



New South Wales

Intoxicated Persons (Sobering Up Centres Trial) Regulation 2013

under the

Intoxicated Persons (Sobering Up Centres Trial) Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Intoxicated Persons (Sobering Up Centres Trial) Act 2013*.

PRU GOWARD, MP
Minister for Family and Community Services

Explanatory note

The object of this Regulation is:

- (a) to provide that applications for accreditation to operate sobering up centres are to be accompanied by certain specified information and particulars, and
- (b) to set out certain conditions of accreditation that will apply to all accredited sobering up centres.

This Regulation is made under the *Intoxicated Persons (Sobering Up Centres Trial) Act 2013*, including sections 20 (2) (b) and 28 (the general regulation-making power), in particular section 28 (2) (b).

This Regulation relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely, matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Intoxicated Persons (Sobering Up Centres Trial) Act 2013

1 Name of Regulation

This Regulation is the *Intoxicated Persons (Sobering Up Centres Trial) Regulation 2013*.

2 Commencement

This Regulation commences on 24 May 2013 and is required to be published on the NSW legislation website.

3 Definitions

- (1) In this Regulation:
the Act means the *Intoxicated Persons (Sobering Up Centres Trial) Act 2013*.
- (2) Notes included in this Regulation do not form part of this Regulation.

4 Applications for accreditation of sobering up centres

An application for accreditation to operate a sobering up centre must be accompanied by the following information or particulars:

- (a) the name and business address of the applicant,
- (b) if the applicant is a corporation, the names of all directors and officers of the applicant,
- (c) the name and qualifications of the proposed health assessment officer (if known) for the sobering up centre,
- (d) if the applicant is a corporation, evidence of the incorporation of the applicant,
- (e) evidence of any trading names of the applicant,
- (f) the Australian Business Number (ABN) or Australian Company Number (ACN) (if any) of the applicant,
- (g) evidence of accreditation with the Australian Council on Healthcare Standards current EQuIP Standards,

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- (h) evidence that the applicant holds appropriate public and professional indemnity insurance,
- (i) if the applicant is a corporation, evidence that the application has been approved by the governing body or the authorised office holders of the applicant,
- (j) certified copies of the most recent audited financial statements of the applicant and all financial statements for the past 12 months.

5 Conditions of accreditation of sobering up centres

An accreditation of a sobering up centre is subject to the following conditions:

- (a) the accredited person and the staff of the accredited person must comply with the Act and this Regulation and any other law relevant to the operation of a sobering up centre,
- (b) the accredited person must comply with the terms and conditions of any agreement entered into between the accredited person and the State of New South Wales in relation to the provision of funding by the State of New South Wales to assist the accredited person to operate a sobering up centre,
- (c) the accredited person must maintain accreditation with the Australian Council on Healthcare Standards current EQUiP Standards,
- (d) the accredited person must, before the first day of operation of the sobering up centre, make publicly available (and keep publicly available during the duration of the accreditation) a plan of management for the centre, which is to include a description of the processes proposed to be followed by the accredited person in order to care for intoxicated persons who come to the centre,
- (e) the accredited person, on becoming aware of the existence of a material matter that may affect the accredited person's capacity to operate the sobering up centre, must notify the Director-General in writing of that matter,
- (f) the accredited person must, before commencing to operate the sobering up centre, consult with the relevant council and the Commissioner of Police and provide a report of the outcome of that consultation to the Director-General,
- (g) the accredited person must, during the operation of the sobering up centre, regularly consult with the relevant council and the Commissioner of Police,
- (h) the accredited person must comply with all reasonable requests by the Director-General for information concerning the operation of the sobering up centre.