

Intoxication Guidelines

Summary for bar staff



Guidelines for bar staff and others supplying liquor for sale

Remember the law

- It is against the law for you to supply liquor to an intoxicated person.
- Intoxication is defined under the *Liquor Licensing Act 1997* to include consumption of liquor or some other substance (including over the counter medications).
- It is your responsibility to ensure you do not supply liquor to an intoxicated person. It is an offence for a patron to buy or supply liquor to another person who is intoxicated. This offence extends to the licensee, the responsible person for the licensed premises and the person who sells or supplies the liquor.
- You are also able to remove from the premises both the intoxicated person and the person who supplied them with liquor.
- You must therefore be aware of patrons who may be buying liquor for someone else who is intoxicated.
- There are severe penalties for supplying liquor to an intoxicated person:

Maximum penalty

Expiation fee: \$1,200

First offence \$20,000

Second or subsequent offence \$40,000.

- You must have 'reasonable grounds' for your belief that a person is intoxicated. It is alright if you refuse service to a person on the basis of this belief – even if you are wrong.

Form 'reasonable grounds' to determine that a person is intoxicated

- Make yourself familiar with the signs of intoxication.
- Use the signs of intoxication provided in the 'Intoxication Guidelines' developed by Consumer and Business Services to help determine if someone is intoxicated.
- Avoid discrimination by considering and ruling out any other conditions or reasons that may cause a person to display symptoms similar to those of intoxication.

Conditions that may exhibit similar symptoms/signs to intoxication

- There are a variety of conditions or disabilities that may cause a person to display symptoms or signs similar to those of intoxication.
- People who experience a physical, intellectual, psychiatric, sensory, neurological or learning disability could display difficulties with speech, balance, coordination or behaviour.
- You should be mindful of the various condition/disabilities that a person may have when assessing intoxication.

Help prevent your patrons from becoming intoxicated

There are things you can do to help prevent your patrons from becoming intoxicated:

- Promote low or mid-strength alcoholic drinks, non-alcoholic drinks and food.
- Provide free snack food.
- Do not conduct an activity or promotion that will result in patrons engaging in irresponsible, rapid or excessive consumption of liquor.

Refusing to serve a person who you believe, based on reasonable grounds, is intoxicated

- You must refuse to serve liquor to a person whom you believe, based on reasonable grounds, is intoxicated.
- Be firm but polite, friendly and respectful if you must refuse service. People who feel patronised or belittled may respond with aggression.
- Call for support. Notify other bar staff, your supervisor and/or security if you encounter any problems when refusing service.

For more information

- Ask your manager.
- Download the **Intoxication Guidelines** at www.sa.gov.au
- Call Consumer and Business Services on 131 882.

In developing these guidelines, every effort has been made to ensure that the information reflects the intent of the legislation and/or represents examples of best known practice. Licensees and employees are reminded that it is their own responsibility to ensure the safety and legality of their actions in relation to the provision of alcohol and that they are responsible for any decision to serve or to refuse to serve alcohol.

The information contained in these resources does not constitute legal advice. Consumer and Business Services recommends that you seek your own legal advice should you require an interpretation of the legislation. Consumer and Business Services will not be liable for any injury, damage or loss sustained by any party engaging in the provision or service of alcohol.