

SUPPLY OF ALCOHOL TO UNDER-18S – FAQs FOR YOUNG ADULTS

Q When does the new law come into effect?

A The new law around supplying alcohol to under-18s in the Sale and Supply of Alcohol Act 2012 comes into effect on 18 December 2013.

Q I heard that I need permission to give drinks to my under-18 friends, what does that mean?

A The term you've heard about is express consent. This means you'll need to get permission from the parent or legal guardian of your under-18 friends if you want to supply those friends with drinks. Express consent might be via a personal conversation, email or a text message. You must have good reason to believe the express consent you've been given is genuine.

Unless you are certain you have permission from a minor's parent or legal guardian, don't give alcohol to anyone under 18. You must also supply the alcohol in a 'responsible manner'

Q I'm throwing a party at my place. The law says I have to 'supply alcohol responsibly'. What does that actually mean?

A Responsible supply involves taking steps such as supervising the consumption of alcohol, providing food, offering the choice of low-alcohol and/or non-alcoholic drinks, limiting the strength and amount of alcohol supplied and ensuring safe transport options are available. Responsible suppliers of alcohol should also think about how they are going to supply alcohol, considering the age of any under-18s being supplied, the volume and strength of alcoholic drinks, and the duration and type of event being held or that the under-18s are attending.

Q Are parents the only people that can give permission?

A The only person that can give express consent for an under-18 to drink alcohol is their parent or legal guardian. A person is only considered a legal guardian if he or she is recognised as a guardian under the Care of Children Act 2004. A legal guardian is not another family member (like an aunt, uncle, older brother or sister), older boyfriend or girlfriend, sports coach or anyone else acting temporarily in the place of a parent.

Q *My under-18 mates are bringing their own alcohol to my party, is that okay?*

A Whoever gives your under-18 friends alcohol must supply it responsibly. That means those people should be aware of the party, and how you plan to make sure guests drink responsibly and travel to and from the party safely.

If those people haven't made sure such plans are in place and are carried out, they may be breaking the law.

Q *Can I give permission for my under-18 brother/sister/cousin to be supplied with alcohol because I'm family?*

A No. The only person who can give express consent for an under-18 to drink alcohol is their parent or legal guardian. A person is only considered a legal guardian if he or she is recognised as a guardian under the Care of Children Act 2004. A legal guardian is not another family member (like an aunt, uncle, older brother or sister), older boyfriend or girlfriend, sports coach or anyone else acting temporarily in the place of a parent.

Q *My under-18 mate's Dad said I could buy his son some beers for our party. Do I have to ask his Dad every time we have a party?*

A Yes. Express consent is needed every time an under-18 is supplied alcohol.

Q *I'm having a 21st. I have permission from my under-18 mate's parents for them to drink. Is that all I need?*

A In addition to consent, you also need to ensure you're supplying the alcohol in a responsible way.

Q *My parents are throwing me an 18th. Do I need to get permission for my under-18 mates to drink or do my parents?*

A This depends on who will be supplying the alcohol to the under-18s. The supplier has to ensure express consent has been given and also to supply alcohol in a responsible way.

Q *Do I need permission from both parents to legally give alcohol to my under-18 mate?*

A No, one parent or legal guardian is sufficient.

Q *I'm 18, can I give alcohol to my under-18 mates when I have parties at my house?*

A You can do this only if you have express consent from your under-18 mate's parents/legal guardians. You'll need this consent for every party where you're giving them alcohol. You also need to make sure you're supplying the alcohol in a responsible way.

Q *A few guys in our rugby team are under-18 but most aren't. What happens with beers in the changing room?*

A If you're going to supply the under-18 with alcohol, you will need express consent from their parent/legal guardian, and it must be supplied in a responsible manner.

Q *I'm having a party at my place, some under-18s are coming but they're not drinking. Is that okay?*

A Yes.

Q *If I supply alcohol to my under-18 mates and they go somewhere else to drink afterwards, am I breaking the law?*

A No. If you have express consent and supply the alcohol to the under-18s responsibly, and they then go elsewhere, you are no longer liable. However, keep in mind that responsible supply also includes providing safe transport options.

Q *I'm 18 but heaps of my mates aren't. Can I get in trouble if I'm drinking with them?*

A No, not if you haven't supplied them the alcohol. However, if you provided them with alcohol and you haven't got express consent to do so, you are breaking the law. If you have supplied the alcohol, you must also have done it in a responsible way.

Q *We've got an under-18 flatmate, can we buy alcohol as part of our shared groceries?*

A You must be over-18 to purchase alcohol. If you purchase alcohol and you intend to supply your under-18 flatmate with it, you must have express consent from their parent or legal guardian and supply it responsibly on every occasion.

Q *My girlfriend is 17 but I'm 18, can I give her alcohol?*

A Only if you have express consent from her parent or legal guardian for every separate occasion you want to give her alcohol.

Q *I'm married (in a civil union) and my wife/husband/partner is 17, is it legal for me to buy her/him alcohol?*

A Yes. However, the new law still requires that you supply the alcohol responsibly.

Q *I live with my de facto partner and he/she is 17, is it legal for me to buy him/her alcohol?*

A Yes. However, the new law still requires that you supply the alcohol responsibly.

Q *What does this mean for our after-ball party?*

A You must be over-18 to legally purchase alcohol. The rules for a private after-ball party are the same as for any other occasion. To legally supply alcohol to under-18s you must have express consent from a parent or guardian. The responsible supply requirements also apply to after-ball parties.

Q *What's the youngest age you can drink in New Zealand?*

A There is no legal minimum drinking age in New Zealand. However, HPA recommends that children and young people under-18 years don't drink alcohol. Those under 15 years of age are at the greatest harm from drinking alcohol, and not drinking in this age group is especially important.

It is illegal for someone under-18 to buy alcohol or to present or use a fake or false ID. It's also against the law to give or lend an ID to an underage person if you know they intend to use it to buy alcohol.

Q *What happens if I get caught breaking the law?*

A You may be convicted and fined up to \$2,000.