There are a number of laws in NSW designed to protect young people (under 18s) from being sold alcohol and tobacco and from being given or from consuming alcohol.

Alcohol and young people

The Other Talk: a guide to talking with your child about alcohol and drugs
THE OTHER TALK

IT'S NEVER TOO EARLY TO START TALKING ABOUT ALCOHOL AND OTHER DRUGS WITH YOUR CHILD.
The Other Talk is about families talking openly about alcohol and other drugs and is an important step when preparing your child for a teenage party. This book is a resource for parents wanting to learn about alcohol and other drugs.

Available at your local public library [2], as a PDF document [3] or online [4].

There is no general law that absolutely prohibits young people drinking alcohol. It is illegal in some circumstances, but not in others.

It is illegal for a person under 18 to possess or drink alcohol in a public place, if they are not under the supervision of a responsible adult. The young person can be fined and the alcohol confiscated.

It is also illegal for a person under 18 years to drink alcohol on licensed premises, such as pubs, clubs and licensed restaurants. It is illegal for a person under 18 years to even be in some parts of some licensed premises.

But it is not illegal for a person under 18 years to consume alcohol in a private place—for example, at home or at a private barbecue or party. A person under 18 can also legally drink in a public place (provided it is not in a declared alcohol-free zone) or in an unlicensed (BYO) restaurant, with the permission of and in the company of their parent or guardian).

It is an offence for anyone except the parent or guardian of the young person to supply alcohol to a person under 18 years old, or to obtain alcohol on behalf of someone under 18. Similarly, it is an offence for the licensee of licenced premises to allow alcohol to be supplied to a person under 18.

It is an offence for a young person to obtain or attempt to obtain alcohol from licensed premises, including a bottle shop. It is also an offence for a young person to use false evidence of age to obtain alcohol.

It is legal to supply (but not sell) alcohol to a person under 18 provided the supply is done by the young person’s parent or guardian (or with their authorisation) and provided it is ‘consistent with the responsible supervision’ of the young person. Factors taken into account on that issue include the age of the young person, whether the person supplying the alcohol is intoxicated and the quantity and type of alcohol. It is illegal to supply alcohol to a person under 18 who is intoxicated, because that is not consistent ‘in any circumstances’ with responsible supervision.

The exception allowing a parent or guardian to supply alcohol to a young person does not apply to licensed premises. Parents and guardians are not allowed to supply their under 18-year-old children with alcohol in pubs, clubs and licensed restaurants.

Liquor & Gaming NSW [5] has information about underage drinking including proof of age, minors in licensed venues, underage drinking fines and parents supplying alcohol to minors.

Teenagers, alcohol and drugs: what your kids really want and need to know about alcohol and drugs
TEENAGERS, ALCOHOL and DRUGS
What your kids really want and need to know about alcohol and drugs
PAUL DILLON
2009
by Paul Dillon
Allen & Unwin

This book answers commonly asked questions about alcohol and drugs and shows how parents can get these important conversations started with their kids.

Available at your local public library [6]

Tobacco and young people

It is not an offence for a person under 18 to possess or use tobacco cigarettes. However, police have the power to confiscate tobacco (and e-cigarettes) from a person under 18 in a public place.

It is an offence to sell tobacco or ‘non-tobacco smoking products’ (for example, herbal cigarettes) to a person under 18 or to purchase tobacco products (or herbal cigarettes) for a person under 18, under the Public Health (Tobacco) Act 2008 (NSW).

It is an offence to smoke tobacco (or an e-cigarette) in a motor vehicle if a person under the age of 16 years is in the vehicle (Public Health (Tobacco) Act 2008).


Links