

Introduction



Introduction This report examines the problem of underage drinking in Australia. This topic was chosen because underage drinking is one of many legal issues facing Australian society. Teenagers, often between the ages of 12 and 17, have come to the point of thinking that under-age binge drinking is ‘cool’ and tolerable in our society, but Australian law begs to differ. The aim of this report is to investigate the controversy of under-age drinking and Queensland’s legislation such as the Liquor Act 1992. A minor is a person under 18 years of age. Under the Liquor Act 1992, a minor is not permitted to be on licensed premises including bottle shops except when in company of adults. Majority of teenagers prefer pre-mixed alcohol; because of that producers will advertise it more. Recently the price of pre-mixed drinks went up to try and lower the underage drinking rate. This has led to teenagers drinking straight spirits such as rum, whiskey and vodka. The prevalence of underage drinking has our Government thinking of methods of lowering under-age drinking rates. Furthermore, after analysing the stakeholders and relevant case studies, both sides of the issue will be taken into consideration for both sides to help in making recommendations for ways to lower the underage drinking rates. Many young Australians are drinking to excess, placing themselves at risk of short and long-term harm. After tobacco, alcohol is the second biggest contributor to drug-related problems in Australia. In this report I will do a research on the severity of underage drinking in Australia, and give a few suggestions that I think will help lower the rate of binge drinking in Australia. Stakeholders Main stakeholders in this case are:- i. Alcohol manufacturers ii. Nightclubs, Hotels iii. Government iv. Consumers- underage drinkers v. Adults Alcohol producers make a huge profit each year from underage drinkers. The Queensland Government is

obligated to deal with underage drinking as there is an increase of complaints as underage binge drinking rates rise and minors continuously ignore laws. It is up to the Government to create legislation to decrease the rates and see less underage drinkers. Advertising campaigns have been designed and run at the Government's expense to give minors an insight into the possible harm of binge drinking. Adults are bound by law to not serve any underage persons alcohol in public. They are responsible when their child and child's friends are consuming alcohol in their presence. When a minor is charged with underage drinking, their parents will also pay fines as well. *see case law on appendix 2 The Queensland Government has to arbitrate and create new legislation to lower underage drinking rates and also death rates. All of the above stakeholders are affected everyday by underage drinking and the adverse issues that derive from it. Law The Queensland Law of Underage Drinking: Underage drinking is a legislation concerning minors. If you are under 18 years of age, it is against the law for you to buy alcohol. It is also against the law for anyone to sell you alcohol. In Queensland if you are caught buying alcohol and you are under 18, you can:

- * Be given a warning
- * Be given a formal caution
- * Be fined on the spot(\$225)
- * Bring the matter to court

It is up to the police to decide whether to give you a warning or a formal caution. If the police decide to fine you, then you can either choose to pay, or take the matter to court. The person selling you alcohol can be fined heavily. Licensed premises (pubs, bars and clubs) are required to ask you to show proof of age (ID's, driver's license or passports). Minors are allowed to drink privately at home or on a private property, but in the company of adults. In NSW, laws regulate the sale, consumption and provision of alcohol to people under the age of 18 years

(minors). These laws are covered by the Liquor Act 2007 and the Summary Offences Act 1988. In NSW, if someone is caught selling or supplying alcohol to minors they can receive the maximum penalty of \$11, 000 or 12 months imprisonment (or both), or an on-the-spot fine of \$1, 100. In the U. S., federal law establishes 21 as the national minimum drinking age. Underage drinking is also governed by State laws, which vary by State. In some States, it is a civil offense and in some states it is a criminal offence. As of 2005, 21 States do not specifically ban underage consumption and an additional 15 States have family member and/or location exceptions to their underage consumption laws. U. S Federal law has exceptions for religious, medical, employment and private club possession of alcohol by minors. Most States in the U. S also have family member and/or location exceptions to their underage possession laws. *see appendix 2 Appendix 1 Offence | Maximum Penalty | Offence By | Supply alcohol to, or obtain alcohol for, anyone under 18 | \$11, 000 and/or 12 months imprisonment | Minor or Adult | Allow liquor to be sold/supplied to a minor on licensed premises | \$11, 000 and/or 12 months imprisonment | License | Drink alcohol on licensed premises | \$2, 200 | Minor | Consume or carry away alcohol from licensed premises | \$2, 200 | Minor | Send anyone under 18 to licensed premises to obtain alcohol | \$3, 300 | Minor or Adult | Enter or remain in a bar area of a hotel or registered club or a minors' area of a hotel without a responsible adult | \$2, 200\$5, 500 | Minor or Licensee | Responsible adult who allows minor to drink alcohol on licensed premises or leaves the minor without first informing the licensee or an employee of the licensee | \$2, 200\$5, 500 | Adult | Refuse to give name and address or age when requested by an authorised person | \$2, 200 | Minor | Use false evidence of age | \$2, 200 | Minor | Enter or remain on

<https://assignbuster.com/introduction-32/>

public entertainment premises unless in the company and immediate presence of a responsible adult or attending a minors' function | \$2, 200\$5, 500 | Minor or Licensee | *rules in the NSW Arguments for and against

Whether we parents like it or not, many teens drink alcohol before they reach the legal drinking age. Researches have proven that 51% of those aged 18 to 20 are " current" alcohol users. A look at those younger than 18 shows 30% of 16 and 17 year olds and 15% of 14 and 15 year olds also called themselves current drinkers of alcohol. The question is what should parents do about underage drinking? Some parents are more than happy to host a party, which can easily spiral to include 100 people thanks to text messaging, and gather up the kids' keys so they can't drive. These parents' theory goes something like this: “ They are going to drink anyway, so I'd rather it be under my roof. And if I eliminate the risk of any teen driving, then I'm keeping them safe in the process. Other parents say, no, absolutely not. The drinking age is 18 and that's that. Alcohol is a drug and drug use is bad for you. And they don't want someone else's parent hosting the parties and supplying their children with the alcohol. Your own kid: fine. Mine, definitely not! " Some parents lock their household alcohol in a safe. Others don't keep it in the house at all. Still others think nothing of having it in unlocked cabinets in the house. A relative with teenagers recently argued the point that the she drank as a teen and it's unrealistic for her to think her kids don't drink. Instead, her focus is on making sure they don't drive after drinking and making them call to tell her where they are sleeping if not at home. Some facts of underage drinking:- * About 40% of 14-19 year old report drinking alcohol at levels that risk harm the short term * By age 14, about 86% of students have tried alcohol * By age 17, 70% of students had

consumed alcohol in the month prior to the survey Some effects of consequences of underage drinking:- * On average, 1 in 4 hospitalisations of 15-25 year olds happen because of alcohol * 70 Australians aged under 25 will be hospitalised due to alcohol-caused assault in an average week * Four Australians aged under 25 die due to alcohol related injuries in an average week * 1 in 2 Australians aged 15-17 who get drunk will do something they regret. Recommendation Underage drinking is a becoming a problem and like every problem there is a solution. The stakeholders such as alcohol producers, the Government and parents have the right to get involved in this issue and make an effort to stop the problem of underage drinking. The Queensland Government has a major role to play. They have the authority to alter the rules, such as increasing the drinking age to 21 years, like in the U. S. The Government should enforce a stricter or a much heavier punishment. Parents and guardians should be able to talk to their children about this issue, so they are aware of the dangers and circumstances of underage drinking. For example in the U. S, they underage drinking rate is not as high compared to Australia. Why 21? When a person is 21 years old, they should already be mature enough to know between right and wrong, and be mature enough to make the right decisions. They are no longer teenagers, they are adults. *see appendix 5 Conclusion Underage drinking has ignited a lot of contentious argument in the Government. The stakeholders in this issue are the people who can decrease the rates with my recommendations. It is clear that underage drinking is a huge problem in Australia. By doing this assignment, I have also picked up some knowledge about underage drinking and I believe it would come in handy in the future. appendix 2 Tribunal 'erred in law' in underage drinking case Posted Thu Sep 24, 2009 8: 04am AEST The <https://assignbuster.com/introduction-32/>

Commissioner for Fair Trading is appealing against an ACT Civil and Administrative Tribunal decision in the case of a 13-year-old girl who was allegedly found passed out in a Canberra bar. Police and liquor licensing inspectors found the teenager asleep on a lounge at Bar 32 in Civic early one morning in May. During a hearing in July, police told the tribunal she could not be roused so was taken outside the club where she eventually woke up. There was also evidence that a man who knew the girl came up to her while she was with police. Lawyers for the nightclub argued there was no evidence showing that she was not in the care of a responsible person. The tribunal ruled the Commissioner had failed to prove the venue had contravened its licence. Now the Commissioner is appealing the decision on the grounds that the tribunal erred in law.

appendix 3 Four cited in underage drinking case in Sac City March 9, 2013 By PETER KASPARI, pkaspari@messengernews.net , Messenger News SAC CITY - Three teenagers were among four people charged in connection with an underage drinking investigation from earlier this month. At 9: 03 p. m. on March 1, the Sac City Police Department responded to a call about minors drinking alcohol at the Sac City Depot, according to a statement from Sac City Police Chief John Thomsen. Thomsen said a 17-year-old man, who worked at the Sac City Depot, sold and served alcohol to the minors. One of the teenagers lied about his age in order to buy the alcohol, according to Thomsen. Police also determined that the 17-year-old employee should not have been working in a position where he was able to sell alcohol. The employee was cited with providing alcohol to a person under the legal age, a simple misdemeanour. Two other 17-year-olds, one from Sac City and one from Boone, were charged with minor in possession of alcohol. Their cases were sent to Sac County Juvenile Services for

prosecution. None of the 17-year-olds were identified by police. Steve Goecke, 42, of Sac City, the manager of the Sac City Depot, was charged with employing a person under 18 years of age to sell or serve for on-premises consumption. Thomsen said a report of the incident was sent to the Iowa Alcoholic Beverages Division, which may decide to "impose administrative sanctions on the license of the Sac City Depot." appendix 4 Schoolies shines spotlight on youth drinking The 7. 30 Report Posted Wed Dec 9, 2009 7: 27am AEDT Australia's difficult relationship with alcohol is back on the public health radar, but this time the focus is aimed squarely at under-age drinking. Despite a national health campaign, this year's Schoolies on the Gold Coast has already gone down as the most appalling on record. The all too familiar scenes of drunken teenagers brawling on the streets prompted calls to raise the legal drinking age. Gold Coast Superintendent Jim Keogh remarked that this year was particularly bad. "I would say their intoxication levels are the highest I have seen in my many years of doing schoolies," he said. It was the early 1970s when the legal drinking age in Australia was dropped to 18. Four decades on, health authorities say we may now drink less as a nation, but binge drinking among the young is at unprecedented levels. Public health campaigner, Professor Ian Hickie, called on the Federal Government to lift the legal drinking age to 19. Mr Hickie says the move would help teenagers put off drinking for longer. "If you start drinking at heavy levels when you are young you are likely to have that pattern of heavy drinking for life," he said. Drug and alcohol consultant Paul Dillon says that the social pressure to drink is overwhelming, and non-drinkers are still regarded with deep suspicion. "I went to a wedding where I was not allowed to toast the bride with mineral water. I was actually called

un- Australian," he said. " Now. if I am facing those pressures as an adult male in Australia, what are the pressures for our young people?" Despite new alarming evidence of how damaging alcohol is to the growing adolescent brain, under-age drinking is still widely regarded as a rite of passage into adulthood. A survey released by health insurer MBF has revealed more than 50 per cent of parents think it is okay to let children as young as 15 drink as long as they are at home, or at least supervised. The more affluent the family, the more likely they were to condone under-aged drinking. Mr Dillon says the approach may work in Europe, but in a heavy drinking culture it is almost certain to fail. " To pick up the Mediterranean model as it's called and drop it into Australian society, it is just not going to work," he said. " We have so many social pressures. The link between alcohol and sport in this country, the link between alcohol and celebration, you know we don't drink with a meal. It's not our way of drinking." But health experts agree it would be a mistake to only single out teenagers, because it is not just the young who have a booze problem. appendix 5 Drinking Age Debate Opposed The U. S. currently has the highest minimum drinking age of any country in the entire world. This is a radical social experiment both historically and internationally. Unfortunately, there is considerable evidence that such a high minimum drinking age, which criminalizes drinking by millions of citizens who are socially and legally adults, has many unintended consequences. The high drinking age drives drinking " underground" into venues where it is not subject to the usual moderating norms of society. To the contrary, such unsupervised drinking environments encourage the rapid and excessive consumption of alcohol just as speakeasies did during National Prohibition. When people have to go to great effort to obtain alcohol

beverages, they don't sip and savor them but gulp them down while they have access to them. Similarly, raising the minimum legal drinking age (MLDA) has made consuming alcohol a desirable "forbidden fruit" that's now seen as a major symbol of maturity and independence. Empirical research has clearly demonstrated this fact. There are numerous moral, constitutional, law enforcement and other arguments against such a high minimum drinking age. But these are important issues about which reasonable people can and do disagree. Public policy issues should always be open to debate in a democratic society. Therefore, it disturbs some observers that the Marin Institute has launched an attack upon a congressional candidate for daring to suggest that the issue should be publicly debated. In trying to prevent debate, the temperance group has attacked the candidate's motives and integrity rather than the strength of his arguments. That kind of behavior might be expected from a playground bully but not from a powerful organization that desires legitimacy and respectability. The goal of the Marin Institute, which is funded by the anti-alcohol Robert Wood Johnson Foundation, is to reduce the availability and consumption of alcoholic beverages in American society. One of its major strategies is to stigmatize alcohol and marginalize adults of legal drinking age who choose to drink. Exactly what constitutes the best minimum drinking age is an important issue. Let the debate begin. Bibliography 1. <http://www.abc.net.au/news/2009-09-24/tribunal-erred-in-law-in-underage-drinking-case/1439974> 2. http://www.olgr.qld.gov.au/consumers/underageDrinking/Minors_and_the_Law/index.shtml 3. http://www.lawstuff.org.au/qld_law/topics/Alcohol 4. http://www.police.nsw.gov.au/community_issues/alcohol/liquor_laws_and_under_18s 5. <https://assignbuster.com/introduction-32/>

http://www.olgr.nsw.gov.au/youth_fines.asp 6. <http://www.drinkingnightmare.gov.au/internet/drinkingnightmare/publishing.nsf/Content/teacher-notes> 7. <http://www.abc.net.au/news/2009-12-09/schoolies-shines-spotlight-on-youth-drinking/1174402> 8. <http://www.messengernews.net/page/content.detail/id/555501/Four-cited-in-underage-drinking-case-in-Sac-City.html?nav=5232> 9. <http://www2.potsdam.edu/hansondj/InTheNews/UnderageDrinking/1088617204.html>