Alcohol Laws

Alcohol is not a prohibited drug however its use is controlled as set out in *The Liquor Control Act 1988* (WA).

For Young People Under 18

If you are under the age of 18 it is against the law to:

- Buy alcohol.
- Get someone to buy alcohol for you.
- Drink alcohol in a public place, e.g. park, street, beach, outdoor concert and includes in a car on a road.
- Drink alcohol on any licensed or regulated premises, e.g. pub, nightclub, tavern, restaurant, café, amusement parlour.
- Go to a pub, nightclub, or tavern unless you are with your parents or a responsible adult.
- Have alcohol in your possession in a public place (park, street, beach, outdoor concert and includes in a car on a road).

There are exceptions when young people under 18 can be on licensed premises without a responsible adult:

- You can go to a restaurant where alcohol is served without your parents to have a meal, but you cannot drink alcohol there.
- If you are doing a training course and it is a requirement of the course that you be present on the premises or if you are employed on the premises. If you have any doubts, ask the Manager.
- Where alcohol is sold or supplied at a sporting club or other association if this is permitted by the rules of the club and the club licence, but you cannot drink alcohol there.
- If a young person is a member of the family that works, lives or lodges at the premises.
- On special occasions where the premises holds a function such as a wedding reception.
- Where the venue is hosting a special event for young people (under 18) but you cannot drink alcohol there.

Offence For Anyone To Supply Alcohol To A Young Person Under 18

It is an offence for any person (whether under 18 or over) to supply alcohol to a young person under 18 on an unlicensed premises (example: at a party at a friend's house) without the consent of the young person's parent or guardian. Even if the parent or guardian consents, a young person (under 18) cannot be supplied alcohol by anyone if the young person, supplier or parent (or all three) are drunk or if the supplier cannot supervise the young person.

What Can Happen?

Drinking alcohol on a licensed premises, e.g. pub, nightclub, tavern.

If you are suspected of being under the age of 18 and in a pub or nightclub, you may be asked to produce identiNcation of age by staff (crowd controllers) or police.

- If you cannot produce identiNcation of age, you may be asked to leave.
- If you give false identiNcation, you may be charged by police.
- If you refuse to leave, you may be removed by staff (crowd controllers) using reasonable force.
- If you return or remain near the pub or nightclub you can be charged.

youth LEGAL SERVICE

Drinking alcohol in a public place, e.g. park, street, beach, outdoor concert.

If you are caught drinking alcohol in a public place and are under the age of 18:

- You can be issued with an infringement notice or be referred to a Juvenile Justice Team by the Police or charged and must attend Children's Court.
- You can be issued with an infringement notice (fine of $200).
- The alcohol you have on you can be taken by the police or ranger.
- Any open bottles or cans can be tipped out by the police or ranger.
- You can be taken into custody by police and held until your parent picks you up.

For People Aged 18 And Over

If you are aged 18 or over you can:

- Drink alcohol at a pub, nightclub or any other licensed premises.
- Buy alcohol from a liquor store.

For People At Any Age

At any age, you can be charged if:

- You supply alcohol to someone under the age of 18 without their parent's consent (see above section).
- You drive a motor vehicle (e.g. car, scooter, etc.) when you have drunk alcohol and are over the limit (provisional drivers must have 0.0 alcohol level, for full license generally must have less than 0.05 alcohol level but 0.00 or 0.02 in certain circumstances).
- Your behaviour because of being drunk is causing a disturbance to others in public.
- You drink alcohol on public transport (bus, ferry, train) or at the bus or train station, unless it is a special area such as a pub at the station.
- You drink alcohol in a public place such as the park, road, oval, beachfront or public swimming pool without the consent of the person in authority having control of that place.
- You cannot bring, have in possession, or consume alcohol in any sports ground or stadium, 1 hour before and ½ hour after an event (does not apply to sale of alcohol on the premises)
- You cannot consume alcohol on a road (or in a car on the road)
- You cannot consume alcohol within 400 metres of a public venue where an entertainment event is being held
- You cannot supply alcohol for a fee without a license (e.g. charge an entrance fee to cover cost of alcohol when holding a private party)
- If you are drunk, violent, quarrelsome, disorderly, or behaving indecently while in a pub, nightclub or licensed premises, the owner or manager must by law:
  - Remove you (and you must not return for 24 hours).
  - Refuse to serve you any more alcohol.
  - The Police also have the power to detain people who are intoxicated in public.
- You can get a "Banning Notice" by the Police which prohibits you from working at or attending any licensed premises for up to 12 months for bad behaviour on licensed premises and your details including a photo will be published on a secure website.
- The Police can apply for a Prohibition Order that will stop you from working in or entering licensed premises for up to 5 years if an adult or 2 years if under 18 if you have committed an offence on a licensed premises. If you are an adult, your details can be published on a public website.
- You can be banned from a licensed premises for bad behaviour for up to 2 years for all venues that use scanning technology when you enter their premises that share your data with other venues that use the same technology.
- Every individual venue has the right to ban someone from their venue and if you can be charged with Trespass if you refuse to leave.

There may also be rules against drinking alcohol or having alcohol in your blood at your place of employment. If you breach this rule, you can lose your job.

Is There Anywhere I Can Drink Alcohol If I Am Under 18?

There is no restriction on a young person to drink alcohol in a private home so long as they have the consent of their parent or responsible adult.

More Information

For legal advice about your own situation, contact Youth Legal Service 1800 199 006 or 9202 1688.

- WA Police, Alcohol and the Law: https://www.police.wa.gov.au/Your-Safety/Alcohol-and-drugs/Alcohol-and-the-law
- Alcohol. Think Again: https://alcoholthinkagain.com.au/
- Government of Western Australia – Mental Health Commission "Alcohol and You" https://www.mhc.wa.gov.au/your-health-and-wellbeing/alcohol/
- Drug & Alcohol Youth Service: https://www.missionaustralia.com.au/servicedirectory/185-alcohol-other-drugs/drug-and-alcohol-youth-service-days-youth-withdrawal-and-respite-service
- DrugRehab.com (American website but information applies) https://www.drugrehab.com/addiction/alcohol/

Please note: Laws are subject to change. Last updated July 2020.
Important: The information provided in this infosheet is for information only.
It should not be relied on as legal advice.
Please seek legal advice about your particular circumstances.