**Public intoxication and police**

Laws about public intoxication changed in Victoria in November 2023.

It is no longer against the law to be affected by alcohol in public.

This factsheet is translated into [Arabic](https://www.legalaid.vic.gov.au/alsukr-fy-alamakn-alamt-walshrtt-arabic-rby), [Hindi](https://www.legalaid.vic.gov.au/nasae-kai-haalata-maen-janataa-kae-baica-haonaa-aura-paulaisa-hindi-hainadai), [Punjabi](https://www.legalaid.vic.gov.au/janataka-taaura-taee-nasaakhaoorai-karanaa-ataee-paulaisa-punjabi-panjaabai-public-intoxication-and), [Traditional Chinese](https://www.legalaid.vic.gov.au/gonggongchanghezuijiuyujingfang-traditional-chinese-fantizhongwen) and [Vietnamese](https://www.legalaid.vic.gov.au/say-ruou-noi-cong-cong-va-canh-sat-vietnamese-tieng-viet).

## Laws about public intoxication

Public intoxication means being affected by alcohol (drunk) in public.

Laws about public intoxication changed in Victoria in November 2023. It is no longer against the law to be affected by alcohol in public.

Police and support workers can help you if you are affected by alcohol in public. They can only give you help if you agree to it. You do not have to agree to their help. If you agree to their help, you can change your mind.

## What support workers can do

If you agree to their help, support workers can:

* give you things you need (like food or water)
* find a safe place for you to stay (for example, with your family, friends or carers)
* take you to a sobering centre if there is one nearby and you do not have another safe place to stay.

If you go to a sobering centre, you can sleep, shower, eat and do laundry. Workers will check that you are okay while you are at the sobering centre. They may also talk to you about other services that can help, like alcohol and drug services. You can leave at any time.

Support workers can call an ambulance if they think you need medical attention.

If support workers think you or others are about to be harmed, they can talk to you to try and calm the situation down. If this does not work, they can call the police.

If you are under 18, support workers may contact your parent, guardian or carer. They could also take you home or to another safe place.

You can complain if you are unhappy with what happened with a support worker or at a sobering centre. For more information visit [Department of Health – Feedback and complaints](https://www.health.vic.gov.au/feedback-and-complaints).

## What police can do

If you are affected by alcohol in public, the police may talk to you and offer help. If you agree to their help, police can:

* ask someone you trust to collect you or help you get to a safe place
* contact support workers and ask them to help you
* drive you to a safe place where you can stay (for example, with your family, friends or carers).

Police can only drive you somewhere if you agree and they clearly tell you that you are not under arrest. If you change your mind, they must stop and let you out as soon as it is safe.

Police will not usually drive you somewhere if you are affected by alcohol in public. But they can drive you if they think it is necessary for your safety and there are no support workers to take you.

The police can leave if you do not want help, no longer need help, or other help is on its way. Police should clearly tell you if they decide to leave.

Police can call an ambulance if they think you need medical attention.

## Name and address

You do not have to give police your name and address just because you are affected by alcohol in public.

However, police can ask for your name and address if:

* they think you have witnessed a crime
* they think you have broken the law or are about to break the law
* you are driving a car or motorbike
* you are on or near public transport
* you are near a pub or other place that sells alcohol
* you are near police station and police do not think you have a legitimate reason for being there.

In these situations, you must tell police your name and address. You must not lie about your name and address.

## Arrest

Arrest means that you must go with police, usually to a police station. Police cannot arrest you just for being affected by alcohol in public.

Police can arrest you if they think you have broken a law. If you are arrested, get advice from a lawyer as soon as possible.

## Your rights with police

You have the **right to say no** to help from the police if you are affected by alcohol in public.

You have the **right to silence**. You do not have to answer questions asked by police, except:

* your name and address (for more information, go to Name and address)
* why you are at or near a police station.

You have the right to ask police:

* why they are questioning you
* to write their name, rank and station for you.

If you are arrested and police want to interview you, you have the right to call a lawyer. You also have the right to call someone you trust to tell them where you are.

You have the right to complain about police if they treat you unfairly. Get advice from a lawyer first.

## When to talk to a lawyer

It is important to talk to a lawyer if you:

* were fined or arrested while you were affected by alcohol in public
* were unhappy with what happened with the police
* got a fine or were charged for being affected by alcohol in public before the law changed on 7 November 2023. You may have to pay the fine or go to court.

You can get free information and advice from Victoria Legal Aid. We can talk to you in your language. Go to [Help in your language](https://www.legalaid.vic.gov.au/help-your-language).

### Disclaimer

This is a simplified English version of the translated content found on the Victoria Legal Aid website.

Full information can be found on the following website pages:

* [Public intoxication](https://www.legalaid.vic.gov.au/public-intoxication)
* [Speaking to the police](https://www.legalaid.vic.gov.au/speaking-police) (name and address section).
* [Street law wallet card](https://www.legalaid.vic.gov.au/street-law-wallet-card) (your rights section).
* [Being arrested](https://www.legalaid.vic.gov.au/being-arrested).