

Alcohol, Teenage Parties And The Law

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

Did you know?

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

Although South Australian laws prevent the provision of alcohol to young people under 18 years of age, there are some exceptions—such as being able to provide alcohol to minors in a private residence.

Are you hosting a teenage party in a private home?

It is not illegal for a person aged under 18 years (minor) to drink alcohol in a private residence. Being responsible for people attending the party, in some special circumstances, may mean that the responsible adult has a legal duty of care to those under their supervision. Therefore, you need to be well informed of the legal and insurance implications. If alcohol is available at the party the liquor licensing laws may apply.

As the host of a teenage 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.

Key facts

South Australian laws on underage drinking

The Liquor Licensing Act 1997, sets out the laws in relation to minors and alcohol. Among these are that:

- The legal drinking age is 18 years (*minor*).
- It is illegal to purchase alcohol under the age of 18.
- 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 (other than in a private residence).

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.) It is illegal for a minor to –

- consume or to be supplied with alcohol on licensed premises (even with a parent or guardian). Maximum penalty \$2500.
- ask someone to purchase alcohol for them. A maximum penalty of \$5000 applies to both the minor and the person purchasing the alcohol.
- be on licensed premises with an entertainment venue licence between 9pm and 5am
- be on any other licensed premises between midnight and 5am (except for example, in a dining room).

In parks, on beaches or piers, in hired halls and in other public places –

- It is illegal for a person aged under 18 years to drink alcohol anywhere in a public place, unless in the company of an adult guardian or spouse. **It is illegal for anyone to drink in a Dry Area.**

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. Get to know your teenager's friends and their families and try to establish good communication with them.
- Remember to make sure your teenager understands the harms associated with drinking alcohol at a young age. **See Fact sheets 1 and 4 in this series.** 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.

Are you hosting a teenage party?

- Make a clear decision about whether the party in your home will be alcohol-free or if alcohol will be allowed or provided. Involve your teenager in this decision, discussing the potential risks. Feel confident if you decide not to have alcohol at a party for teenagers. Guests can have fun and may be safer.
- 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 all 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.
- Supervision of teenage parties is essential, so you should stay at home to supervise the party. Should someone be injured, leaving the party unsupervised could mean that you have breached your legal duty of care and are liable for their injury.
- Gate-crashers can also be a problem. To prevent this happening ask older siblings, a relative or close family friend to assist with supervision. Some parents hire security company personnel who are trained in crowd control. The presence of a uniformed crowd controller can be an effective deterrent to would be gate-crashers.
- You also have a responsibility to minimise the impact of noise emanating from the party.
- 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.

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.

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.
- **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.



Recovery position

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





Frequently asked questions

“My son is going to a party where there will be alcohol. Who is responsible for him? Is there any legal responsibility for his supervision?”

The people hosting the party are responsible for those at the party. Being responsible for people attending the party, in some special circumstances, may mean that the responsible adult may have a legal duty of care to those under their supervision. Make sure you know whether parents or a responsible adult will be present at all times.

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. You should:

- find out how many people will be at the party, and if 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 and arrange to pick him/her up at a certain time
- get the name and phone number of a responsible adult who will be present the party. Don't hesitate to call him or her if you would like more information or are concerned about anything to do with the party.

“We've collected \$10 from everyone to buy alcohol for a party my daughter is having in our home. Is this OK? What if the guests are under 18?”

It is not illegal to charge \$10 to guests aged over 18. However, if the party guests are unable to drink the alcohol without paying the \$10, a limited licence must be obtained as you are selling alcohol.

You can apply for a limited licence from The Office of Liquor and Gambling Commissioner, South Australia. Contact phone 08 8226 8410.

In this situation, guests under 18 are not permitted to consume alcohol as it is illegal under the limited licence conditions. If a minor does consume alcohol, both you and the minor are committing an offence. This is also the case if one of your teenagers goes to a party where an entry fee is charged.

“Some underage guests took alcohol (which we supplied) from a party at our house and consumed it at the local park. Is this OK?”

Minors should not be allowed to take alcohol from the party to consume elsewhere. It is illegal for Minors to consume alcohol or for you to supply alcohol to a minor to consume in any public place unless they are with a parent, guardian or spouse. If you are aware that this is happening you could be held liable for allowing a minor to drink in public unsupervised. It is illegal for anyone to consume alcohol in a Dry Area.

“Our 17 year old son is having a party for his friends in our home. We don't want the guests to bring alcohol. We'd prefer to supply them with it. Is it OK for us to do this?”

The law does allow you to supply the alcohol. Your son's friends who are under 18 may consume alcohol in your home as it is a private premises. However, keep in mind that you have a responsibility to those at the party, some of whom might be younger than your son and his friends.

This includes ensuring that their parents are aware that alcohol will be provided and that the party will be supervised by responsible adults. Have a responsible adult serve the alcohol and ensure that controls are in place to minimise the risk of over-consumption of alcohol.

“My 17 year old son is having some friends over at our home and they want to drink alcohol. They have given me some money and asked me to purchase alcohol for them to drink whilst they are at our home. Is it illegal for me to do this?”

It is not illegal for you to purchase liquor for your son and his friends to drink at your home, either by way of a voluntary 'pooled money' arrangement or at your own expense, as long as you are not buying and re-selling the liquor yourself or making the payment of money a condition of attending.

This fact sheet outlines answers to some of the more frequently asked questions. These are guidelines only.

Further information/Where to get help

- Register your party with the local police. 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 gate-crashers.
- Your local council may also be able to tell you about local laws, for example, regarding acceptable noise levels.
- For information for parents see the Parenting strategies: preventing adolescent alcohol misuse website: <http://www.parentingstrategies.net/home/>
- The Australian Drug Foundation has published a helpful booklet on *Hosting Teenage Parties*. To obtain a copy, or for more information, see or call 1300 85 85 84.
- For links to other information around safer partying, see the DASSA Drug and Alcohol Services SA www.dassa.sa.gov.au/site/page.cfm?u=158
- For additional copies of this fact sheet see <http://www.decd.sa.gov.au/drugstrategy> >resources or parent support

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