



LICENSING AND REGULATION

Behavioural Signs of Intoxication

People react differently to alcohol consumption. As a licensee, ***you are responsible*** for assessing whether or not a patron is intoxicated, in order to minimise harm as a result from the consumption of alcohol at your function. ***You are required*** to ensure that alcohol is not sold or supplied to intoxicated persons.

Section 102 of the *Liquor Act* makes it an offence to sell or supply liquor to an intoxicated person.

Penalties under the *Liquor Act*

First offence	Second or subsequent offence
\$1,000 or imprisonment for 6 months.	\$2,000 or imprisonment for 12 months.

What is intoxication?

The Macquarie Dictionary defines intoxication as being the overpowering action or effect upon the mind.

Intoxication has been legally defined as:

“To be intoxicated in the legal sense, it is not necessary to be dead drunk any more than to be ill it is necessary to be dying. It suffices that an individual be affected by alcohol to the point of no longer having his normal control, his judgement, or, in a word, that he no longer has the use of all his intellectual or physical faculties”.

Bienbenue J.

Behavioural signs of intoxication include, but are not limited to:

- Altered speech patterns, such as slurred speech.
- Glassy eyes, lack of eye focus, loss of eye contact.
- Inappropriate or uncharacteristic behaviour such as: Becoming agitated or argumentative; Annoying other customers and employees; Becoming loud, boisterous and making comments about others; Aggressive or belligerent; Inappropriate sexual advances; Making irrational or nonsensical statements; Rambling conversation, Loss of train of thought.

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- Clumsy or uncoordinated as seen by: Spilling drinks and the inability to find one's mouth with glass; Change in gait – stumbling; Difficulty moving around objects; Falling down; Bumping into or knocking over furniture; Inability to light a cigarette; Letting cigarette burn in ashtray without smoking it; Inability to pick up change from table/bar; Swaying and / or dozing while sitting at a bar or table.

If a person shows a combination of several of these signs, it is a strong indication that the person is intoxicated.

A LICENSEE OR THEIR EMPLOYEE MUST EXCLUDE OR REMOVE INTOXICATED, VIOLENT, QUARRELSOME OR DISORDERLY PERSONS FROM THE LICENSED AREA.

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