
Alcohol and the law

Summary

- In Victoria, there are alcohol laws governing drinking in a public place, underage drinking, liquor licensing and drink driving.
 - Breaches of the law carry penalties, such as fines, imprisonment and loss of licence.
 - Victoria's alcohol laws aim to minimise harm from alcohol.
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Alcohol is Australia's most widely used social drug, but it can cause significant harm to people and society, especially when consumed in excess.

To control the effects of alcohol on individuals and the community, every Australian state and territory has laws governing the use and service of alcohol. These laws have consequences (such as fines, imprisonment or disqualification from driving).

In Victoria, there are alcohol laws and consequences relating to:

- drinking in a public place
- underage drinking
- liquor licensing
- drink driving.

You are breaking the law anywhere in Australia if you **drink and drive** with a blood alcohol concentration over 0.05.

The Alcohol and Drug Foundation has more information about **blood alcohol levels and how alcohol affects you**.

Victoria's laws for drinking in a public place

Under Victoria's Summary Offences Act 1966 there is a range of ways you can get in trouble with the law while drinking in a public place.

Drunk in a public place

If you're **drunk in a public place**, there are three offences you can be arrested and charged with under the Act.

The offences are:

- drunk in a public place (police may think you're drunk if your speech, coordination, balance or behaviour is noticeably affected and they believe it's because you've been drinking alcohol)
- drunk and disorderly in a public place (drunk and acting in a way that disturbs the peace or interferes with others, or is interpreted as intending to do so)
- drunk and behaving in a riotous or disorderly manner (drunk and acting in a way that makes a member of the public fear a breach of the peace is likely; it's also a more serious version of the disorderly offence above, used if the police think your behaviour is severe).

If you're convicted of one of these offences, you'll incur a penalty:

- drunk in a public place – a maximum of 8 penalty units
- drunk and disorderly – first offence: a maximum of 20 penalty unit or 3 days in prison; second or subsequent offence: 20 penalty units or 1 month in prison

- drunk and behaving in a riotous or disorderly manner – maximum of 10 penalty units or prison for 2 months.

A penalty unit is how a fine is calculated. The amount of one penalty unit is indexed and increases each year on 1 July. Until 30 June 2018, one penalty unit is \$158.57. Victoria Legal Aid has more information about **current penalty unit rates**.

Violence trouble spots

Under the *Liquor Control Reform Act 1998*, certain areas that have been shown to have a greater tendency for alcohol related violence and antisocial behaviour can be classified as 'designated areas'. Such a determination is made by the **Victorian Commission for Gambling and Liquor Regulation (VCGLR)** in consultation with the Chief Commissioner of Police.

Once a place has been classified as a designated area, Victoria Police has the power to ban people from that area for up to 72 hours, or up to 12 months for repeat offenders (for offences including drunkenness, physical assault, destroying or damaging property and failure to leave licensed premises).

Barring problem customers from a licensed premises

There are three ways in which a **problem customer can be denied access to a licensed premises**:

- **general powers to refuse entry** – every licensee can:
 - refuse entry to their premises to any person (so long as this refusal is non-discriminatory)
 - ask any person to leave their premises
- **banning entry under a liquor accord** – licensees can also join a 'liquor accord agreement'. (This might, for example, include licensees in a local community area.) Members of a liquor accord can ban a troublesome person from the premises of participating members of the accord
- **issuing a Barring Order.**

Under the *Liquor Control Reform Act*, Victoria Police, licensees or 'responsible persons' can issue a Barring Order that is enforceable by Victoria Police. Such an order can be issued if:

- you're drunk, violent or arguing
- someone in authority believes there is a serious or immediate risk that someone will be harmed because you've been drinking.

Once a person is served with a Barring Order, they must leave the venue and its vicinity (the area within 20 metres of the venue) and cannot return until the Barring Order expires. If a person does not comply with the requirements of a Barring Order, Victoria Police may issue them with an on-the-spot fine.

Barring can be for up to one month, if it's your first order. If you've been barred more than once, you can be barred for up to six months.

Victoria's laws for underage drinking

The legal drinking age in Victoria is 18. **If you're under 18, there are several ways you can get in trouble with the law if you buy or drink alcohol.**

Buying alcohol

If you're under 18, you're not allowed to buy alcohol, even if you're buying it for an adult (someone over the age of 18). If you ask your friends to buy alcohol for you, and they give you the alcohol, they can get fined.

Going to a pub, bar or other licensed premises

If you are under 18, you are not allowed to be in a licensed premises where alcohol is served unless one or more of the following applies:

- you are with a responsible adult
- you are having a meal
- you are a resident of the licensed premises
- you are employed by the licensed venue but not involved in the supply of alcohol

- you are completing an approved training program in hospitality.

You, the person who is serving you, and the owner of the licensed place, can be fined if you're caught in a licensed place like a bar or a pub if you do not satisfy one or more of the above categories. A liquor licensee can be fined over \$18,000 for selling alcohol to a minor.

Proof of age

You may be asked for proof of age in a licensed place. People selling alcohol in licensed places can be fined if they serve alcohol to someone who is under the legal drinking age.

It's an offence to give a false name and address, or to refuse to show proof of age, and you can be fined.

Your driver's licence is the best **proof of age**, but if you don't yet have it, you can get a proof of age card. Forms are available at Australia Post.

Drinking alcohol on private premises

Parents or guardians can provide alcohol to their own children under the age of 18 in their private home.

In someone else's home, it is illegal for a person to provide alcohol to someone under the age of 18 without permission from their parent or guardian. Adults who do so face fines of up to \$19,343.

It's advisable for parents who are **organising parties** for young people under the age of 18 to get written permission about service of alcohol from the parents of the kids attending the party. This also applies for social visits that are not parties.

As of 13 September 2018, changes to the Liquor Control Reform Act require adults supplying alcohol to anyone under 18 in their home to demonstrate responsible supervision of the supply of liquor.

The factors that are considered when determining whether responsible supervision has been demonstrated include:

- the age of the minor
- whether the person supplying the liquor is intoxicated
- whether the minor consumes food with the liquor
- whether the person supplying the liquor is providing supervision of the minor's consumption of the liquor
- the quantity and type of liquor supplied
- the period of time over which the liquor is supplied; and
- whether the minor is intoxicated.

The consequences of underage drinking

The maximum penalty for allowing a young person in a licensed place, serving alcohol to a person under 18 or buying alcohol for someone underage, is 60 **penalty units**.

An employee who serves alcohol to someone under 18 can be fined up to 10 penalty units.

The maximum penalty for a person under 18 who buys or drinks alcohol or who is found on licensed premises when they are not authorised to be there is 5 penalty units.

Read more about **teenagers and alcohol** and some of the health reasons that have led to alcohol being prohibited for people under the age of 18.

Victoria's liquor licensing laws

Every state and territory has liquor licensing laws. Liquor licences regulate:

- who supplies liquor
- to whom it is supplied
- when it is supplied or consumed
- where it is supplied or consumed
- how it is supplied.

In Victoria, the Liquor Control Reform Act 1998 controls the sale and supply of alcohol, and one of its objectives is to minimise alcohol-related harm.

The **VCGLR** administers Victoria's liquor licensing laws. It's an independent statutory authority responsible for administering liquor licences, undertaking disciplinary action where necessary and promoting awareness of and voluntary compliance with the State's liquor laws.

Generally, anyone who intends to sell or provide liquor in Victoria must have a liquor licence from the VCGLR, but there are a number of **exemptions**.

People have the right to object to an application for a liquor licence.

Read more about **Victoria's liquor licensing system**.

Breaches of a liquor licence carry penalties. Details can be found in the **VCGLR's Liquor fact sheets**.

Victoria's laws for drinking and driving

The legal blood alcohol concentration (BAC) limit for fully licensed drivers in Victoria, and all other states and territories, is 0.05.

A zero BAC is required for:

- drivers on a probationary licence (P plates) or learner permit (L plates)
- bus and taxi drivers
- drivers of trucks over 15 tonnes.

Convicted drink-drivers incur severe penalties, such as:

- loss of licence
- fines
- imprisonment.

Anyone who loses their licence or learner permit due to a drink-driving offence is required to install an alcohol interlock in any vehicle they drive as a condition of relicensing.

It is also an offence to drink alcohol while driving a car, or while sitting beside someone who is learning to drive, even if there is no alcohol detected in the driver's blood or breath.

Significant penalties apply if drivers on Victorian roads are caught with both illegal blood or breath alcohol concentration and illicit drugs in their system. For more information visit BHC's **Drink driving** fact sheet.

Where to get help

- Your **GP (doctor)**
- **DrugInfo** Tel. **1300 85 85 84**
- **Family Drug Help** Tel. **1300 660 068**
- Alcohol and other drug treatment services
- **DirectLine** Tel. **1800 888 236**
- Your local community health service
- An alcohol or other drug helpline in your state or territory Tel. **1300 368 186** (national support line, 24/7)
- **Victorian Commission for Gambling and Liquor Regulation** Tel. **1300 182 457**
- **Victoria Legal Aid** – for free information about the law, and how VLA can help you Tel. **1300 792 387**, 8.45 am to 5.15 pm, Monday to Friday

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