published a helpful booklet on Hosting Teenage Parties. To obtain a copy, or for more information, see [www.druginfo.adf.org.au](http://www.druginfo.adf.org.au), or call 1300 85 85 84.
- › **Victoria Legal Aid** has a useful booklet explaining common legal issues for young people, see the 'Am I Old Enough' booklet at: [www.legalaid.vic.gov.au/583.htm](http://www.legalaid.vic.gov.au/583.htm)
- › **Department of Education and Early Childhood Development (DEECD)** Drug Education website [www.education.vic.gov.au/drugeducation](http://www.education.vic.gov.au/drugeducation) provides *Celebrating Safely—Look After Your Mates* and other material for parents and children to help children celebrate safely.