

# Alcohol, Drugs & the Law



## For parents



## Patterns of alcohol and other drug use by young Australians

Alcohol and other drug use by young Australians:

- Eight out of every ten Australian secondary students aged between 12 and 17 years of age have tried alcohol at some time in their lives, with fewer than 20% of all 17 year old students reporting that they have consumed alcohol at risky levels in the past week. Most high school students will obtain their alcohol from their parents or friends and are most likely to drink alcohol in the home or at a party.
- The proportion of secondary school students reporting to have smoked tobacco in the past year increases from 5% of 12 year olds to 31% of 17 year olds.
- Cannabis is the most commonly used illicit substance among secondary school students. Over one in four 17 year olds reported having used cannabis, most commonly whilst at a friend's place or a party.
- By the age of 17, almost one in four Australian secondary students will have used inhalants, one in ten will have used ecstasy, 5.2% will have used hallucinogens and 3.7% will have used amphetamines. In total almost one in four 14-17 year olds reported having used an illicit drug.
- 3.2% of 14-17 year olds reported the use of pharmaceuticals for non-medical purposes. The pharmaceuticals most likely to have been used were analgesics (pain killers) followed by tranquillisers (sleeping pills).

*Source: Australian Government Department of Health and Ageing (2009) 'Australian secondary school students' use of tobacco, alcohol, and over-the-counter and illicit substances in 2008' and Australian Institute of Health and Welfare (2011) '2010 National drug strategy household survey report.'*

## The harms associated with alcohol and other drug use

The harms associated with alcohol and other drug use vary according to many factors (e.g. the physical and mental health of the individual user, the drug being used and the setting in which the drug use is taking place), but can include:

- Inappropriate sexual or violent behaviour, drowning, or being injured (e.g. in a motor vehicle accident).
- Medical complications (e.g. damage to the liver, brain, lungs), coma or death.
- Unsafe use or experimentation with other drugs. Alcohol and other drugs can interact with each other, which can amplify the effects of the drugs, increase the risk of overdose or result in adverse and unpredictable reactions between the substances being used.
- Problems with social, school, or family relationships (e.g. conflict with parents, becoming involved with peer groups that foster heavy drinking and other drug use).
- A drop in school performance including attendance, grades, test scores and the ability to pay attention in class.
- Psychiatric problems, including alcohol/drug dependence, psychosis, anxiety, depression, and schizophrenia, particularly in people with a family history of mental illness.
- Drug use may also bring young people into contact with the police and the courts. This contact can have significant social and personal consequences.

**If your child is using drugs they are at risk of harm. Even if they have never used drugs, there is a good chance that they will encounter situations where there are pressures to try different drugs, or at the very least be around others who are experimenting.**

*Source: Australian Drug Foundation (2011) 'DrugInfo: drug facts' and Australian Government Department of Health and Ageing (2011) 'National drugs campaign'*

## Legal aspects of alcohol and other drug use by young people

Generally, young people under 18 years of age are committing an offence if they:

- are found on licensed premises
- consume, or are in possession of, alcohol in licensed premises or a public place. It is even an offence for a minor to hold a drink for a friend or help someone carry their alcohol in licensed premises or a public place.
- give alcohol to another minor, who is under 18 years of age, in a licensed premise or public place.
- send someone else who is a minor to buy alcohol.
- use someone else's ID to try to purchase alcohol or to gain entry to licensed premises.
- alter an ID (including changing the date of birth) or make a false ID.
- are being a public nuisance.
- possess, produce or supply illegal drugs (this includes growing cannabis).
- publish or possess a recipe for the production of a dangerous drug.
- drive or are in charge of a motor vehicle (e.g. car, motorbike) with an alcohol concentration of over 0.00 (no alcohol limit) if they are on L plates, a provisional licence or a probationary licence.
- drive or are in charge of a motor vehicle, on an open licence, with an alcohol concentration of 0.05 or above (general alcohol limit).
- drive a vehicle whilst being unlicensed.
- drive or are in charge of a motor vehicle under the influence of illegal drugs.
- sell or supply tobacco to a minor under 18 years of age.
- give someone prescription drugs, other than as prescribed.

### What is a minor?

Under the law, you are a minor if you are under 18 years of age. However, in Queensland, at 17 years of age you are an adult within the criminal justice system and will be dealt with in the adult court.



## Generally, it is not an offence:

- for a young person to be at a party where illegal drugs are present, provided they have not consumed or been in possession of any illegal drugs. They may be questioned by police if found at a party where there are illegal drugs, and they may still be at risk of harm, even if they have not consumed drugs.
- for a young person to inhale volatile substances, however, this misuse can cause significant and long-term health problems. If the police know, or reasonably suspect, that a volatile substance is being, or is about to be inhaled, they have the power to search, seize and dispose of the volatile substance. Anyone affected by consuming or inhaling a potentially harmful substance may also be taken home or to another place of safety by police.

## Are parents and guardians legally responsible?

It is an offence for anybody to:

- supply alcohol to a minor in a licensed premise or public place.
- send a minor to buy alcohol.
- allow their home, or other place under their control, to be used for possessing, supplying or producing illegal drugs.
- Supply alcohol to a minor in a private place if they are not a 'responsible adult' for the minor.

### Who is a responsible adult for a minor?

A responsible adult for a minor is a parent, step-parent or guardian of a minor or an adult who has parental rights and responsibilities for the minor.

Generally, it is not an offence for you to supply alcohol to a minor within your property, or someone else's private property, providing you are a 'reasonable adult' for the minor. However, it is an offence if you are not responsibly supervising the minor's consumption of the alcohol. Factors that police will consider include whether you or the minor are unduly intoxicated, the age of the minor, the quantity of alcohol being supplied and if food is provided.

## What happens if a young person commits an illegal drug related offence and is caught by police?

Their parents/guardians may be notified. If the arrest occurs away from home, the young person may be brought home or taken to another place of safety. If arrested, the young person may be taken by police for questioning. Parents or another support person would normally be requested to attend such an interview, if the person is less than 17 years of age at the time. The young person may be fingerprinted and photographed, and under certain circumstances, a young person may be searched by police. Some searches of persons under 17 years of age may require the presence of a parent or another support person.

A young person may be cautioned, diverted, or charged. If they commit an offence the police may:

- caution the young person. This involves a formal warning by the police, in which a notice of caution may be issued.
- offer a referral to a drug diversion assessment program (for minor cannabis related offences). This program normally consists of a 2-hour session with a health worker who will assess the young person's drug use and provide them with education and counselling.
- charge the young person. In this event, the young person would normally be required to attend a court hearing. This may involve bail. If convicted, sentences depend on the type of drug, type of activity (possession, sale, or production) and the quantity found.

## What are the long term consequences of a conviction?

In Queensland, laws governing most forms of drug use, and the penalties for misusing drugs, can be harsh. Convictions are recorded for some offences and can have a negative impact on a young person's future. A conviction for a drug offence may affect the type of job that a young person can aspire to, holding certain licenses as an adult, or their chances of getting a visa for entry into some countries. Even where convictions are not recorded, the offence may still have an impact on what a young person can and cannot do e.g. obtaining a *Blue Card* to work with children involves checking both recorded and unrecorded convictions.

## How to reduce the risk of your child experiencing alcohol and other drug related harms

### Be aware!

- Parties are one of the most common settings in which young people will encounter alcohol and other drugs.
- If young people are on your property, you may be liable for their safety. If a young person suffers trauma or injury under your care, you could face liability through civil proceedings against you.
- Boys and girls differ in the risks they are exposed to when at venues where alcohol and other drugs are being consumed. Young women may be at greater risk of unwanted sexual attention, coercion, or sexual assault. Young men are at greater risk of damaging property or personal violence.
- Drink 'spiking' is a criminal act that can occur in a range of settings including hotels, nightclubs and private parties.
- Young people under the age of 16 cannot legally consent to sexual relations. Alcohol and other drug use can erode a young person's judgment in making decisions on this issue.

**Drink 'Spiking is when alcohol or another drug has been added to someone's drink without their knowledge.**

### Prevent problems by effectively communicating with you child about alcohol and other drugs.

- In preparation for talking with your child, make sure that you and your partner agree on the rules and expectations about alcohol and other drugs so that your messages are consistent. Choose the right time to do this – the hour before they are going out may not be the best time.
- Set clear rules and expectations with your child about what sort of behaviour is acceptable and what is not.
- Occasionally revisit the above agreements with your child, and monitor their experiences of when these rules and expectations might have been tested.

- Reach agreement on the time that they are to arrive home. Communicate the importance of sticking closely to that time.
- Reach agreement on the way your child is to get home, and who might accompany them home. Discourage them from walking home alone.
- Older siblings are important role models for young people. Take the time to talk through with the older sibling about your concerns and expectations, and reach agreement on expectations.
- Remind your child that they don't need to drink to have fun. It's ok to say 'no' to friends if they offer them alcohol and other drugs.

### **Agree with your child on 'back-up' plans for risky situations.**

- Discuss what they should do if there are unexpected delays or problems with getting home, including how they might contact you to let you know of the delay or problem.
- Agree on an early detection and escape plan for dangerous situations. Make sure this plan is clear in your child's mind. Sexual coercion and assault is an especially significant risk for young women.
- Let them know that you are prepared to go and pick them up. While this can be inconvenient, it can reduce the risk of assault and other problems.
- Keep communication lines open so that if your child is the victim of a criminal offence, he or she feels safe to disclose such an event to you or another authority figure (e.g. school guidance officer, telephone counsellor or the police).

### **Know your child's friends.**

- Be aware of who your child's friends are. If you suspect that they are using drugs, communicate to your child that your interest is in protecting their health and well-being, and explore ways of reducing any pressures to misuse alcohol and other drugs.
- Encourage a strong sense of responsibility in your child to look after friends who are at risk of alcohol or other drug-related harm. For example, your child could facilitate an early and safe exit for a friend who is intoxicated.



## Web resources:

### **Party Safe**

<http://www.police.qld.gov.au/party>

For information on holding safe and lawful parties

### **Australian Drug Foundation**

<http://druginfo.adf.org.au/>

For information about alcohol and other drugs and the prevention of related harms

### **Australian Drug Information Network (ADIN)**

<http://www.adin.com.au>

For access to information about alcohol and other drugs by prominent organisations in Australia and internationally

### **Alcohol, Tobacco and Other Drugs (ATOD)**

[www.health.qld.gov.au/atod/drug\\_info/default.asp](http://www.health.qld.gov.au/atod/drug_info/default.asp)

Queensland Health information and resources on the effects and impact of alcohol and other drug use

### **Department of Health and Ageing**

[www.alcohol.gov.au](http://www.alcohol.gov.au)

For the Australian Alcohol Guidelines and information about alcohol-related health issues and Australian Government policy

## CONTACTS

### Emergency

Call Triple Zero (000) if your life is in danger, there is a serious risk to your property, or a crime is happening now.



### Non-urgent incidents:

Call Policelink 131 444 for non-urgent police assistance 24 hours a day 7 days a week. Alternatively visit or call your local police station.



### Crime Stoppers

Call Crime Stoppers on 1800 333 000 to provide confidential information anonymously about unsolved crime.



### Support Services

Call Alcohol Drug Information Service (ADIS) any time of the day or week on 1800 177 833 for support, information, advice, crisis counselling and referral services.

