



Alcohol & illegal drugs: law & policy for NSW youth services

by Nick Manning

Who is this fact sheet for?

This fact sheet aims to assist youth services in NSW to develop appropriate policies and procedures around alcohol and other drugs, safety and law.

SAAP services and out-of-home care services should also refer to the standards and guidelines specific to their service type.

Organisers of very large events should also refer to some of the publications listed in *More information* below.

Some words used in particular ways

To understand this fact sheet you need to know how we are using these words:

- **intoxicated:** under the influence of alcohol and/or an illegal drug
- **drug:** alcohol or an illegal drug.
(This fact sheet does not deal with tobacco and cigarettes – see **Smoking: law & policy for NSW youth services** in *More information* below).
- **young person:** someone aged roughly between 12 and 25 years old
- **youth worker / youth service:** a welfare worker / service working with young people in NSW, including residential and non-residential services (but not out-of-home care or health services)
- **SAAP / accommodation service:** residential services funded by the Supported Accommodation Assistance Scheme (SAAP).

Relevant laws

In NSW there are several areas of law on alcohol and other drugs, relevant to youth workers, including:

- Intoxicated Persons Act
- Liquor Act licensing laws
- Under age drinking in public (Summary Offences Act)

- Illicit drug laws
- Prescribed medications law
- Duty of care
- Search and confiscation laws
- Confidentiality and privacy laws.

Intoxicated Persons Act

Police have the power to pick up people who are intoxicated (on alcohol or any other drug) and who are behaving in a disorderly manner or who need physical protection because of their intoxication.

Police may take an intoxicated person home or place them in the care of a responsible person (eg friend, relative, welfare worker, refuge). If necessary, police may detain the intoxicated person in a police station while finding a responsible person. If no responsible person can be found, police may detain the intoxicated person until they cease to be intoxicated...

Reasonable restraint may be used to ensure that the intoxicated person does not injure anyone (including himself or herself) or damage property...

Intoxicated persons are not charged with an offence, nor are they fingerprinted. They should be kept separate from people detained for criminal offences, and juveniles must be kept separate from adults...

- Police powers and your rights (see *More Information* below)

Liquor Act licensing laws

There are many offences listed in the *Liquor Act 1982*, mainly relating to licensed premises (bottle shops, hotels, clubs, and restaurants which are licensed to sell alcohol). Here are some of the more relevant offences.

It is illegal for an adult to:

- obtain alcohol from licensed premises on behalf of an under 18, or
- to sell or supply alcohol to an under 18 year old.

(Max. penalty \$5,500. In “circumstances of aggravation” \$11,000 or 12 months jail).

However there are exceptions. It is **not** illegal for an adult to supply alcohol to an under 18 year old, away from licensed premises, if:

- they are a parent or guardian of the person, or
- they were authorised by the parent or guardian.

A person under the age of 18 years shall not:

- (a) consume liquor on licensed premises
- (b) consume liquor on the premises of an unlicensed restaurant (except in the company of and with the authority of his or her parent or guardian)
- (c) obtain, or attempt to obtain, liquor for consumption on licensed premises
- (d) carry liquor away, or attempt to carry liquor away, from licensed premises.

Under age drinking in public

It is illegal for an under 18 year old to possess or consume alcohol in a public place, unless they have a reasonable excuse or are with a responsible adult (*reasonable excuse* and *responsible adult* are not defined in the law). Police can demand name and address, seize the alcohol and fine the young person (currently \$20). (Summary Offences Act)

Summary: under 18s and alcohol

So to summarise the information above, while many people think that it is illegal for under 18s to drink, the law is not that simple. Legally under 18s **can**:

- possess and drink alcohol in private (eg. in their own home, at a friend’s house, at a refuge)
- drink alcohol in an unlicensed restaurant with their parents
- possess and drink alcohol in public with a reasonable excuse or with a responsible adult.

However, the only legal way for the under 18 year old to get the alcohol in the first place is if their parents provide it or if their parents give permission for someone else to provide it.

Illicit drug laws

Most drug offences in NSW are set out in the Drug Misuse and Trafficking Act. The main offences of interest here are:

- **Possession of a prohibited drug:** to be in possession of a drug, it has to be in your custody or control, and you must know about it. Max. penalty: \$2,200 fine and/or 2 years jail
- **Self-administration** of a prohibited drug. Max. penalty: \$2,200 fine and/or 2 years jail. (Note that it is NSW Police policy not to charge people with self-administration after a non-fatal overdose).
- Possession of **equipment for self-administration** of a prohibited drug (Note: it is **not** an offence to possess a syringe). Max. penalty: \$2,200 fine and/or 2 years jail
- **Supplying a prohibited drug:** Supply has a very broad definition and includes offering or agreeing to supply, whether or not any drugs actually change hands. Max. penalty varies from a \$220,000 to \$550,000 fine and/or 10 years to life in jail.

There are various diversionary schemes for under 18s and over 18s to deal with some cases of possession and self-administration without going to court.

For more about the illicit drug laws, see **Drug offences** in *More Information* below.

Youth worker in possession of drugs? If someone leaves drugs on your premises (eg. hides them, or asks you to mind their bag and you don’t know what is in it), you are not immediately guilty of possessing a prohibited drug. You are only guilty of possession if you know about the drugs, and they are in your “custody or control”.

Prescribed medications

It is an offence to possess prescription drugs which were not prescribed to you (max. penalty \$2,200 fine and/or 6 months jail). There can be serious safety risks with the misuse of some prescription drugs. For these reasons, youth services should treat the sale, swapping etc of prescription drugs by young people as drug offences, and respond to these incidents in the same way they would respond to other illegal drugs.

Duty of care

Your **duty of care** is your legal duty to take reasonable care so others aren’t harmed. This is related to, but not the same as, concepts like *ethics and professional responsibilities*. The focus of your legal duty of care is on **reducing risks** that young people (and youth workers and others) face.

Clearly young people face many possible risks with drug consumption, including:

- drug overdose or alcohol poisoning

- drug-induced psychosis
- long term alcohol-related brain damage
- contracting an infection through drug use (eg. Hepatitis C)
- an accident due to intoxication (eg. a fall)
- drowning
- injury to a road user in an accident caused by an intoxicated driver
- injury to an intoxicated pedestrian (on the road or railway)
- injury due to violence committed by an intoxicated person.

All of these forms of harm are of concern to youth workers when they involve young people as victims or perpetrators. Legally, however, youth workers are not necessarily responsible for such harm to their clients, or caused by their clients. Your actual duty of care depends on the circumstances in question.

Many of these injuries will occur away from your premises and your programs, where your duty is much more limited or often non-existent. Many of these injuries are the result of someone's intentional, sometimes criminal, acts and the courts are often reluctant to "blame" third parties (such as youth services) in such situations.

In 2002 the NSW Government changed the law to limit the duty of care owed to people who are intoxicated, and to people committing crime:

- People who are intoxicated (under the influence of alcohol or any drug) are not entitled to a higher standard of care than if they were sober. They can only get compensation if they were likely to have been harmed even if they were not intoxicated.
- People who are injured while committing crime will in many cases (including drug crimes) not be entitled to compensation.

These changes mean that a youth service's duty of care to young people under the influence of alcohol or illicit drugs is significantly reduced. Youth workers who take reasonable care in the circumstances (not perfect care) can be confident that they are fulfilling their duty of care and in some cases exceeding it.

Of course youth workers don't want young people to suffer harm and so they focus more on good professional practice and provide a level of care over and above what is legally required. Many of the procedures discussed later in this fact sheet fall into this category.

See YAPA's model policy: Duty of care statement (see **More Information** below).

Can you search and confiscate?

Residential services

Does a youth residential service have a right to search residents or their rooms for contraband?

In premises which are covered by the Residential Tenancies Act, landlords may conduct regular inspections by arrangement with the tenant. However, this does not give the landlord the right to search the place or the tenant's belongings.

In a refuge, workers have more freedom to search residents' rooms and belongings. It's important to clearly set out the ground rules for searches, and to conduct them fairly and with minimal interference to privacy.

- Contraband in youth residential services
(see *More information* below)

At an event or program

It is probably reasonable to search bags as a condition of entry to your event or program, in situations where the risks are especially high, such as a band night for 100 people. (On the other hand, it is probably not reasonable to search bags for normal youth work services such as drop-in, counselling or excursions). Make it clear to participants before they enter what the rules are and what items are prohibited.

If someone is already inside and you think that they have an item that is not allowed, you can ask to look in their bag. However, if they refuse, all you can do is ask them to leave.

Take what you find?

Think through carefully what you will do with any items you find. Will you take them, either to confiscate for good or to return them later? Some items you prohibit may be the lawful property of at least some participants (eg. alcohol, cigarettes, some pills, some knives) and shouldn't be confiscated for good unless you are absolutely sure the person consents to confiscation. At the same time, some items are possibly illegal and/or unsafe and returning them may compromise you if something happens. You may be on safer ground if you don't take certain prohibited items from young people but simply refuse people entry (or ask them to leave) while they have such items with them.

Illegal drugs, pills etc: If you confiscate illegal drugs, you should fairly quickly either destroy them or hand them in to the police, to avoid being in possession of drugs yourself. However, be cautious about pills if you are unclear about their legal status:

- for obvious health reasons you must not take away someone's own prescribed or unprescribed medication
- you mustn't treat someone worse (eg. refuse them entry or publicly humiliate them) because of their disability or illness.

See YAPA's model policy: **Alcohol and illegal drugs** (see *More information* below).

Confidentiality & drugs

There are many dilemmas about privacy and confidentiality when it comes to young people and drugs. For more information see:

- Confidentiality and privacy for youth workers
- YAPA's model policy: Privacy both listed under *More information* below).

Ambulance officers and confidentiality

Someone may be concerned that if they call an ambulance to a drug overdose, the police may become involved. Ambulance officers generally do not call the police to overdose cases unless the person is violent, or there is evidence of criminal activity not relating to the drugs.

Police and youth worker confidentiality

Police searches: Police can only search premises (including youth services and youth accommodation) with either the occupier's consent or a valid search warrant.

Handing over files and notes: You do not have to hand over your files and notes to police unless they have a valid search warrant which specifies your premises.

Answering police questions: Except as outlined under *Concealing* (below), you have no legal obligation to answer police questions. This includes questions about clients and about their drug use. Police occasionally suggest that your refusal to cooperate is "hindering police", but mere failure to provide information does not amount to the offence of hindering police.

Concealing a serious offence: In certain circumstances it is an offence if you fail to give the police information which could assist them arrest or convict an offender. The law only applies to *serious offences*, which includes supplying and trafficking drugs. (It does not apply to possession of an illegal drug, supplying a minor with alcohol or underage drinking in public).

You are not guilty of *concealing* if you have a reasonable excuse. The law doesn't say what a reasonable excuse might be, but except perhaps with the worst crimes, it would probably include the need to maintain client confidentiality. In any

case, as far as I know there have been no prosecutions of human service workers under this law. Police tend to use this charge against people who are actually involved in the crime, not against professionals who may know about the offence.

See YAPA's model policy: **Crime and police** (see *More information* below).

Should you tell family?

Young people of any age have a legal right to confidentiality, and this extends to service providers not passing on confidential information to the young person's parents or other family without permission. So generally, you do not have either the right or the responsibility to disclose to parents, for example, that their child is using drugs, or that they are intoxicated. Some possible exceptions are:

- if the young person freely consents to the disclosure
- if there is a serious and imminent threat to the life or health of any person, and notifying a family member of the young person (of any age) may reduce that risk. This might apply when a very intoxicated young person leaves your activity or centre and is in danger, or when they are violent and you think that a family member could calm them down.

Of course in some situations you can't notify parents - if you don't know the young person or you don't have the parent's contact details. Your duty may be limited to calling the police or the ambulance, if the circumstances warrant it.

If you are working with a young person to address their drug use, you might explore what possible assistance the young person's family could provide. As part of that process you may try to persuade the young person to inform their family themselves about their drug use, or to consent to you talking with their family about it.

See YAPA's model policy: **Privacy** (see *More information* below).

Report of a child at risk

You may have an obligation to report:

- under 16 year olds where their substance abuse puts them at risk of harm
- young children at risk because of their parent's drug use.

See:

- the NSW **Interagency Guidelines for Child Protection Intervention** or call the Department of Community Services Helpline on 132 111 for advice (both listed under *More information* below).

Abstinence and harm minimisation in youth services

Some youth services' drug policies take the twin approaches of:

- abstinence on the premises and during activities, and
- harm minimisation in relation to education and referral services.

Abstinence (no drugs on the premises and no intoxicated young people in group activities) is necessary:

- for the safety of young people and workers
- so that young people are in a state of mind to benefit from the activity
- so parents and the wider community have confidence in the service.

Harm minimisation is an approach to education, counselling, support and referral services which aims to reduce the harmful behaviours associated with drug use, such as needle sharing, overdose etc.

Note that there is a difference between “no drugs on the premises and no intoxicated young people in group activities” on the one hand, and “no intoxicated young people on the premises”.

There are situations where it is sensible to allow an intoxicated young person to remain on the premises. In some cases this may be for the young person's safety (see below). And some information, referral and casework services may be possible and desirable while a young person is mildly intoxicated, or after they sober up.

There are other situations where intoxicated young people should not be allowed to remain on the premises – see below.

See YAPA's model policy: **Alcohol and illegal drugs** (listed under *More information* below).

Can a youth service ban a young person?

A youth service can ban a young person from the service completely, though you must:

- give them a fair hearing before deciding whether to ban them (this is the legal principle of *natural justice*), and
- make a decision based on that young person's behaviour and not based on assumptions about a group they belong to (eg. an ethnic group or a mental illness).

A ban should be for a limited period of time.

The service should use a ban as a last resort - try to find a way that you can safely continue to

provide needed services to that young person. Drug-related behaviour which might justify a ban might include:

- drug dealing or supplying alcohol or prescription drugs to others on the premises
- violence or serious threats of violence.

See YAPA's model policy: **Rules and consequences** (listed under *More information* below).

Can a youth accommodation service allow, or ban, alcohol?

Accommodation services are not obliged by law to ban alcohol, even if you cater for under 18s. However you should also check your funding agreement and standards.

If your residents are tenants under the Residential Tenancies Act, you have to allow the tenant to have “quiet enjoyment” of the premises. So can you ban alcohol? This has never been decided in court. Tenancy experts say that probably you can, if your service is for:

- people who have had alcohol or other drug problems, or
- under 18s (though as noted above, it is not illegal for under 18s to drink in their residence).

You can get advice from a tenancy advice service. Any action you take in response to a resident's alcohol or drug use must be consistent with the Residential Tenancies Act.

If your residents are boarders and lodgers (without the rights of tenants), you can choose to ban, or not to ban, alcohol (but check your funding agreement and standards). Most crisis youth refuges do not allow alcohol on the premises.

Can a youth service provide alcohol?

While youth work generally aims to be alcohol-free, situations occasionally arise where youth workers are unsure if they can legally allow limited, responsible consumption of alcohol:

- At a function for your organisation's Board or Committee where most participants are adults and a couple of the Board members are under 18 - can you give everyone a glass of wine?
- At a consultation BBQ or focus group for 18-21 year olds, can you provide light beer with the food to encourage this age group to attend?
- At the end of an education program where you put on a “graduation dinner” for the 17-19 year old participants to celebrate their

achievements - can they have a glass of champagne?

Legally you can provide alcohol:

- to over 18s
- to under 18s with their parent's permission, in a private location (eg. at your service), or in a public place such as a park (unless alcohol restrictions apply there), but **not** at licensed premises or at an unlicensed restaurant.

Legally you must take reasonable care for the safety of all participants both in relation to the potential for excessive drinking and to getting home safely.

In deciding whether to provide alcohol at your event, take into account:

- the likely benefits
- the likely risks (to the young people and to the service)
- how would consumption be limited (including before and after the event)?
- young people's and community members' likely reactions to you doing so, and any impact such reactions may have.

Youth services usually conclude that many of their clients consume a lot of alcohol already, and so providing low-strength drinks as part of a youth program is likely to achieve little and could even do harm.

Alcohol consumption is an emotive issue generally, and especially in relation to young people. Also, some cultures have strong beliefs about alcohol, which you may need to consider.

If you do hold an event with alcohol (even just a dinner with a few people), see the tips for keeping people safe in the section on hosting parties on the Australian Drug Foundation website www.adf.org.au.

Safety and security at larger events

There are some useful recommendations in these publications (see **More Information** below):

- **A young persons guide to the gig galaxy** has a good list of suggestions for safety and security at gigs, band nights etc
- **Indent** – resources for no-alcohol events
- **Guidelines for dance parties** – focuses on very large events including those with alcohol available, but worth a look for other events too.
- **Safer celebrations – a planning guide for events in NSW**. Useful information on legal

and safety requirements for any large event, especially if alcohol will be available.

Chill out areas

At a larger event you could set up a chill out area.

It is recommended that a chill out area be set up either in or near the venue. Chill out areas should:

- *have low profile, non-threatening supervision so that patrons are not scared away and patrons with health problems can be spotted and treated*
- *be supervised by a person with first aid training*
- *be quiet, well ventilated, cool and well lit*
- *provide chairs for patrons*
- *have electricity and drinking water available*
- *be physically separated from the main dance room*
- *have external access separate from the dance floor, if an ambulance is required.*

- Guidelines for dance parties - see *More Information* below.

Police assistance at your event

If you are planning a large event (or a series of smaller activities) and you are concerned about alcohol and other drug use, talk to your local police (eg. the Youth Liaison Officer or YLO). Let them know what you are doing and ask for their help. Depending on the circumstances, police could:

- drive by or drop in to the event
- check the area around your venue (park, streets, car park etc)
- be visible after the event as young people wait for transport
- use their power under the Intoxicated Persons Act (see above) to assist someone who needs protection because they are drunk or drugged.

Some police YLOs are actively involved in youth services and networks, and are a valuable resource in planning and running events.

The NSW Police now have a policy of charging for their attendance at large events, though there are exemptions for certain types of organisations and certain types of events. If you want to pay to ensure police attendance at your event, contact your local area command a couple of months before the event.

Intoxicated young people

Accommodation services

You need clear procedures for dealing with drunk or drugged residents (of any age). What procedures you put in place will depend on the particular circumstances of your service, including the level of staffing, the number of rooms and residents, etc. You should have a clear procedure for dealing with aggressive clients which aims to keep everyone (youth workers and residents) safe. The procedure should state at what point you would put the person in a separate room, at what point you would lock the person out and when you would call the police.

Other youth services

Some youth services have a policy that a young person under the influence of alcohol or illicit drugs should not be allowed to participate in group activities (eg. recreation, social, group work, educational activities etc). Here is how one youth service handles this situation:

- *be polite but firm*
 - *it's important that the person realises that you object to their behaviour and not to them as a person. For example say "Sorry we can't let you in because this is a 'no alcohol' event / service, but you are welcome to come back next time if you haven't been drinking."*
 - *don't turn the situation into a confrontation, it is not the time for an argument or a lecture*
 - *ask them how they are planning on getting home safely. You could call them a taxi, let them use the phone to call their parents, a brother or sister, or a friend, or you can phone for them, or ask one of the youth workers in attendance to drive them home*
 - *if someone is violent or refuses to leave, let them know you will have to call the police if they stay and again ask them to leave*
 - *if they refuse to leave, call the police.*
- A young persons guide to the gig galaxy**
(see *More information* below)

The 2002 NSW Youth Services Census of non-residential youth services asked how youth workers respond to young people affected by alcohol or other drugs while at their project.

Does your service have written guidelines for working with young people under the influence of alcohol or other drugs?

% of projects	Response
57%	Yes
34%	No
9%	Unsure

If a young person is affected by alcohol or other drugs (AOD) while at your project, what do you do?

% of projects	Response
55%	<i>Brief intervention by worker (talk to them about their AOD use)</i>
49%	<i>Refer them to an appropriate organisation</i>
45%	<i>Ask them to leave if their behaviour is inappropriate</i>
39%	<i>Contact the family or a carer</i>
25%	<i>Ask them to leave depending on the discretion of the worker at the time</i>
20%	<i>Drive them home or call a taxi</i>
18%	<i>Always ask them to leave</i>
17%	<i>Ask them to go in a "chill out room" and provide supervision</i>
1%	<i>Do nothing and don't mention it</i>
19%	<i>Other</i>

- Making Services Count (see *More information* below)

The intoxicated young person's safety

A young person turns up to your service clearly intoxicated (drunk or drugged). Should you refuse entry, or should you let them in because they are safer inside than outside?

In many of these situations your legal duty of care is minimal and you would almost certainly not be at legal risk because of something that happens to a young person after you turn them away from your service. However youth workers aim to provide a higher standard of care than this legal minimum, so what should you do?

There is no single answer or one policy that can apply to all youth activities and all young people who turn up. The issues which will affect your response include:

- Which drug/s has the young person consumed, in what quantity, by what means (eg. smoked, injected etc) and how long ago, and therefore how much at risk is the young person (often not possible to determine)? How "out of it" does the young person appear?
- Can you contact a family member or anyone else who can assist the young person?
- What alternative services are available at the time in your area?
- Can you provide a separate, first aid-supervised area for the intoxicated young?

- Do you have staff to deal with a young person if she/he becomes violent inside?
- Is the young person alone, or with friends who could get help if the young person needs it?
- Is the young person at risk of being assaulted, having an accident on the road or railway or drowning?

Your policy needs to give you alternatives depending on the possible answers to these questions.

Allow the intoxicated person to remain?

There are reasons why you might **allow** an intoxicated person to remain on your premises:

- If they are probably unsafe elsewhere and you have the resources (space, first aid trained staff) to supervise them
- If you can build some rapport, which you can draw on at a later date to try to address their drug use
- If they are in a state to benefit from services you can provide

So while youth services need to have rules which are enforced, an excessively legalistic or punitive approach may drive the young person away, at a time in their life when they may need you the most.

Expert advice: If you have concerns about someone who is intoxicated, but the situation does not yet justify calling an ambulance, you can get advice over the phone from the **Poisons Information Centre on 13 11 26** (24 hours). For example, you might call if you are worried because the young person has consumed a combination of alcohol, medications and/or illegal drugs.

Training: If you have to supervise or assist an intoxicated person more than once in a blue moon, consider specific training - see Save a Mate (SAM) under **Training** below.

Don't allow the intoxicated person to remain?

There are reasons why you would **not allow** an intoxicated person to remain on your premises:

- if they are probably safer elsewhere (eg. at home or somewhere with lots of people around) and they will probably go there
- if they are violent or aggressive and other people may be put at risk.

One option is to call someone to come and get the young person:

- the young person's family or friend if you have contact details and consent to do this
- an outreach service if there is one in the area.

See YAPA's model policy: **Alcohol and illegal drugs** (see **More information** below).

Violence

As part of the agency's duty of care, where there is a strong likelihood of aggression or violence, the young person should be asked to leave the premises, unless there is an appropriate place for them to stay on the premises and the risk of violence can be eliminated or minimised. If someone threatens violence, or people feel unsafe, you should call the police and/or remove all other people to a place of safety.

See YAPA's model policy: **Non-violence** (see **More information** below).

Intoxicated young people beyond your boundaries

After a young person leaves your service

To some extent when young people leave your event or program they leave your legal responsibility. For example, if you suspect that a young person has been drinking, but they are in control and not aggressive, probably you have no legal duty at all once they leave. The law is not clear on these questions, but in any case you have a duty to the young people still inside your service, so most of your attention must be focussed on them.

But what if a young person's parents assume you are taking some sort of complete responsibility for their child? This level of responsibility may be possible and necessary for services working with younger, primary school aged children. However, in most cases, youth services who work with teenagers and adult young people run a program and the young people "take it or leave it". In other words, young people are free agents who can leave at any time, and you are not usually in a position to look out for their wellbeing if they do leave. You must ensure that your publicity and any communications with parents do not give the impression that you are providing a level of supervision that you cannot provide.

There are some probable exceptions – specific situations where your duty of care might extend beyond the boundaries of your program:

- If the person is so unsafe when they leave that you should do more to try to get them to stay (eg. a quite young child, or someone

who is so drunk or drugged that they are about to pass out or have an accident).

- Immediately outside your premises you may have some responsibility eg. people waiting for transport after your event at night.
- You would have a wider responsibility if you have a care responsibility for the young person (eg. an out-of-home care service), or if you have said or implied that you will provide ongoing supervision (eg. a camp).

See YAPA's model policies: **Excursions and Camps**, and **Duty of care statement** (see *More information* below).

The drunken party outside

You hold a band night for 75, but 300 young people turn up. Those who can't fit inside start a party in your car park and in the park across the road. Some of the young people inside even decide to go and join the party outside!

You possibly owe a legal duty to those outside, but it is a very limited duty, as you have limited control over what happens outside, especially off your premises. And at least some of the people who might be harmed are knowingly putting themselves at risk (see **Duty of care** above).

Here are some possible strategies:

- Fliers and promotional material should make it clear:
 - that the event is drug- and alcohol-free
 - what time the event ends
 - that you cannot supervise outside the event and after the event.
- It may help to discourage the crowds if you say that this event is being run with the knowledge of your local police (don't forget to tell them!).
- It may help to avoid the young people inside and outside mixing. You could refuse entry (and re-entry) after a certain time.
- You should keep an eye on what is happening **outside on your premises** (though your main duty is to the young people and workers inside).
- You are usually not obliged to patrol or supervise **beyond your boundary**. If you decide to patrol further afield, you may get caught up in situations that keep you away from your premises for long periods of time. Consider patrolling in pairs if the risks justify it. Allow for these issues when you decide how many supervisors you need.
- If a crowd gathers outside and you are concerned for young people's safety and welfare, tell the police that there is a large group outside which may include some

people whose safety is at risk. The police can take action under several laws to disperse the crowd and protect individuals at risk, both on and off your premises.

- Avoid the situation if you can. If it happens 2 or 3 occasions in a row, it is probably time to evaluate and change your activity, or the way you run it.

This is a guide, not a definitive description of your legal duty. There will be other strategies that you should use, depending on the situation.

Public relations issues: Young people's behaviour near your premises or after your event, including drug use, anti-social behaviour and crime, may (fairly or unfairly) cause public relations problems for your agency. Do not underestimate the risks that such public relations issues pose for the future of your activity, especially if the police, council, landlord, funding body, media or your own management have serious concerns about this behaviour.

Final word

This fact sheet presents information from a range of sources and perspectives to raise awareness among youth workers.

I am an experienced youth work educator and have researched this issue carefully. However I have no health or legal qualifications. You should not rely solely on this information, but should refer to the publications and authorities listed in **More information** (below), and if necessary get qualified advice for your specific situation. The information here is not legal advice. If you have a legal problem you should get advice from a lawyer.

More information

Medical advice

If you are concerned about an intoxicated person, but the situation does not yet justify calling an ambulance, you can get advice from **Poisons Information Centre** on **13 11 26** (24 hours).

Legal advice

Young people can get legal advice from:

- **Legal Aid Hotline for Under 18s** on 1800 101810
- **Shopfront Youth Legal Centre** on 02 9322 4808
- **Lawstuff LawMail** – legal advice by email for under 22 year olds: www.lawstuff.org.au

Training

Save a Mate (SAM) is a drug education program and first aid course specifically designed for alcohol and other drug-related emergencies. SAM teaches participants to recognise the signs and symptoms of a drug overdose, and how to administer life-saving techniques. Contact the Red Cross on 02 9229 4111 or 1800 812 028 or go to www.redcross.org.au/nsw/services_sam.htm

Other AOD training: Some AOD training may be provided by:

- area health service/ community health centre
- Ted Noffs Foundation www.noffs.org.au
- Centre for Community Welfare Training (CCWT) 02 9281 8822
- NSW TAFE www.tafensw.edu.au and search for > Courses > Alcohol & drugs.

There is a Competency Standard in the certificate and diploma courses in Alcohol and other Drugs Work called **Work with clients who are intoxicated (CHCAOD6B)**. TAFE and CCWT may be able to provide this training.

Some AOD training providers, including CCWT and TAFE, run training on “the pharmacology of drugs” - how various drugs affect people, how the body responds to them, and the risks associated with various drugs.

Anti-violence training: Contact your union, peak body, WorkCover, or the Centre for Community Welfare Training.

YAPA fact sheets

See: www.yapa.org.au/youthwork/facts, eg:

- **Duty of care**
- **Smoking: Law & policy for NSW youth services**
- **Contraband in youth residential services**

Model policies for non-residential youth services in NSW

You can download and copy these, at www.yapa.org.au/youthwork/modelpolicies eg:

- Alcohol and illegal drugs
- Smoking
- Privacy
- Rules and consequences
- Non-violence
- Crime and police
- Duty of care statement
- Excursions and camps

Other resources

- **Drug offences, and Police powers & your rights** www.theshopfront.org. Click “Inform & train youth workers about legal issues”
- **NSW Interagency Guidelines for Child Protection Intervention** www.kids.nsw.gov.au
- **Lawstuff** – a state by state guide to law for under 18s www.lawstuff.org.au
- **A young persons guide to the gig galaxy: How to organise successful youth entertainment events in NSW** YAPA & Indent www.yapa.org.au/youth/facts/gig.pdf
- **Indent** (various) www.indent.net.au
- **Guidelines for dance parties** (1998) www.dlg.nsw.gov.au/Files/Information/dance.pdf
- **Safer celebrations – a planning guide for events in NSW**. Legal & safety rules for any large event, especially if alcohol is available. www.communitybuilders.nsw.gov.au/building_stronger/safer/e_guide.html
- **Making Services Count: Health & AOD Highlights**, NSW Youth Services Census www.yapa.org.au/youthwork/census
- **NSW Health** www.health.nsw.gov.au/mhdao/publications_consumers.asp
- **National Drug and Alcohol Research Centre (NDARC)** <http://ndarc.med.unsw.edu.au/ndarcweb.nsf>
- **Australian Drug Foundation** - information and research on drugs www.adf.org.au
- **Alcohol Guidelines: Health, Risks and Benefits**. www.nhmrc.gov.au



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