Juvenile Alcohol Consumption A Cause for Concern

A Proposal to Turn Concern into Action

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Attitudes to alcohol use in Australia, are to say the least, ambivalent. These attitudes are not of recent origin, they owe their existence, at least in part, to our colonial beginnings. New South Wales, in its founding years, spawned the 'Rum Corps', with exclusive franchise in the rum trade; the Sydney 'Rum Hospital', financed by a trading monopoly on 45,000 gallons of rum; and, the very economy of the infant colony based upon that same spirit (Hughes 1988). These historical events are indicative of the long standing nature and extent of the 'liquor problem' in Australia. Today, on one hand, there is now a strong community belief that persons who consume alcohol should not drive motor vehicles, control public passenger vehicles or carry out other responsible activity. This was not always the case. Prior to relatively recent concern being expressed about the road toll and introduction of Random Breath Testing, bravado was displayed by driving motor vehicles while heavily influenced by liquor. On the other hand, there is extremely strong and pervasive advertising, peer group pressure and a long standing history of alcohol use by almost all members of society. Indeed non-consumption of alcohol is sufficient grounds for ostracism. People generally, and juveniles in particular, are subjected to significant pressure to consume alcohol.

Alcohol is the most abused drug in our society. Indeed, the alcohol problem has been described as '...having reached epidemic proportions' and '...the fourth most serious health problem in Australia' (Draft National Health Policy on Alcohol in Australia 1987) and as an 'intoxicated society' (Senate Standing Committee on Social Welfare 1977). It is no surprise that the parliament has chosen to legislate extensively to control aspects of its consumption, particularly by persons under the age of 18 years. There is no general prohibition on the consumption of alcohol by persons under that age in New South Wales. However, generally speaking, they are prohibited from consuming or possessing alcohol, in a public place and it is an offence for:

A licensee, secretary, employee, or other person
• to obtain liquor for a person under the age of 18 years from licensed premises.
• to supply or permit liquor to be supplied a person under the age of 18 years;
• to permit a person under the age of 18 years to be in a 'restricted', 'bar' or 'poker machine' area;

Or for a person under the age of 18 years to
• consume liquor on licensed premises;
• obtain or attempt to obtain liquor on licensed premises;
• carry, or attempt to carry away liquor from licensed premises (New South Wales Liquor Act; Registered Clubs Act; Summary Offences Act - hereafter referred to as the 'liquor control Acts')

An exception is supply of liquor to siblings by parents.

The Problem and its Extent

The 'liquor problem' is one that defies singular action by anybody or instrumentality. Police enforcement action alone will not be the cure for consumption of liquor by juveniles. The ambivalent attitudes to alcohol in our society are a substantial part of the problem. For example, in the case of juveniles, what may be permitted in the home, and in the company of an adult in a public place, is an offence when done in a public place without the company of a responsible person.

There are immense pressures upon young people in social situations to consume liquor. These pressures are multifarious in nature and can only be addressed by multi-disciplinary action.

There is abundant evidence to indicate that a significant number of persons under the age of 18 years consume liquor on a regular basis. For example, a recent study of alcohol use by Australian secondary school children (Hill et al. 1987) found:
One million school children had consumed alcohol in the past year;  
500,000 school children had consumed alcohol in the past month;  
400,000 school children had consumed alcohol in the past week;  
8000 school children drank alcohol every day; and  
Of the sample, at age 12, 23 per cent of boys and 14 per cent of girls reported that they had drunk alcohol in the past week; by age 17, this had risen to 56 per cent and 49 per cent respectively.

Other studies support the general Australia wide picture painted above (Homel et al. 1984; Baker et al. 1987a,b; Victorian Ministry of Education (S.D.) and Health Commission 1986; Department of Community Medicine 1987; South Australian Drug and Alcoholic Services Council 1987; McLean et al. 1987).

**New South Wales Drug and Alcohol Authority Surveys**

The New South Wales Drug and Alcohol Authority has conducted a number of surveys of drug use by New South Wales school children.

**The Primary School Survey**

The Primary School Survey (Baker et al. 1987a) sample drew responses from 2585 primary school students from government and non-government schools. The results suggest that there are significant numbers from this age group, particularly the later years, consuming liquor. For example, of the two most senior primary school years, 5 and 6, 45 per cent of males and 30 per cent of females report having consumed alcohol.

**Frequency of consumption (whole glass)**

An indication of the consumption by age and sex is provided by the table reproduced below.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Frequency of Alcohol Consumption (Whole Glass) by Age and Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10 years</td>
</tr>
<tr>
<td></td>
<td>M</td>
</tr>
<tr>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Don't drink</td>
<td>60.9</td>
</tr>
<tr>
<td>Few per year</td>
<td>26.9</td>
</tr>
<tr>
<td>1-3 per month</td>
<td>7.2</td>
</tr>
<tr>
<td>1 per week</td>
<td>3.8</td>
</tr>
<tr>
<td>Every day</td>
<td>1.2</td>
</tr>
</tbody>
</table>

Source: Baker, W. et al. 1987a

Of particular interest, is the reported incidence of daily alcohol use, by 10-year-old children. This suggests a significant supply of alcohol to these young persons at home.

It also suggests that, at this age at least, liquor outlets are not significant in direct supply. The situation apparently changes dramatically by the time children reach high school. By age 17, more than 40 per cent of the representative sample, both male and female, report obtaining liquor from licensed outlets (Baker et al. 1987b).

**Relationships with known drinkers**

The above survey sample was divided into drinkers and non-drinkers. Drinkers were those who reported drinking at least one drink per month and who had felt funny or dizzy after drinking. Drinkers were more likely to report drinking with family and friends while non-drinkers are more likely to report knowing no-one who drinks. Drinkers were more likely to report their mother, father, siblings and peers were drinkers (Baker et al. 1987).
Significant Relationships with Known Drinkers

<table>
<thead>
<tr>
<th></th>
<th>MALES</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Drinkers n=97</td>
<td>Non Drinkers n=1199</td>
</tr>
<tr>
<td>Mother</td>
<td>38.1</td>
<td>33.0</td>
</tr>
<tr>
<td>Father</td>
<td>82.5</td>
<td>63.6</td>
</tr>
<tr>
<td>Siblings</td>
<td>39.2</td>
<td>9.8</td>
</tr>
<tr>
<td>Friends</td>
<td>36.1</td>
<td>9.0</td>
</tr>
<tr>
<td>No-one</td>
<td>9.3</td>
<td>28.5</td>
</tr>
</tbody>
</table>

Source: Baker, W. et al. 1987a

Males were more likely to be drinkers if there were sibling drinkers.

Source of alcohol

Reported sources of alcohol are set out in the table below. The extent of supply by parents (Baker et al. 1987a) should be noted.

Table 3

<table>
<thead>
<tr>
<th>Source of Alcohol (multiple sources allowed)</th>
<th>Males n=1296</th>
<th>Females n=1289</th>
<th>Total n=2585</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent</td>
<td>41.2</td>
<td>34.4</td>
<td>37.8</td>
</tr>
<tr>
<td>Other adult</td>
<td>9.9</td>
<td>6.6</td>
<td>8.2</td>
</tr>
<tr>
<td>Siblings</td>
<td>2.7</td>
<td>1.9</td>
<td>2.3</td>
</tr>
<tr>
<td>Help myself</td>
<td>10.1</td>
<td>5.5</td>
<td>7.8</td>
</tr>
<tr>
<td>Friends</td>
<td>3.9</td>
<td>2.3</td>
<td>3.1</td>
</tr>
<tr>
<td>Other way</td>
<td>1.7</td>
<td>1.5</td>
<td>1.6</td>
</tr>
</tbody>
</table>

Source: Baker, W. et al. 1987a

The Secondary School Survey

The Secondary School Survey (Baker et al. 1987b) sample drew responses from 6168 school children, from 54 New South Wales secondary schools aged 12 to 17 years of age. The Survey suggests a substantial level of alcohol use by students, 12 to 17 years old, with a higher usage by those 17 years of age. Over 40 per cent of students 17 years of age reported using alcohol at least weekly.

The figure below shows use by age of all age groups 12 to 17 years.

Figure 1

Regular Alcohol Use (at least weekly), 1986
Trends in juvenile alcohol consumption

The 1986 Survey (Baker et al. 1987b) also presents comparative 1983 and 1986 data of reported alcohol use by students 12 to 17 years. Of particular interest, is a consistent trend for all ages and both sexes to report a lower level of alcohol use. For example 16-year-old females report a reduction from 41 per cent to 30 per cent in the proportion drinking weekly.

However, Australia (including New South Wales) appears to be under the belated influence of a world trend towards reduced alcohol consumption by juveniles. This trend aside, consumption of alcohol by students in New South Wales is still, on average much higher than that of their American counterparts. (Baker et al. 1987b). This must be seen in the context of consumption patterns in various countries. A significant difference is that America, unlike Australia, underwent a period of alcohol prohibition.

Purchase location

The Survey (Baker et al. 1987b) also provides data on the location of purchase of liquor by those in the sample 16 years of age. The chief sources of alcohol for males are bottle shops and hotels, while for females hotels and restaurants are the primary sources.

The reported sources of alcohol supply highlight the significance of licensed outlets in the supply of alcohol to juveniles (see Figure 2). Necessarily this supply is unlawful; and lends strong support to the proposition that there are insufficient penalty consequences for offences committed by license holders.

Source: Baker, W. et al. 1987b

Figure 2

Alcohol Purchase Locations -16-year-olds

Source; Baker, W. et al., The 1986 Survey of Drug Use.
Actual drinking age

The Survey data presented above indicates that the 'actual drinking age' must be viewed somewhat differently from the 'legal drinking age'. For example, the lawful drinking age in New South Wales is 18 years, yet the Primary School Survey found that for years 5 and 6 (11 and 12 years), 45 per cent of males and 30 per cent of females report having consumed alcohol. Additionally by age 17, the last ‘unlawful drinking year’, more than 40 per cent of both males and females used alcohol at least weekly (Baker et al. 1987a and b) (see Figure 3).

Recognition of the relationship between 'lawful drinking age' and 'actual drinking age' has implications for discussion of other issues including: raising the lawful drinking age and progression from one drug type to another discussed later in this paper.

Consequences of Juvenile Alcohol Consumption

The Schools Survey material demonstrates considerable juvenile alcohol use. This use is shown to have two dimensions, first, alcohol use within the home, and second, use in public or licensed places. Additionally, licensed outlets are shown to be significant suppliers of alcohol to juveniles. Unfortunately, consumption of liquor by Juveniles has a number of personal and social consequences. These include:

- Attendant crime;
- High incidence of motor vehicle incidents involving persons under the age of 25 years;
- Progression from licit to illicit drugs;
- Health risk; and
- Risk taking by alcohol affected young persons.

Attendant crime

Licensees, clubs and others commit offences by supplying alcohol to juveniles; or permitting juveniles to remain on licensed premises.

While not usually committed by juveniles, about 50 per cent of reported domestic violence cases have as an associated factor, alcohol abuse (Stewart 1983). This would, at the very least, have role model implications for juveniles in later life.

The association between alcohol and crime is well known (Blum 1987; Buzzard et al. 1986). Police have long perceived a strong association between alcohol consumption and hooliganism, vandalism and other anti-social behaviour. This perception is supported by recent studies in the United States, (Smart & Goodstadt 1977) Canada, (Vingilis & Smart 1981), and in Australia (Smith & Burvill 1986a and b; Smith 1986), which suggest a strong association between alcohol and juvenile road deaths or injuries, and non-traffic injuries and some types of crime. The situation in Australia can be charted by reference to studies of both juvenile crime (Smith & Burvill 1986b) juvenile traffic deaths and injuries (Smith & Burvill 1986a), and juvenile non-traffic hospital admissions (Smith 1986), at the time of reduction in legal drinking age in South Australia, Western Australia and Queensland. Reduction of the legal drinking age from 21 to
18 was accompanied by statistically significant increases in juvenile crime and traffic fatalities or injuries and non-traffic hospital admissions. With respect to juvenile crime rates, the following results for male juveniles were obtained.

Significant increases in offences committed by male juveniles in the following offences: in South Australia - larceny of motor vehicles 48.9 per cent, burglary 44.4 per cent, drunkenness 48.9 per cent; in Queensland - burglary 63.5 per cent; larceny 32.9 per cent; fraud 157.4 per cent, drunkenness 57.2 per cent in Western Australia - serious assault 231.6 per cent; larceny of motor vehicle 36.9 per cent, and burglary 35.2 per cent.

It is evident that there is a relationship between movements in the lawful drinking age and the indices of some crime, juvenile road deaths and injuries and non-traffic hospital admissions.

Continuing the crime and alcohol connection, the New South Wales Bureau of Crime Statistics and Research conducted a study (Robb 1988) of Serious Assaults in New South Wales. It was found, amongst other things, that:

- 17 per cent of victims and 18 per cent of assailants fell into the 10-19 age group;
- 40 per cent of incidents involved alcohol;
- 19 per cent of assault location were in or near licensed premises; and
- 20 per cent of incidents occurred between 10 pm and 12 pm.

The data lends support to the general association of alcohol, licensed premises and serious assaults.

**Progression from licit to illicit drugs**

While progression from licit to illicit drugs has not been well documented there is some evidence to support a progression from one 'drug type' to another (Chaiken 1987).

In a 1984 research study, Polich et al. cited the work of Kandel and Faust (1975) who in follow-up studies of New York adolescents identified a three stage sequence of drug use: legal drugs (for example, cigarettes and hard liquor) leading to marijuana leading to other illicit drugs.

These findings should, of course, not be interpreted to imply that every person who uses cigarettes will later become a marijuana user and then progress to other illicit drugs, but that as Kandel suggests, legal drugs are '...necessary intermediates between non-use and marijuana...' (Kandel 1975), and that marijuana use is a '...crucial step on the way to other illicit drugs'.

Polich et al. (1984) continues:

> Most researchers now accept the propositions that there are typical sequential patterns to drug use behaviour; that they begin with legal drugs (cigarettes and alcohol); and that some portion of marijuana users will go on to experiment with or become occasional users of other illicit drugs (Richards 1980).

Further, research on the sequence of drug use substantially parallels the prevalence of drug use rates amongst adolescents (Polich et al. 1984). This is supported in Australian studies by Hill (1987) and Baker et al., (1987a and b) for Australian school children and New South Wales school children respectively. The drugs most commonly used by adolescents also come earliest in the sequence, for example, tobacco and alcohol. It is therefore, wise to target these drugs for prevention efforts. These findings also suggest that prevention programs should be focused on both legal and illegal substances (Polich et al. 1984). Prevention or delay of the onset of cigarette smoking may have 'spillover' effects on alcohol and marijuana use and subsequently, later illicit drug use (Perry 1980).

**Health**

Excessive consumption of alcohol has well-known consequences to the individual. It also has wider economic consequences for the treatment of alcohol affected or addicted individuals, usually resulting in costs to the state. Other considerations are:

- About 350,000 Australians have serious alcohol addiction problems (Stewart 1983);
- Australia has the highest per capita consumption of alcohol in the English-speaking world (Stewart 1983);
- Thirty per cent of admissions to public hospitals in the inner city of Sydney are shown to have alcohol related problems (Stewart 1983);
- Alcoholism of parents is considered more significant in relation to suicide and suicide attempts by young people than alcohol abuse by young people themselves (Allen 1987);
Alcohol and pregnancy - Alcohol use by females of childbearing age can be expected to increase the incidence of 'Foetal Alcohol Syndrome' affected offspring (Newman & Correy 1980). 'Foetal Alcohol Syndrome' affected children have mental and physical disabilities of such magnitude that they are likely to present a burden on the state;

- Between 1980 and 1986 alcohol was the most significant cause of death among young people (aged 15-34 years) causing over 75 per cent of drug deaths in this age group (National Drug Abuse Data System 1988);

- There is additionally, some evidence to suggest that juveniles have less tolerance to alcohol (Stewart 1983).

**Motor vehicle operation**

Probably the most disturbing aspect of excessive consumption of alcohol by juveniles, relates to the deaths and injuries associated with juvenile motor vehicle operation. Juveniles are grossly over-represented in road user casualty statistics, for both death and injury, as drivers, passengers, motorcyclists and pedestrians (Traffic Authority of New South Wales 1988).

Indeed, almost half the drivers and riders killed or injured in New South Wales, in 1987, with unlawful blood alcohol concentrations, were between 17 and 25 years (Traffic Authority of New South Wales 1988).

A study of 200 blood samples taken from road users in Tasmania in 1983, found that the probability of finding a blood alcohol concentration above 0.5g/L in 17-year-old persons who were killed or injured seriously was approximately 70 per cent (McLean 1987).

In a recent study (Smith & Burvill 1986a) of the effect on traffic safety of lowering the drinking age in Queensland, South Australia and Western Australia in the 1970s it was found there was a 75 per cent increase in fatalities for drivers and motorcycle riders; an 18 per cent to 29 per cent increase in the number of male drivers and motorcyclists injured; a 4.7 per cent increase in male drivers and motorcyclists aged 10-20 years involved in reported accidents following lowering of the drinking age; that significantly more drivers and riders had positive breath analysis and blood alcohol test results and were charged with significantly more drink driving offences; and a significant increase in the number of 18 to 20-year-olds admitted to hospital following a reduction in drinking age.

This study and the others by Smith (1986) and Smith and Burvill (1986a and b) support the general proposition, on juvenile crime reduction and juvenile traffic safety grounds, that the 'legal drinking age' be raised from 18 to an age in excess of 21 years or to some age in between. American studies reported a similar experience (Chelimsky 1988).

**Risk taking**

The blood alcohol statistics for juveniles and young adults suggests a great propensity among young persons to drive while affected by alcohol, or to be passengers in vehicles controlled by alcohol affected drivers. It is not clear which comes first, the risk taking or the alcohol consumption. What is clear however, is that juveniles continue to consume alcohol and drive motor vehicles.

Alcohol has also been implicated in risk taking and suicide (Stengal 1969 & Hendtlass 1982). A recent study of youth suicide and attempted suicide in Western Australia by Hayward et al., (1988) found, inter alia, that in almost half of the teenage suicides during 1986-87 the victim had been drinking prior to the suicide and almost one-quarter had blood alcohol levels over 0.05.

In the 1988 Report to the Minister of Health by the Youth Suicide Working Party it was found that:

- The major risk factors for suicide were: history of previous attempt, depression, alcohol or drug use, and being Aboriginal;
- The frequency of alcohol intoxication in attempted suicide has more than doubled from 1980 to 1987.

Among other things, the Working Party recommended that:

- 3.3.12 [T]he Health Department's current alcohol and drug public awareness campaign continue to target adolescents and young adults to bring about change in community attitude towards alcohol and drugs.
- 3.4.7 [The] legal restrictions on access to alcohol by youth be reviewed (report to Western Australia Minister for Health 1988).

It is clear that adverse consequences occur from excessive consumption of alcohol by juveniles. Of particular concern, is the incidence of deaths and serious injuries associated with the use of motor vehicles,
the contribution of alcohol to risk taking and suicide, and its contribution to crime and hooliganism.

The Liquor Industry

Financial impact of the liquor industry

It must be appreciated that any successful and sustained program impacting on the incidence of juvenile drinking will probably have significant financial impact on the liquor industry and the state. The political or lobby pressure that might be applied by the industry, should not be underestimated.

The New South Wales Drug and Alcohol Authority Primary and Secondary Schools Surveys (Baker et al. 1987a and b), demonstrate considerable use of alcohol by persons under the age of 18 years. These surveys further indicate the significance of parents in the supply of alcohol, particularly to Primary School Children. Given personal and social consequences of excessive alcohol consumption by young persons, it seems reasonable that the liquor industry through its license payments to the Liquor Administration Board (s.72 New South Wales Liquor Act), should bear in some way the part of the cost of addressing this supply and use. The Liquor Administration Board, should fund from Liquor Licence Collections a media campaign to inform juveniles of the provisions of the 'liquor control Acts'; and a juvenile alcohol diversion program run by the Police Citizens' Youth Clubs; and curriculum development for inclusion in life-style education programs. Material is to be prepared by the Education Department in conjunction with the Police Department.

If the needs of the state are such that revenue from licence receipts must remain at present rates, then licence fees should be increased. This would render the liquor industry liable in some way for reducing abuse of its product.

Additionally, the Board should take an active role in ensuring that licence holders under the Liquor Act, and secretaries and clubs under the Registered Clubs Act; and their employees are aware of their responsibilities under these Acts. Particular attention should be paid to responsibilities in relation to juveniles.

The Board should also support initiatives to: set proper standards of behaviour for licence holders, secretaries and their staff; raise the social and professional responsibility of the liquor industry; and broaden awareness of the social and personal consequences of liquor abuse in the industry by support of such programs as, 'Patron Care' and 'Home Safely'.

Police Support for the Concept of Liquor Industry Self-Management

The police view is that the liquor industry should be responsible, in a substantial way, for self-management and control of: the sale or supply of alcohol to persons under the age of 18 years and the entry of such persons on to licensed premises. Further, that legislation controlling those aspects of the industry should reinforce self-management.

The industry should, in the first instance, be trusted to be substantially self-managing, and once having established the basis of this trust, the law should bear heavily on those licence holders who abuse the trust extended to them. The penalties for breach of this trust should be substantial.

The actual and potential effect of the penal provisions of the New South Wales Liquor Act and the Registered Clubs Act and their present application are questioned. While a maximum fine of $1000 is provided by both the Acts, breaches of these Acts are almost invariably punished by much lesser penalties.

It should be noted that no licence has been withdrawn or cancelled in the last two years for the presence of juveniles on licensed premises, or supply of liquor to juveniles, even though this is provided for in the provisions of the 'liquor control Acts'.

The Police Role

Present enforcement role

Police have had a continuing, though not exclusive, enforcement role under the Liquor and Registered Clubs Acts. Enforcement of the Registered Clubs Act and the Liquor Act, has traditionally been the province of police specifically assigned to licensing duties. These police were located within Divisions ostensibly under control of Divisional Commanders, but in reality under the substantial control of the Superintendent of Licences.

The Liquor Act and the Registered Clubs Act provide qualified authority to members of the police force, of or above the rank of sergeant, or for the time being in charge of a police station, to enter licensed premises,
clubs, hotels and liquor outlets at all hours. In addition, refusal of entry or 'unreasonable' delay or obstruction are offences for the licence holder and staff. In prescribed circumstances, other members of the police force may also be authorised.

From a police view, the allocation of staff to exclusive 'licensing duties' has led to a situation where the vast majority of General Duty police personnel, perceive that enforcement of the Liquor Act and Registered Clubs Act as the sole province of those police specifically designated to perform duty as 'licensing police'.

This perception should be addressed in police training and by a clear organisational statement that licensing is a function of all members of the police force, and not just those classified as 'Licensing'.

While the perception exists, in reality all members of the police force have authority to enter the public areas of hotels. A somewhat different situation applies to the premises of Registered clubs.

Members of the police force, of or above the rank of sergeant, on grounds of reasonable suspicion of 'unlawful or disorderly conduct', have clear authority, under both the Liquor Act and Registered Clubs Act, to enter licensed premises.

Proposed Enforcement Role - a Two Phase Police Program

Phase I will be directed towards juvenile offenders and training of police, while Phase II will be directed at liquor licence holders.

It must be appreciated that given the extensive nature of juvenile alcohol consumption identified in the Schools Surveys (above), that to attempt continued enforcement directed solely at juveniles is unlikely to be successful. Directing this enforcement activity at product suppliers and the liquor licence holders, offers greater likelihood of success. Proposals to alter the Registered Clubs Act and the Liquor Act to require: mandatory production of 'proof of age' by driver's licence or 'Pub Card', removal of defences and infringement notice based enforcement activity are seen as placing a greater duty upon licence holders to act professionally and in so doing to ensure that juveniles are not present on their premises or supplied with liquor. A further proposal is that juveniles found in possession should be under an obligation to supply a member of the police force with the source of supply of liquor found in their possession.

Two phase police program

Objective To reduce the incidence of drinking or possession of intoxicating liquor by persons under the age of 18 years, in public places, in premises licensed under the Liquor Act, the Registered Clubs Act and unlicensed premises.

Premises This strategy is based upon three premises.

1. That prime responsibility for ensuring that persons under the age of 18 years do not consume, are not present or are not supplied with liquor, rests with licence holders. 'Licence holder' includes the holder of a licence for a bottle shop or a restaurant.

2. That priority police enforcement activity during Phase I will be directed towards ensuring that juveniles possessing or consuming liquor in public places, or being on, consuming on, or being supplied with, liquor on licensed or unlicensed premises, are detected.

3. That the consequence of non-compliance by persons licensed under the 'liquor control Acts' and their employees, and persons who supply liquor contrary to their provisions, to persons under the age of 18 years, will be of sufficient gravity to ensure that this type of behaviour will be an infrequent occurrence.

Phase I

It is proposed that Phase I will run for a period of 12 months, and will consist of three steps. Step 1, primarily education of police, it is expected, would take place in the first three months. Step 2 is the education of juveniles on their responsibilities under the 'liquor control Acts' through a media campaign, a juvenile alcohol diversion program provided by the Police Citizens' Youth Clubs and curriculum development in Lifestyle programs. All to be funded by the Liquor Administration Board from licence collections. Step 3 includes ongoing education of the general community, and in particular juveniles, on the effects of alcohol.

Success or otherwise of the strategy will be evaluated on an ongoing basis; and be subject to a major review at the conclusion of Phase I.

Phase II
Phase II, will consist of a shift in enforcement emphasis from juveniles to suppliers, with particular attention to the holders of licences under the Liquor Act and Registered Clubs Act and unlicensed premises, where liquor is supplied to juveniles an evaluation of the success of enforcement during the period of Phase I; a detailed review of 'liquor control' legislation; and the preparation of revised enforcement strategies options in line with any deficiencies identified in Phase I.

After evaluation of Phase I, a revised Enforcement Strategy would be prepared for Phase II, to reflect the changed emphasis to licence holders. Evaluation would also take place after completion of Phase II.

**Intelligence gathering**

Intelligence gathering to identify problem areas within each patrol will include: an invitation to members of the public through local media to provide information of licensed and unlicensed premises serving, or supplying liquor to juveniles; a local phone-in similar to Operation Noah to identify problem areas; a police identification of premises and events where juvenile drinking occurs in each patrol; and a request to Community Consultative Committees and Neighbourhood Watch groups to assist in identifying problem areas.

**Information to liquor associations and licensees**

Based upon the premise that there is a clear duty cast upon licence holders restaurateurs, bottle shop proprietors, club secretaries and their employees by the New South Wales Liquor Act and the Registered Clubs Act, to ensure that juveniles do not frequent or partake of liquor in licensed premises, the Registered Clubs Association and the Australian Hotels Association will be informed that a patrol based 'enforcement activity will be introduced.

This information will include a clear indication that juveniles are principally a problem for licence holders and that the police role will be one of ensuring that licence holders conform with the requirements of the 'liquor control Acts'.

The changed police role is to ensure that licence holders, secretaries and their employees are taking action to reject and remove juveniles from premises under their control. Further, that any breaches by licence holders, secretaries or their staff will be prosecuted.

**Police enforcement**

Detection of persons under the age of 18 years of age on licensed premises or consumption or possession of alcohol, etc., will have the following graded police response.

- **First detection**
  A Caution: it must be appreciated that in many situations, (for example, large public gatherings or sporting events) that it may not be appropriate or practical to caution. Such events may require an infringement notice to be issued at the first detection stage. It may be possible, to administer a caution in appropriate cases, at some later time.

- **Second and third detection**
  An Infringement Notice.

- **Fourth and subsequent detections**
  A Court Attendance Notice and referral as appropriate. Where a young person has been detected on three or more occasions for public consumption or possession of alcohol, or consumption or presence on licensed premises etc., in the interests of the young person, the Department of Family and Community Services should be informed.

**Modification of penalty structure**

After surveying the penalties applied for breaches of the Liquor Act and the Registered Clubs Act, it is proposed that the penalty structure be amended to: increase penalties, but, more importantly to fix minimum and maximum levels for progressive stages of offending. Further, penalties should be attached to premises rather than to individual licensees. After a third conviction emanating from a particular licensed establishment the licence should be suspended for a period of three months.

**Proposals for change**
In light of the social effects of excessive alcohol consumption, particularly, attendant crime, health, risk taking and motor vehicle use, together with the responsibilities for self-management already extended to the liquor industry, penalties for breaches should be substantial.

Firstly, because the penalties should be strong signals to licence holders that the state is concerned about such behaviour; and, secondly they should be applied by the court upon a finding of guilt. Additionally, they should be, at least in part, subject to non-discretionary application, say:

- $2000 for a first offence, with a minimum of $1000;
- $3000 for a second offence with a minimum of $2000;
- $5000 minimum fine for third and subsequent offences, together with automatic question of fitness to continue to hold a liquor licence.

Penalties should also be attached to the licensed premises. Three penalties attached to the licensed premises over a three year period should lead to cancellation of the licence for the premises concerned, for a period of three months. It is intended that the penalties should be applied to Hotels, Registered Clubs, Licensed restaurants, and Bottle Shops.

Modification of the penalty structure to create minimum and maximum penalty provisions and more importantly to attach penalties to premises will dramatically change police enforcement activity. Instead of attempting to enforce the 'liquor control Acts' on the whole juvenile population, as is the case at present, enforcement activity will change to ensuring that liquor licence holders are not permitting juveniles on their licensed premises or permitting supply of liquor.

Attachment of penalties to licensed premises will act to make the Liquor Act and the Registered Clubs Act virtually self-enforcing. Juvenile provisions will only be breached in full knowledge of the consequences. Although consequences (for example, loss of value of the premises), may be viewed as severe, so are the consequences of juvenile alcohol consumption. The present system is not working.

Removal of defences

In tandem with proposals to modify the penalty structure it is also proposed that defences currently available in the Liquor Act and the Registered Clubs Act be removed. There is little reason to retain the current defences when a system of identification and proof of age is to be provided with mandatory production of 'Photo Licences' and 'Pub Cards' at point of entry and prior to supply of alcohol. A sufficient defence should be that the person in question produced a valid motor vehicle driver's licence or an identification card similar to a 'Pub Card'. If the licence or card is not valid, the defence should not be available.

Wide use of caution and infringement notices

Current procedure utilised to initiate proceedings for offences under these Acts is by way of summons. This requires police reporting juvenile infractions of the 'liquor control Acts', to prepare a 'brief of evidence'.

The 'brief includes a statement by the reporting member, juvenile reporting form and other papers and is cumbersome, bureaucratic and costly. In addition, it requires that the 'brief of evidence' be forwarded through the District Superintendent, to the Superintendent of Licences, Central Licensing Branch for adjudication.

After the brief has been adjudicated on and a decision has been made about the correct offence, it is returned through the District Superintendent, to the member who originally reported the offence by the juvenile. The original reporting officer then goes to the local court. A summons is subsequently issued and served with the reporting officer giving evidence before the court where required.

Enforcement levels of juvenile offences under the 'liquor control Acts' have not been high. This, it is suggested, has been due to two factors, first, the complicated procedure necessary to initiate proceedings, and second, the low probability of a person reported receiving a reasonable penalty.

It is proposed that caution and infringement notices will have wide application under the 'liquor control Acts'. Introduction of cautions can be achieved administratively. Infringement notices however, require amendment to the 'liquor control Acts'.

Infringement notices are attractive due to their cost effectiveness in terms of police resources and favourable impact on the courts system. It is proposed that the 'liquor control Acts' be amended to permit issue of infringement notices for a wide range of offences under these Acts. Offences would include many committed by licensees, secretaries and their employees.
Police power to demand source of alcohol

To address the problem of supply of alcohol from licensed premises to juveniles, at its source, it is proposed that police be given the power to demand details of the source of alcohol from any person possessing or consuming alcohol contrary to the 'liquor control Acts'.

Use of the power will allow the suppliers to be targeted. Persons who fail to supply details of the supplier of the alcohol or supply false information will commit an offence. In dealing with offenders under such a provision, it will be necessary to caution or prosecute the offender for consumption or possession prior to him or her being called as a witness against a licensee or other person guilty of an offence. To do otherwise, would be to place the offender in the position of giving evidence which is also likely to used in his or her prosecution. A person placed in such a situation would be cautioned in the court not to say anything in response to questions about the source of liquor as it might tend to incriminate them.

It can be expected that, in combination with other proposals, this will have a powerful effect on liquor licence holder behaviour.

Power to demand details of identification and proof of age

It is proposed that police be empowered to demand production of a 'Photo Licence' or 'Pub Card' from persons reasonably suspected of committing an offence under the 'liquor control Acts'. In addition, it is proposed that it be possible to detain suspected persons for a short period to verify information supplied.

Lack of a realistic authority to demand and verify name, address and age of an offender can be expected to have adverse consequences. Police will be reluctant to bluff their way through and assume a power to demand and to verify name and address and proof of age not provided in the legislation. This will probably result in less than optimum numbers of infringement notices being issued for these offences.

Police Citizens' Youth Clubs

The Police Citizens' Youth Clubs will provide a juvenile alcohol diversion program, funded by the Liquor Administration Board, available as a diversion option to both courts and police. Such a program should include: self-assertiveness; consideration of peer pressure; understanding the influences of advertising; and understanding liquor control legislation and the consequences of breaking its provisions. In addition, Youth Club managers and staff should: gather intelligence from hotels, clubs, parks and other juvenile drinking places; and make contact and develop liaison with substance abuse networks.

Responses from other Jurisdictions

It should not be thought Australia is the only society attempting to grapple with the consequences of excessive alcohol consumption. The United States and Great Britain have also been attempting to deal with similar problems. A number of policy responses are provided below.

United States

Increase in lawful drinking age

Support for increasing the 'lawful drinking age' from 18 to 21 can be found in the United States of America, where decreases in the lawful drinking age in the 1970s, the majority to age 18 with some states opting for 19, and increases in the 1980s, to age 21, were accompanied by, respective increases and decreases in: road deaths and injuries of young people; motor vehicle associated property damage; and some crime indices.

A 1985 study by the U.S. Department of Transport concluded that any state raising its lawful drinking age had a 95 per cent chance of reducing the fatal accident involvement of the targeted age group by 6 per cent to 19 per cent. It is conceded at the outset that there is at least one substantial difference between the United States and Australia in the application of breath analysis and testing. In the United States only some of the states apply compulsory breath testing and practice random and other breath testing. The much wider application of random and other breath testing in Australia would probably act to lessen, by degree, the likely impact of raising the lawful drinking age, but having acknowledged this, the potential positive gains in the form of reduction in juvenile motor vehicle deaths and injuries and damage, could nonetheless be expected to be considerable.

The findings of a United States General Accounting Office (Chelimsky 1988) review, were used by the Federal Government in 1984 to legislate to tie Federal highway grant monies to the states to a requirement that the states increase their 'lawful drinking age' to 21. It would appear that this would be an option that
might be constructively pursued by the Federal Government in Australia. All of the mainland American states have now increased their 'lawful drinking age' to 21 years.

Some states took the view that the changed 'lawful drinking age' should be applied to all persons, including those who had already attained the age of 18 but were not yet 21 years. In some of these states it became an offence, even for a parent, to supply liquor to a person under the age of 21.

**Juvenile curfews**

A further policy response in the United States to unacceptable juvenile traffic death and injury rates has been to impose curfews on juveniles.

Young persons are not permitted to drive vehicles after specified times in the evening. The imposition of these restrictions, in various forms, is currently operating in 12 of the United States, (Ross 1984) and is reported to have contributed to a reduction in the incidence of juvenile road deaths and injury indices (William 1987; Rodriguez-Schak 1988).

If considered appropriate, introduction of curfews could be on the basis of certain nights of the week on which juvenile accident rates are highest, for provisional licence holders or certain classes of convicted licence holders, or to specific places or events or during certain hours.

**'Dram Shop' Liability Legislation**

Police support heightened professionalism and responsibility within the liquor industry to prevent supply of liquor to juveniles. These aspects have been influenced positively in the United States by liability legislation presently unknown in Australia.

A feature of many jurisdictions in the United States is 'Dram Shop' liability legislation. The legislation provides '...a remedy for a person injured by an inebriated [person] against the person who caused the inebriated [person] to become intoxicated (Goldberg 1987). The Acts either, extend the application of common law negligence or make specific liability provisions for liquor servers. The liability provisions extend to both licence holders and producers where appropriate; and in some states are wide enough to include domestic or social host servers of liquor.

'Dram Shop Liability Legislation' currently applies in some 38 states in the United States (Goldberg 1987).

The Illinois Dram Shop Act provides '...every person who is injured in person or in property by an intoxicated person has right of action...against any person who by selling or giving alcoholic liquor, causes the intoxication of such person' (Illinois Revised Statutes).

The stimulus of liability under 'Dram Shop' legislation or extended common law negligence has been a very powerful engine for change. It has seen introduction of programs such as 'Patron Care' referred to elsewhere in this paper, and other 'Alcohol Management' programs. One such program (DWI Update 1986) for bar and restaurant owners, employers and employees seeks to increase knowledge of: the clinical effects of alcohol on the body; how to recognise the physical signs and stages of intoxication; how to moderate a customer's drinking rate; and how to deal with problem drinkers.

The New South Wales Drug and Alcohol Authority, in a submission to the House of Representatives Standing Committee on Road Safety, 'Alcohol Drugs and Road Safety', in May 1982, suggested that some responsibility should be imposed on licence holders to ensure that young people do not drive away from licensed premises whilst intoxicated, in essence some form of 'Dram Shop' liability legislation.

It appears that, if there is to be change in the behaviour, attitudes and professionalism of the liquor industry in New South Wales, towards serving of alcohol to juveniles and to intoxicated persons, introduction of 'Dram Shop' liability legislation may provide the required stimuli.

**United Kingdom**

**Prohibition on public consumption of alcohol**

A number of local government authorities in the United Kingdom, in response to increased delinquency and public order problems, have recently responded by restricting public consumption of alcohol. The provisions apply to all persons and are not targeted at juveniles. It is too early to establish whether this action has been effective.

**Restriction on Supply or Consumption of Alcohol on Transport to Sporting Events**
The Sporting Events (Control of Alcohol Etc) Act 1985 creates the following offences: possession of alcohol on a public passenger or railway passenger vehicle carrying passengers to or from a designated sporting event; a hirer or operator, or his or her servant or agent, knowingly permitting alcohol to be carried; a passenger being drunk; to be drunk on entering or trying to enter a designated sports ground or in any part of the ground; and to possess alcohol on entry to a designated ground or in any part of the designated sporting ground from which the event may be viewed.

It also empowers a constable in uniform during a designated sporting event to close any bar in the ground if he or she considers the sale of alcohol is detrimental to the orderly conduct of safety of the spectators (s.6). There are also police powers of entry, arrest, stop and search to enforce the Act.

It is not uncommon to find a large sign on railway stations proclaiming a particular train under the provisions of the legislation and warning passengers that they are not permitted to possess, consume or carry alcohol on the specified train. The restrictions also apply to other forms of transport.

Similar provisions are also applicable in Scotland (Criminal Justice (Scotland) Act (1980)).

**Conclusion**

The Schools Surveys for New South Wales, South Australia and Victoria demonstrate significant use of alcohol by juveniles throughout Australia. In all but exceptional circumstances, for example supply by parent, this use of alcohol is unlawful. Also identified, (New South Wales Surveys) was the significance of licensed premises, particularly hotels, clubs and bottle shops as purchase locations for alcohol by juveniles. It can only be concluded, that present methods of discouraging or preventing unlawful supply of alcohol to juveniles from the various types of licensed premises have failed.

While not wishing to suggest that the illegality of significant consumption of alcohol by juveniles throughout Australia is not of concern, it is also important that other consequences of this consumption, more damaging to the individual and our society, are appreciated. Alcohol consumption by juveniles has been implicated in crime, hooliganism, vandalism, progression from licit to illicit drugs, damage to health, risk taking and perhaps the most disturbing of all, motor vehicle deaths and injuries. It follows that if significant impact can be made on the incidence of juvenile alcohol consumption then improvements in the indices for other consumption consequences will also occur.

The policing strategy included in this paper was framed in recognition of the complexity and long standing nature of the liquor problem and its 'juvenile' component. Notice has been taken of the significance of parents in supply of alcohol to juveniles, together with that of liquor supply from premises licensed under the New South Wales Liquor Act and the Registered Clubs Act.

The strategy draws on the demand reduction work of the National Campaign Against Drug Abuse and the New South Wales Directorate of the Drug Offensive. This is supported by introduction of juvenile alcohol diversion and education programs funded from liquor licence fees collected by the Liquor Administration Board, and delivered by the Education Department and the Police Citizens' Youth Clubs. There appears to be some evidence that expenditure and effort in prevention or delaying the onset of consumption of licit drugs, particularly tobacco and alcohol, has 'spillover' effects on the consumption of other licit and illicit drugs.

To address supply, the strategy seeks to significantly broaden the role of the liquor Administration Board. The Board should take action to encourage increasing self-management and professionalism within the liquor industry. Liquor industry self-management and heightened professionalism are also encouraged and supported by amendment to existing 'liquor control Acts' to attach penalties to premises and by applying minimum and maximum penalties.

Mandatory requirements on licence holders, club secretaries, bottle shop proprietors, restaurateurs and their employees, to require production of motor vehicle driver's licences including a photograph or 'Pub Cards' for proof of age, before granting entry or supplying alcohol, is proposed. 'Pub Cards' would be issued by the Department of Motor Transport through its Motor Registry network to persons who are over the age of 18 years but not the holder of a Motor Vehicle Driver's Licence. A 'Pub Card' scheme, similar to that proposed, was recently introduced in the Northern Territory. The recent decision to introduce 'photo licences' will simplify provision of 'Pub Cards' in New South Wales.

Introduction of 'Dram Shop' liability legislation would significantly alter current behaviour and ultimately attitudes of liquor servers to their intoxicated and juvenile patrons by rendering them liable for damage and injury caused to third parties.
Reduction of the drinking age in the 1970s in a number of Australian states led to increases in juvenile traffic accident deaths and injuries, some crime indices and the level of non-traffic hospital admissions. Research in the United States, where the lawful drinking age, has been both decreased and then increased, has indicated that there is a relationship similar to the Australian experience with reduction of the lawful drinking age. It is reasonable to expect that an increase in the lawful drinking age would lead to a reduction in the levels of juvenile traffic accident deaths and injuries, some crime rates and non-traffic hospital admissions. It is proposed, on these grounds, that the lawful age for consumption of alcohol be increased to 21 years of age.

Following the United States experience with increasing lawful drinking age, it appears that the Commonwealth Government, through 'tied grants' to the states, has a significant role to play in, first, increasing the lawful drinking age, and second, through this, reducing the level of juvenile deaths and injuries associated with the operation of motor vehicles. It appears that this single action may also have beneficial effect in other areas -crime, risk taking, juvenile suicide and non-traffic hospital admissions.

Curfew restrictions are imposed on juveniles in 12 jurisdictions in the United States. These restrictions are reported to reduce the Incidence of traffic-related deaths and injury among juveniles. Additionally, there are reports of reduction in some juvenile crime indices. Detailed examination of the introduction of juvenile curfews to this state, on the basis of reported reduction in traffic injury and death and crime indices, is recommended.

Heightened police enforcement activity at local patrol level is also proposed and will in the short term be aimed at juvenile consumers, and at licensed and other suppliers, in the longer term.

It is clear that large numbers of juveniles are obtaining alcohol from licensed premises, hotels, clubs, restaurants, bottle shops and to a lesser extent supermarkets. Significant modification of the penalty structure to attach penalties to licensed premises is seen as a strategy with a very high probability of success, as it can create economic disincentives. A licensed outlet with one or more penalties attached will not attract the same sale interest or price as one without a penalty attached.

Enforcement of 'juvenile related' provisions of the 'liquor control Acts' by extensive use of infringement notices is recommended. However, this will only be successful if police are provided with the power to demand name and address and proof of age in circumstances where it is reasonable to suspect that an offence has been committed under the 'liquor control Acts'.

Finally, to respond successfully to the 'juvenile drinking problem' and its attendant consequences, there will have to be concerted action. Police enforcement endeavour alone will not suffice. The 'problem' requires interagency effort to address the serious adverse effects, on crime, motor vehicle incidents, health and risk taking associated with, and exacerbated by, inappropriate juvenile consumption of alcohol. Finally, there will need to be recognition of the 'problem' by a large proportion of the community, by liquor licence holders, and most importantly, by young people themselves.

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