

## Alcohol and the Law

**E**xcessive alcohol has been found to be an important factor:

- in 1/3 of all road deaths in Australia;
- in 50% of cases of domestic physical and sexual violence;
- in 40-70% of violent crimes, and 70-80% of night-time assaults;
- in homicide (affecting 34% of offenders and 31% of victims); and
- as the 3<sup>rd</sup> greatest problem faced by 15-24 year olds, and linked with violence, crime, vandalism and destruction of property.

The law has therefore set some limits to alcohol use and distribution:

- to protect those people who are most likely to suffer from alcohol-related harm, and
- to reduce the likelihood of people contributing to such harm.

Three of the main areas that are targeted by the law are:

- drink-driving, and the risk of injury and death to the driver and to others;
- underage drinking, by those who are most vulnerable to the effects of alcohol; and
- drunk and disorderly behaviour, and the increased risk of alcohol-related violence and injury.

### Australian laws and regulations aimed at reducing alcohol-related harm

#### Drink driving

There are limits to blood alcohol concentration (BAC) for drivers, across Australia. These are:

- checked through random breath testing, by police in every Australian State and Territory;
- 0.05g/100ml for general drivers (with a full licence);
- from 0.00 g/100ml (in South Australia) to under 0.02 g/100ml, for the following categories of drivers:
  - those with a learner's or provisional licence,
  - those under 25 years of age who have held a licence for less than 3 years, and

— drivers in control of a bus, heavy vehicle or vehicle carrying dangerous goods.

To meet legal BAC limits, it is important to note that:

- Learner drivers and provisional licence holders need to avoid drinking for several hours before driving.
- The more alcohol that is consumed, the longer it takes for BAC to return to zero. It generally takes about one hour for 1 standard drink to pass through the bloodstream, but after a heavy drinking session, BAC may still be over 0.05 the next morning.
- While it can vary a lot from person to person, BAC will, in general, remain below 0.05 if a man of average size drinks no more than 2 drinks in the first hour and 1 per hour after that, and if a woman of average size drinks no more than 1 standard drink per hour.



### Liquor licensing

Liquor Licensing Acts in Australia do not allow alcohol to be served to:

- intoxicated people, and
- underage consumers (that is, young people under 18 years of age). Ways of preventing drinking by minors include thorough identity checking, the use of identity cards providing proof of age, and penalties for infringements of the laws.

In spite of these laws, the evidence shows that licensed premises in Australia continue to provide alcohol to people who are underage or intoxicated. This has serious implications for possible harm because:

- Young people generally have smaller body size than adults, and can therefore tolerate less alcohol. They also lack experience of drinking and its effects, and so have no yardstick by which to measure their drinking behaviour.
- In Australia it has been estimated that one third of all alcohol is consumed on licensed premises, and this consumption is associated with approximately two thirds of the problems of intoxication, including violence near licensed premises, and alcohol-related crime.

### Labelling of containers

Australia now has compulsory standard drink labelling on containers of all drinks containing alcohol, to give consumers information to help work out safe levels of consumption.

### Information about individual State and Territory laws and regulations

There is a law website for young people, that includes information about alcohol laws and regulations, at: <http://www.lawstuff.org.au>

### Alcohol and criminal offenders

There is considerable evidence of a high level of alcohol use and misuse by prisoners, showing the need for identifying prisoners with alcohol-related problems, and for the provision of treatment programs for them. For example:

- Between 32-50% of offenders have been classified as alcohol dependent or heavy alcohol users.
- Young offenders are reported to be more likely to use or misuse alcohol than youth in the wider community, with 63% reporting binge drinking (the consumption of at least five drinks in a row) in the two weeks prior to arrest.

#### Other relevant Fact Sheets:

- *The effects of alcohol on the body*
- *Alcohol and injury*
- *What is a standard drink?*
- *Alcohol and young people*
- *Alcohol and young adults*

#### Principal sources

*Alcohol in Australia: Issues and Strategies.* (2001) Commonwealth Department of Health and Aged Care, Canberra.

National Health and Medical Research Council (NHMRC) (2001). *Australian Alcohol Guidelines: Health Risks and Benefits.* NHMRC, Canberra.

