SAC 1 – Case Study

Underage binge drinking: do we need tougher laws?

In Area of Study 1 of VCE Legal Studies Unit 1, students examine the rules and laws that govern the behaviour of individuals and groups so that order is maintained and individual rights are protected. This case study examines Australia’s underage binge drinking culture and the problems and harm that stem from it, suggesting the need for social change and tougher laws, such as increased taxes on alcohol and laws restricting its availability.

Many teenagers drink alcohol. It’s seen as relaxing, good fun, and a way to feel less inhibited. Some teenagers start as young as 12 years old. According to the Australian Drug Foundation, 96% of young people under the age of 17 have tried alcohol, with 21% drinking weekly. A 2008 report commissioned by the Australian National Council on Drugs explains that in any given week, about one in 10 (or 168 000 people) 12 to 17 year olds are binge drinking at harmful levels. When binge drinking, boys have seven or more drinks and girls have five or more.

Effects of binge drinking

Today, health experts believe that it is definitely not acceptable to drink before the age of 18. Medical evidence shows that it ‘dumbs down’ the brain. Alcohol stops the young brain developing normally. It is important to delay initiation to alcohol as long as possible as the developing brain is more vulnerable to the disruptive effects of alcohol. During adolescence monumental changes are going on in our brains. In particular, the important areas of the brain involved in reasoning, planning and inhibition and emotion regulation are being developed. These neurological processes are affected by alcohol and the longer the human brain can avoid alcohol, the better the chance it has to develop its full potential.

Professor Ian Hickie from the Brain and Mind Research Institute at the University of Sydney says that alcohol affects the brains of teenagers differently from the way it affects adults. The structures in the adolescent brain, particularly the frontal and temporal lobes, are in a finetuning, maturing phase. The changes are rapid, continue until at least the early 20s and make the brain highly sensitive to any trauma, including the toxic effects of alcohol.

Recent studies show that excessive alcohol in teenagers kills or damages brain cells, damages the connections between brain cells, and harms the normal regeneration of brain cells. The rapidly maturing frontal and temporal lobes are especially vulnerable. Memory and the ability to learn may become damaged due to alcohol intake. There are many other harmful effects of people drinking to excess (such as violence, falls, vomiting, passing out, drowning and unwanted sex). Alcohol accounts for 13% of all deaths among 14- to 17-year-old Australians. There is also increased risk of mental health problems, such as anxiety and depression, in later life.
Research findings released by the Alcohol Education and Rehabilitation Foundation (AER Foundation) in August 2010 shows that alcohol abuse is costing Australians $36 billion a year, significantly up from previous years. This comprises $24.7 billion in tangible costs, which include out-of-pocket expenses, forgone wages or productivity, and hospital and childcare protection costs. And it is not just the drinker who is hurt by alcohol abuse. The report found that 70 000 people fall victim to alcohol-related assaults every year. In 2005, there were 367 deaths in Australia and 13 669 hospitalisations because of the drinking of others. A further $11.6 billion in intangible costs includes lost quality of life from someone else's drinking.

Australia’s culture of binge drinking

Australia is ranked in the top 30 drinking nations and there is a recognised binge-drinking epidemic that is considered socially normal and acceptable. We have created an excessive drinking culture where it is considered abnormal if young people don’t get drunk when they go out. There is also a large incidence of underage drinking.

Australia is not alone in the binge-drinking stakes. In Britain, one in three men, and one in five women are binge drinkers. In the United States, binge drinking accounts for 90% of all alcohol drunk by under 21 year olds, and 75% of the alcohol drunk by adults. Around the world, alcohol causes 3.2% of all deaths each year. Most of these deaths are from injuries, car accidents or alcohol poisoning related to binge drinking.

Why do Australians binge drink?

In many areas of regional or rural Australia, drinking is considered entertainment when there is nothing else to do, and is associated with youth boredom and unemployment. Drinking can become a form of escape for people with poor mental health or high stress levels. Young males are especially likely to become binge drinkers. Alcohol is just another way to fit in with friends, or prove that you are tough.

So what is being done?

In March 2008, the Prime Minister announced a National Binge Drinking Strategy, which provides $53.5 million to address binge drinking among young people. The strategy comprises:

- $14.4 million for community level initiatives to confront the culture of binge drinking, particularly in sporting organisations
- $19.1 million to intervene earlier to assist young people and ensure that they assume personal responsibility for their binge drinking
- $20 million for advertising that confronts young people with the costs and consequences of binge drinking.

There have been numerous campaigns targeting drink driving and underage drinking, but these have ultimately proved ineffective in changing the way we drink. According to one journalist, it is unreasonable to suggest prohibition or a similar policy as a solution, nor would it realistically solve the problem.

In April 2008, federal taxes on pre-mixed alcoholic drinks, known as ‘alcopops’ (a term also used to describe flavoured alcoholic drinks), were increased by 70% under the then Prime
Minister, Kevin Rudd. This was a new preventive health program to tackle binge-drinking among teenagers, particularly girls. Under the tax increase, the level of excise charged has increased from $39.36 per litre of alcohol content to $66.67. Alcopops are now taxed at the same rate as spirits, which closes a loophole introduced with the GST in 2000, whereby the excise was lower for pre-mixed products compared with alcohol that is not pre-mixed.

**Have these initiatives been effective?**

However, the tax on alcopops has failed to influence teenage drinkers and has done nothing to curb binge drinking, according to the first survey of underage alcohol use since the federal government introduced the excise increase.

A 2008 Victorian Health Department survey, which asked 4224 private, Catholic and government school students about their alcohol use, found risky underage drinking continued unabated. It did reveal one change: that the overall number of teenagers drinking alcohol had declined.

The number of 12- to 15-year-old students who drank alcohol in the seven days prior to the survey had dropped from 23% in 2005 to 16% in 2008. The number of 16- to 17-year-old current drinkers was lower at 44% of boys and 36% of girls. This is a two-decade low, but the survey found levels of risky drinking and teenage preferences for alcopops unmoved by the new tax.

In 2010, a survey by the Victorian Government showed that:

- pre-mixed sugary alcoholic drinks have become even more popular among the young
- the tax’s main targets—teenage girls—are still drinking alcopops in excess, and describes the female drinking trend as ‘an absolute disaster’.
Questions

1 Outline the main effects of binge drinking on someone under the age of 18. Refer to evidence from the case study, fact sheets or other references in your answer.

2 How does Australia compare with other nations in relation to binge drinking?

3 To what extent is the problem of binge drinking in Australia a legal problem? Justify your answer with reference to the functions of the law and the difference between legal and non-legal rules.

4 Do you think it is acceptable for young people to drink before they are 18? Explain your answer using evidence from the case study, fact sheets or other references.

5 The law confers responsibilities as well as rights. In relation to the issue of underage drinking, what does this mean?

6 Outline Victoria’s laws on alcohol use by young people. Include penalties for breaking the law.

7 Are existing laws effective? Explain your answer with reference to the characteristics of effective laws.

8 Do you think introducing laws to restrict the availability of alcohol to young people and higher taxes on alcohol would interfere with the rights of individuals? Explain your answer, with reference to how the legislative process may protect individual rights.

9 In relation to problems associated with alcohol consumption; such as binge drinking, drink driving and underage drinking, ‘it is unreasonable to suggest prohibition or a similar policy as a solution’. Do you agree with the statement? Explain your answer.

10 What changes in laws relating to underage drinking do you think should be introduced? In your answer, evaluate the strengths and weaknesses of Parliament as a law-maker.

11 How can individuals and groups influence changes in such laws? In your answer, evaluate the effectiveness of the methods used by individuals and groups to influence legislative change.

Other references:

- Planning for Teenage Parties, Drug Info Clearing House, Australian Drug Foundation:

- Am I Old Enough?, Victoria Legal Aid, pages 47–48:

- Changes to Responsible Service of Alcohol Requirements, Department of Justice, Victoria:
+Changes+to+Responsible+Service+of+Alcohol+Requirements+%28PDF%29

- Liquor Licensing Guidelines, Department of Justice—under ‘Obligations’ click on the following links for downloadable PDFs:
  
  * Intoxication Guidelines
  
  * Infringement Notices and Fines.
  

- Selecting the Right Liquor Licence, Department of Justice—under ‘Related Pages’, click on:
  
  * General Licence
  
  * Restaurant and Cafe Licences.
  
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<th>MARK RANGE</th>
<th>DESCRIPTOR: typical performance in each range</th>
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<td>90-100%</td>
<td>Comprehensive and detailed explanation of the relevant laws. Critical analysis of the functions of the law and its limitations. Very thorough and coherent description of the reasons why the law may need to change. Very detailed evaluation of the effectiveness of a law with reference to criteria. Comprehensive evaluation of the effectiveness of methods used by individuals and groups to influence legislative change. Critical evaluation of the strengths and weaknesses of parliament as a law-making body. All answers are strongly supported by relevant laws, statistics and other evidence.</td>
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<td>70-89%</td>
<td>Detailed explanation of the relevant laws. Analysis of the functions of the law and its limitations. Thorough description of the reasons why the law may need to change. Detailed evaluation of the effectiveness of a law. Well-developed evaluation of the effectiveness of methods used by individuals and groups to influence legislative change. Careful evaluation of the strengths and weaknesses of parliament as a law-making body. All answers are supported by relevant laws, statistics and other evidence.</td>
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<td>50-69%</td>
<td>Satisfactory explanation of the relevant laws. Detailed description of the functions of the law. General description of the reasons why the law may need to change. Some evaluation of the effectiveness of a law. Identification and some evaluation of the effectiveness of methods used by individuals and groups to influence legislative change. Some evaluation of the strengths and weaknesses of parliament as a law-making body. Answers refer to some relevant laws, statistics and other evidence.</td>
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<td>30-49%</td>
<td>Some explanation of the relevant laws. Some reference to the functions of the law. Superficial description of the reasons why the law may need to change. Limited discussion of the effectiveness of a law. Limited identification and discussion of the effectiveness of methods used by individuals and groups to influence legislative change. Some reference to the strengths and weaknesses of parliament as a law-making body. Answers refer to some laws, statistics and other evidence.</td>
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<td>0-29%</td>
<td>Some identification of the relevant laws. Little or no reference to the functions of the law. Limited description of the reasons why the law may need to change. Some reference to the effectiveness of a law. Identification of the effectiveness of some methods used by individuals and groups to influence legislative change. Little reference to the strengths and weaknesses of parliament as a law-making body. Little or no reference to laws, statistics or other evidence.</td>
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Students must submit work that is original and strictly their own. Any student who submits work that is not their own will automatically fail the assessment task.

Students may refer to their own exercise book, notes, textbook or any other materials provided by the teacher. The assessment task must be completed under supervision.

Your answers should be supported by evidence from the case study, fact sheets, textbook or other references.