

Youth Law: Alcohol

This factsheet is designed to help young people learn their rights and obligations surrounding alcohol in the ACT. If you are a young person with a matter concerning alcohol use, please call the **Youth Law Centre ACT** on **1300 654 314**.



The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.

The Youth Law Centre can help you if you have questions about alcohol laws in the ACT or if you have been fined or charged for an offence relating to alcohol. We can help you by:

- giving you information and legal advice about alcohol or driving laws in the ACT
- representing you in Court for criminal charges in relation to alcohol offences
- referring you to non-legal support services, such as counselling or government services.

Alcohol

Minimum Drinking Age

The minimum age to purchase or drink alcohol in a public place is 18 years old.

If you are under 18, you cannot have or drink any alcohol in a public place. Even if the alcohol is not open, just having it is against the law. If police find you with alcohol, they will confiscate it and could fine you. Police are allowed to ask for your ID if they think you're under 18 and you have alcohol in public.

You are also not allowed to enter any adult-only location where alcohol is served, unless you are

accompanied by a supervising adult. If that adult gives you alcohol, the police can charge them with an offence.

You must be 18 years or older to drink alcohol in a public place. This includes in licensed premises such as pubs, clubs, restaurants or cafes. This also includes outdoor public spaces like parks.

Regardless of your age, it is against the law to drink alcohol or have a bottle or can of alcohol in a place where the ACT Government has banned public drinking. Some of these places include:

- within 50m of a bus or light rail stop
- within 50m of a shop or licensed premises,
- any place that has been declared an alcohol-free zone. Some alcohol-free zones are permanent, such as around Civic and many skate parks.

Exceptions

If you are under 18, it is not an offence for someone to give you alcohol in a private place if:

- The person supplying the alcohol is a parent or guardian, or has the permission of the parent or guardian; **and**
- There is reasonable supervision of the person under 18; **and**
- You are not intoxicated.

Proving your age

If you are caught underage drinking or buying alcohol, a police officer can ask you to prove your age.

You can prove your age with an official card that contains your name and date of birth. For example, you can use your:

- ACT Driver's Licence;
- ACT Proof of Identity card; or

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- Passport.

School or college ID cards, transport concession cards and bank cards are not acceptable to prove your age.

It is a criminal offence to refuse to give your ID to a police officer when asked, or to give them a fake ID.

If proven that you are under 18 and are caught with drinking or buying alcohol, you can:

- Get a warning from police; or
- Get a formal caution from police; or
- Get a fine of up to \$800.

The police officer gets to choose whether or not to give you a caution or a warning. So, be polite to police when dealing with them, even if you don't like it.

A warning is normally for a minor offence or first time and is given verbally 'on the spot'.

A caution is a formal warning from the police. It will be in writing and will state your offence (such as drinking or buying alcohol). Both you and your parents will receive a copy of the caution, and the police will also keep one on their records. If you receive a caution, you won't be taken to court. But, cautions are generally a one-off. If they catch you again, they won't be so lenient.

Getting a warnings or a caution is not the same as being criminally charged. If you get a caution or a warning, you do not have to go to court, and it won't go on your criminal record.

Drink Driving

It is illegal and dangerous to drink and then drive. If you are on your learner or provisional license, you must have a ZERO blood alcohol reading when driving. If you are asked to do a breath test and you do not have a ZERO blood alcohol reading, you will be charged with a criminal offence. If you have a full license, the limit is 0.05.

If you are charged with drink driving, you will have to go to court. You could get a significant fine, a criminal record, and have your license disqualified – even if it is your first offence. Courts take drink driving extremely seriously and imprisonment could be a possibility depending on the reading, especially for repeat offences.

If you have been charged with drink driving, contact Legal Aid ACT immediately on **1300 654 314**.

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm
Friday: 8:30am to 5:00pm
www.legalaidact.org.au
Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm
ylc@legalaidact.org.au
Phone: **(02) 6173 5410**

Kids Helpline

www.kidshelpline.com.au
Phone: **1800 55 1800**