Fact sheet 7: Alcohol, parties and the law

Did you know?
In NSW, except in specific circumstances, it is illegal to sell or supply alcohol to people under the age of 18? The law applies anywhere and at all times, including homes, halls and public places generally.

Example questions

Q: Some 17 year olds are going to a party and have asked their friend who is 19 years old to buy some alcohol for them. Is this legal?
A: The 19 year old is committing two offences. The first is obtaining alcohol for a person under the age of 18, and the second is supplying alcohol to a person under the age of 18. An on-the-spot fine of $1,100 or a court imposed maximum penalty of $11,000 and/or 12 months imprisonment applies for each offence.

Q: I have agreed to host a party for my 16 year old. As part of this I was going to provide food, alcoholic and non-alcoholic drinks. I am worried about providing alcohol but apparently ‘it’s at everyone’s parties’ – does it matter?
A: As the host of a party where alcohol is supplied, you could be issued with an on-the-spot fine of $1,100 by the police for every minor you serve.

You may also be liable for a court penalty of $11,000 and/or 12 months imprisonment for each person under the age of 18 who is supplied with alcohol. An exception to this is where a parent or guardian supplies liquor to their child away from licensed premises. You may also have a defence to a prosecution if a parent or guardian has specifically authorised you to supply alcohol to their child, although you would need to be able to prove this in court.

The law also makes it illegal for minors to drink alcohol on licensed premises. The minor can receive an on-the-spot fine of $220 or the court can impose a maximum penalty of $2,200.

A minor must not take delivery of any liquor sold over the telephone or by facsimile or by mail order or through an internet site unless he/she was ordered or requested to do so by his or her parent or guardian. The minor can receive an on-the-spot fine of $220 or the court can impose a maximum penalty of $2,200.

However, a person must not order or request a minor to take delivery of liquor sold over the telephone or by facsimile or by mail order or through an internet site. An on-the-spot fine of $330 or a court imposed maximum penalty of $3,300 applies to a person for this offence.

Ordering alcohol online

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Hosting a party
As the host parent you should be aware about the law on supplying alcohol to minors. In the days before the party, consider these points with your child:

- Is there going to be alcohol? If so, do not serve alcohol to people under the age of 18.
- What will you do if people under the age of 18 bring alcohol to the party or others want to supply them alcohol? Will they be asked to leave? Will the alcohol be confiscated and given to their parents after the party?
- Have a plan for how you will respond if guests arrive intoxicated or bring alcohol and other drugs.
- Don’t post party details on social media, or by email, to limit gate crashing.
- Register your party with the local police so gate crashers can be managed quickly.
- Make sure there are plenty of non-alcoholic drinks, water and food available.
- Enlist the help of friends and older family members to set up the party and supervise.
- Organise party activities to introduce a fun element and take the emphasis away from drinking.
- Make plans in case someone becomes intoxicated, sick or there is an emergency situation.
- If guests do become intoxicated during your party, how will they get safely home?

Alcohol and driving
- Make sure your teenager understands the risks of driving under the influence of drugs and alcohol as well as getting into a car with someone who is under the influence.
- The blood alcohol limit for Learner drivers and Provisional drivers (P1 and P2) is zero. A zero blood alcohol limit means if Provisional drivers are going to drive they need to decide not to drink any alcohol.
- Many people are booked for drink driving the day after. It is important that young people think about how much alcohol they drank on the previous evening and how long it has been since their last drink. If a person goes out drinking and has a ‘big night’ they may still be over the zero limit the next day.
- If your teenager is planning to drive, remind them that some medicines or mouthwashes contain alcohol (ethanol).
- Some foodstuffs may also contain alcohol, for example fruitcake, trifle and liqueur chocolates.
- Consuming large amounts may affect their blood alcohol concentration.

Further information/where to get help

School A to Z
Education and wellbeing resources for parents, from the NSW Department of Education and Communities.

For more information about the liquor laws and young people refer to the NSW Office of Liquor, Gaming and Racing website:
www.olgr.nsw.gov.au

Communicating with your teenager about alcohol:
Fact sheet 1: Alcohol and adolescent development
Fact sheet 3: Standard drinks and reducing the risks of alcohol
Fact sheet 4: Teenage drinking – communicating with other parents and families
Fact sheet 6: Fact or myth?