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For a general audience

## What is “secondary supply”?

“Secondary supply” generally refers to the sale or supply of alcohol to people under the age of 18 years (minors) by adults or other minors.

It is illegal under licensing law in all jurisdictions for licensed premises in Victoria to serve minors and for adults to purchase alcohol on behalf of minors. However, the situation in private homes and at private functions is less clear. Currently in Victoria it is not illegal for adults to provide alcohol to minors in a private residence, even if the minors are not their own children. In this fact sheet, “secondary supply” refers to this situation: the supply of alcohol to minors in private homes, potentially by adults other than their parents.

### Why is “secondary supply” important?

Secondary supply is the main way that minors obtain their alcohol. Almost 40% of under-age drinkers get their supply of alcohol from their parents, and only 5% buy it themselves.

The new draft National Health and Medical Research Centre (NHMRC) guidelines recommend that “not drinking is the safest option for 15–17 year olds” and children under 15 should not drink any alcohol.

In Victoria, and most other Australian states, there are no laws prohibiting the serving of alcohol to minors in private homes. Traditionally, it has been considered the right of parents to decide when and how their children first try alcohol. The “Mediterranean model” of introducing alcohol to young people, where they are gradually allowed to drink small amounts in the presence of their parents, has been popular with many parents. However, the concerning levels of binge and under-age drinking in Australia suggests that this has not worked.

There have been a number of cases, in Victoria and other states, where a child has suffered injuries or died as a result of drinking too much alcohol while under

the supervision of an adult other than their parents. A loophole in the current Victorian laws allows adults other than a child’s parents to provide them with alcohol without the parents’ consent if in a private residence. Regulating secondary supply aims to prevent this happening by providing a deterrent for adults to supply alcohol, and to support families affected by providing a legal course of action for them to pursue if appropriate.

### The current laws in Victoria

Although there is no law relating specifically to the supply of alcohol to minors in a private home, there are several laws in Victoria that make it illegal to purchase alcohol for someone who is aged under 18 and to serve alcohol to minors on licensed premises. A person aged 18 or older who buys or supplies alcohol for an under-age person can face an on-the-spot fine of more than \$600 (and the under-age person for whom the alcohol is bought can be fined \$50).

### What are other states doing about this?

New South Wales is the only state that has introduced specific legislation relating to secondary supply in venues that are not licensed premises. The *NSW Liquor Act 1982*—Section 114 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”. (Please note: NSW is introducing a new Liquor Act in July 2008 but this section will remain essentially the same.)

As well as having legislation, a community project, Supply means Supply, is being trialled in regional NSW and includes community education, targeted policing, and high profile publicity (including of police prosecutions of offenders). Any future evaluation of this project will help to illuminate advantages and problems with the laws.

Queensland has indicated that they are considering changing secondary supply laws in their state as well and recent statements by the Federal Government show support for addressing the issue as part of their national anti-binge drinking campaign.

### The laws in practice

Cases have occurred in the past where children have been hurt after drinking alcohol provided by and/or supervised by adults. One benefit of changing the secondary supply laws would be that, should something go awry, there would be legal recourse available for compensation and punishment. In NSW, the punishment for adults who supply alcohol to children under their care is a \$5500 fine.

However, the greatest benefit of changing these laws in Victoria would be the way in which it could educate parents about their responsibilities and set boundaries. Parents are confused about teenagers and drinking and are unsure of their role in educating their children about alcohol. If it were illegal to serve alcohol to minors, it would provide parents with strong boundaries and a reason to say "no" to their kids when asked to provide alcohol (especially to someone else's child) or hold a party where alcohol will be provided. Having the law on their side would empower parents to self-regulate.

Victoria Police have recently come out in favour of changing secondary supply laws. Deputy Commissioner Kieran Walshe has said: "It's up to individual parents to make decisions about whether their children are served, or are allowed to take alcohol, and it shouldn't be done for them by somebody else". He suggests that parents could call other parents who are hosting a teenage party and inform them whether or not their child is permitted to drink alcohol, "I would expect that the majority of parents and adults would identify with their responsibilities under the law and they would comply,".

A change in these laws should be seen as a way to take action when something goes wrong and as an empowering force for parents. It is a harm prevention mechanism.

### What else can I do?

There are many things you can do as a parent to discourage your children from drinking alcohol. Ensure you speak to your kids honestly about alcohol, its effects and your feelings about it; speak to other parents about your thoughts on teenagers drinking and ask them what their feelings are; avoid buying alcohol for your kids, especially if they're under 16 years old or if it's for a party (where they could share it with others).

It is up to you whether you decide to supply your child or other children with alcohol. If you decide not to, then inform your child about why this is and speak to their friends' parents about your decision. Keep abreast of the legislation and changes in this area by visiting the Community Alcohol Action Network's website, [www.caan.adf.org.au](http://www.caan.adf.org.au).

If you are interested in seeing Victoria change its current secondary supply laws, you can contact Consumer Affairs Victoria, [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au), or your local State Government Member of Parliament, [www.parliament.vic.gov.au/mps.html](http://www.parliament.vic.gov.au/mps.html).

The best way to ensure your child deals with alcohol responsibly is by setting a good example. Don't binge drink, or use alcohol as a way of repressing your feelings. If your child sees you treating alcohol with respect, as a drug that can potentially cause harm, then they will be more likely to have a cautious approach to drinking.

### More information

For more information about the definition of secondary supply and how the laws currently operate in Victoria, please visit the Consumer Affairs Victoria website at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au).

For more information on drugs and drug prevention contact the DrugInfo Clearinghouse on tel. 1300 85 85 84, email [druginfo@adf.org.au](mailto:druginfo@adf.org.au).

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