

Australian Capital Territory

Liquor (Intoxication) Guidelines 2010 (No 1)

Notifiable instrument NI2010–652

made under the

Liquor Act 2010, s 223 (Liquor Guidelines)

1 Name of instrument

This instrument is the *Liquor (Intoxication) Guidelines 2010 (No 1)*.

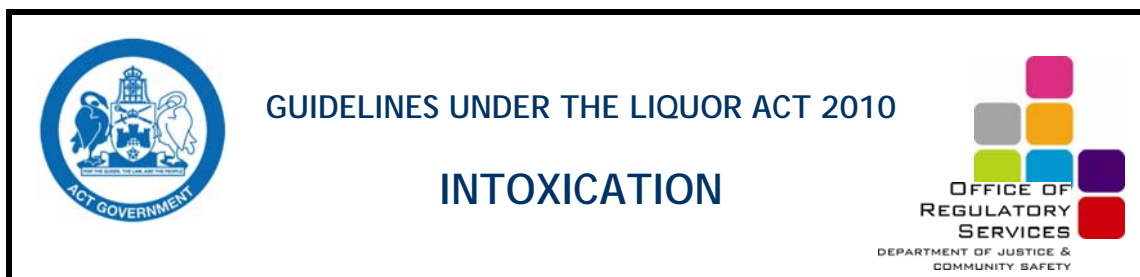
2 Commencement

This instrument commences on 1 December 2010.

3 Notification

I make the Intoxication Guidelines set out in Schedule 1

Brett Phillips
Commissioner for Fair Trading
22 November 2010



Under section 223 of the *Liquor Act 2010* (the Act), the Commissioner for Fair Trading (the Commissioner) may make liquor guidelines consistent with the objects of the Act and the harm minimization and community safety principles. These guidelines are published by the Commissioner to: assist people involved in the supply of liquor in determining whether a person is intoxicated; provide people with ways of reducing intoxication; and outline a process for dealing with intoxicated patrons.

In reading these guidelines, consideration must also be given to the underpinning objectives of the Act which are:

- *To minimise the harm associated with the consumption of liquor;*
- *To facilitate the responsible development of the liquor and hospitality industries in a way that takes into account community safety; and*
- *To encourage and support liquor consumers to take responsibility for their consumption and their behaviour if it is affected by the consumption of liquor.*

What does the law say?

Section 104 of the Act says that *a person is intoxicated if -*

- (a) *the person's speech, balance, coordination or behaviour is noticeably affected; and*
- (b) *it is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor.*

It is an offence for a liquor licensee or liquor permit-holder, or for one of their employees, to supply liquor to an intoxicated person. It is also an offence for another person, such as a friend, to supply liquor to an intoxicated person at licensed premises.

Penalties of up to 50 penalty units apply.

Noticeable signs of intoxication

The following signs may assist in determining whether or not a person is intoxicated:

Speech	Balance	Co-ordination	Behaviour
<ul style="list-style-type: none"> ▪ Slurred speech ▪ Rambling/unintelligible conversation ▪ Incoherent/muddled speech ▪ Loss of train of thought ▪ Not understanding normal conversation ▪ Repeating oneself 	<ul style="list-style-type: none"> ▪ Unsteady on feet ▪ Uncontrollable swaying ▪ Staggering gait ▪ Difficulty walking straight ▪ Falling down/cannot stand ▪ Stumbling ▪ Bumping into or knocking over furniture or people 	<ul style="list-style-type: none"> ▪ Lack of co-ordination ▪ Spilling drinks ▪ Dropping drinks ▪ Difficulty counting money or paying ▪ Difficulty opening or closing doors 	<ul style="list-style-type: none"> ▪ Rudeness ▪ Aggression ▪ Belligerence ▪ Argumentative ▪ Bad tempered ▪ Physically violent ▪ Loud/boisterous ▪ Confused ▪ Using offensive language ▪ Annoying/pestering others ▪ Loss of inhibition ▪ Inappropriate sexual advances ▪ Drowsiness or sleeping ▪ Vomiting ▪ Drinking rapidly

Schedule 1

Some other signs of intoxication

There are several other observations to be made which assist in determining whether someone is intoxicated, these include:

- Does the person smell of alcohol?
- How long has the person been drinking?
- When did the person enter the premises?
- Was the person affected by alcohol when they entered the premises?
- What type of alcohol has been consumed and how much have you observed the person consume?

It is important that licensees, permit-holders and their employees both observe and talk to the person to assist in determining whether that person is intoxicated.

It should be noted that there are some medical conditions that may cause signs mirroring some of those listed. Respectful discussion with the person, and or their friends, might well assist in determining whether a person is intoxicated.

How can you reduce incidences of intoxication?

It is an offence to supply liquor to an intoxicated person. Licensees, permit-holders, and employees supplying liquor can do the following to assist in lessening the likelihood of patrons becoming intoxicated:

- Ensure service staff, and any security/crowd control staff, are trained in the Responsible Service of Alcohol (this is a mandatory requirement under the Act);
- Provide free drinking water in the premises (this is a mandatory requirement under the Act);
- Promote low or mid-strength alcoholic drinks;
- Ensure food is available at all times on licensed or permitted premises which serve liquor for consumption on the premises (this is a mandatory requirement under the Act);
- Develop your Risk Assessment Management Plan such that it has practical, robust procedures regarding responsible service of alcohol;
- Do not promote or allow practices which encourage rapid, excessive consumption of liquor (this is a mandatory requirement under the Act); and
- Monitoring patrons to identify those approaching intoxication so that a warning can be provided to any such patron.

What to do if someone is intoxicated?

When refusing service of liquor to a person:

- Introduce yourself to the person and tell them your name and your role, and ask their name;
- Approach the person in a friendly and respectful manner;
- Use the person's name and use slow distinct speech with short, simple sentences;
- Provide a clear, concrete statement that, by law, the person cannot be served another drink;
- Notify the manager and security/crowd control staff; and
- Inquire of the patron how they are getting home - assist in arranging public transport, where needed.

What to do if an intoxicated person becomes abusive?

It is an offence for an intoxicated person to abuse staff, in licensed premises, if they have been asked to leave or become abusive. A penalty of 10 penalty units applies. Police can be called in such a circumstance and can issue a fine to the person.