



Submission to the inquiry by the Social Policy Committee into the provision of alcohol to minors.

The New South Wales Council for Civil Liberties (CCL) is one of Australia's leading human rights and civil liberties organisations. Founded in 1963, NSWCCL is a non-political, non-religious and non-sectarian organisation that champions the rights of all to express their views and beliefs without suppression. To this end the NSWCCL attempts to influence public debate and government policy on a range of human rights issues by preparing submissions to parliament and other relevant bodies.

CCL thanks the Committee for the invitation to present a submission to this inquiry.

Preamble

Subsection 117(4) of the Liquor Act (NW) 2007 makes it an offence to supply a minor with liquor on premises other than licensed premises, unless the person supplying the liquor is a parent or guardian of the minor. The penalty is 100 penalty units (currently \$11,000) of twelve months' jail or both.

Subsection (5) provides a defence if the defendant was authorised to supply liquor to the minor by a parent or guardian.

It is also an offence to obtain liquor for a minor from licensed premises (subsection (6)), unless the person obtaining liquor is a parent or guardian of the minor, or for a licensee to allow liquor to be sold to or supplied to a minor on licensed premises (subsection (8)).

It is a defence to the first of these if the person obtaining liquor was authorised to do so by a parent or guardian, and to the second if the person supplying the liquor was a parent or guardian.

The NSW Premier has proposed that the defences should be removed, making it an offence for anyone except a parent or guardian to supply liquor to a minor.

Problems with the proposed law change

1. The proposal goes way beyond dealing with the problems created by inadequately supervised parties. It will make criminals of relatives who, with the consent of a young person's parents, offer a small amount of wine on a family occasion when the parents are absent. It could make them criminals even if a parent were present and consenting.
2. Criminalising relatives who give young people a sip of wine at Christmas will do nothing to reduce drinking by minors. If they are unable to obtain alcohol at parties, they will get it by other means, and drink it in places where they are unsupervised.



New South Wales
Council for
Civil Liberties

NSW Council for Civil Liberties Inc.

Postal address: PO BOX A1386 SYDNEY SOUTH NSW 1235

Office address: suite 203, 105 Pitt Street SYDNEY NSW 2000

Phone: 02 8090 2952

Fax: 02 8580 4633

Email: office@nswccl.org.au

Website: www.nswccl.org.au



3. The proposed law would be inconsistently enforced, thus engendering scorn for the police, the law, and laws in general.

4. This proposal would make some religious ceremonies illegal for minors. Should a Jewish child be present at a Shabbat evening meal with his or her parents not present, the child would be prevented from taking part in Kiddush. Similarly, a Christian teenager attending a communion service or mass could not be given communion in both kinds unless his or parent was present to hand him the chalice or glass.¹

5. The consequences of a person being convicted of a criminal offence go beyond any penalty imposed by a court. A conviction even for a minor version of the offence may make it difficult for a person to obtain employment, or cause the loss of their jobs. Overseas travel becomes problematic.

6. Demanding or imposing swingeing penalties (being “tough on crime”) is not a sign of strength, but of abysmal weakness. Penalties produce very little deterrent effect. Imposing them in the pretence that they do makes it less likely that the problems targeted will be dealt with properly.

Martin Bibby MA, BD, PhD

Convenor, Civil and Indigenous Rights, Police, Security and Antiterrorism Powers and Criminal Justice Subcommittee

This submission has been authorised by the full CCL Committee

¹ Even at present there could be problems if the teenager were attending church in spite of his or her parents’ objections to Christianity.