



## Intoxication Guidelines

These Intoxication Guidelines are issued pursuant to section 3AB (2) of the *Liquor Control Reform Act 1998* (the Act) and provide information about how to determine if a person is in a state of intoxication for the purposes of the Act, the *Casino Control Act 1991* and the *Gambling Regulation Act 2003*.

### What is the law in Victoria?

The Act states it is an offence for a licensee or permittee to supply liquor to a person who is in a state of intoxication.

### How can you decide if a person is in a state of intoxication?

- Consider whether the person is displaying one or more of the signs of intoxication and;
- Consider whether this is the result of the consumption of liquor, by taking into account information such as:
  - How much alcohol have you witnessed the person drink? and/or
  - Information about how much the person has had to drink and/or
  - Does the person smell of alcohol?

#### Signs of intoxication may include the following:

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|---|---|
| • becoming loud, boisterous                     | • difficulty walking straight                           |
| • becoming argumentative                        | • bumping into furniture or customers                   |
| • annoying other patrons and staff              | • rambling conversation                                 |
| • using offensive language                      | • loss of train of thought                              |
| • spilling drinks                               | • difficulty in paying attention                        |
| • fumbling and difficulty in picking up objects | • not hearing or understanding what is being said       |
| • swaying                                       | • drowsiness or dozing while sitting at a bar or table. |

### Conditions that exhibit similar symptoms and signs to intoxication

Sometimes physical and mental disabilities exhibit some of the same signs and symptoms as alcohol intoxication. You should consider the possibility of the existence of any conditions prior to refusing service on the basis that a person is intoxicated.

### Legal definition of intoxication

Intoxication is defined in Section 3AB (1) of the Act:

*For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.*

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.