



New South Wales

Intoxicated Persons Regulation 1999

under the

Intoxicated Persons Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Intoxicated Persons Act 1979*.

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Attorney General.

Explanatory note

The objects of this Regulation are:

- (a) to set out the form for appointment of an authorised person for the purposes of the *Intoxicated Persons Act 1979*, and
- (b) to prescribe the form containing particulars required to be recorded with respect to intoxicated persons, and
- (c) to prescribe the records required to be made with respect to an intoxicated person who is detained under the Act, and
- (d) to make provision regarding the treatment of persons detained under the Act.

This Regulation is made under the *Intoxicated Persons Act 1979*, in particular section 9 (the general regulation—making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

This Regulation relates to matters of a machinery nature.

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Intoxicated Persons Regulation 1999

1 Name of Regulation

This Regulation is the *Intoxicated Persons Regulation 1999*.

2 Commencement

This Regulation commences on 1 June 1999.

3 Definitions

(1) In this Regulation:

the Act means the *Intoxicated Persons Act 1979*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

(3) The explanatory note and table of contents do not form part of this Regulation.

4 Authorised persons

(1) For the purposes of the definition of *authorised person* in section 3 (1) of the Act, the appointment of a person engaged in the conduct of a proclaimed place as an authorised person is to be by means of a written instrument in Form 1 signed by the person for the time being in charge of the proclaimed place.

(2) This clause does not apply to the appointment of a person as an authorised person if the person is engaged in the conduct of a police station or a place that is a proclaimed place for the purpose only of the detention of juveniles.

5 Particulars with respect to intoxicated persons

For the purposes of section 5 (2) of the Act, the instrument containing particulars with respect to an intoxicated person is to be in Form 2.

6 Prescribed records

For the purposes of section 7 of the Act:

- (a) the prescribed record to be made by a person referred to in section 7 (1) (a) or (b) of the Act is a written record in the part of Form 3 that is relevant to the detained person. and
- (b) the prescribed record to be made by a person referred to in section 7 (1) (c) of the Act is a written record of any money and other personal belongings taken from the detained person.

7 Treatment of detained persons

- (1) A person who is detained in a proclaimed place under section 5 of the Act (a *detained person*) is to be held separately from any person who is held in connection with the commission or alleged commission of an offence.
- (2) A detained person who is under the age of 18 years is to be held separately from any detained person who is an adult.
- (3) A detained person is to be provided with bedding, blankets and nourishment appropriate to the person's needs.
- (4) The provisions of this clause are to be complied with to the extent to which compliance is reasonably practicable.

8 Repeal

- (1) The *Intoxicated Persons Regulation 1994* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Intoxicated Persons Regulation 1994*, had effect under that Regulation, is taken to have effect under this Regulation.

Schedule 1 Forms

Form 1

(Clause 4)

Authority

Intoxicated Persons Act 1979

I,
being the person for the time being in charge of
....., which is a proclaimed place within the meaning of the
Intoxicated Persons Act 1979, appoint.....,
a person engaged in the conduct of that proclaimed place, to be an authorised person for
the purposes of the *Intoxicated Persons Act 1979*.

.....
(Signature)

Form 2

(Clause 5)

Instrument containing particulars of intoxicated person

Intoxicated Persons Act 1979

I,
*(name of police officer/authorised person/person in charge of
proclaimed place)*
of
(address)
.....
certify that.....
(name of intoxicated person)
of
(address of intoxicated person)
.....
who is a male/female and whose date of birth is.....
(date of birth of intoxicated person)

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Schedule 1 Forms

was found intoxicated in a public place, namely

.....
(place)

onat am/pm.
(date) (time)

The person was (*cross out whichever does not apply*):

- (a) behaving in a disorderly manner, or
- (b) behaving in a manner likely to cause injury to himself or herself or to another person or damage to property, or
- (c) in need of physical protection because of incapacity due to intoxication.

The person was delivered to.....
(proclaimed place)

on at am/pm.
(date) (time)

Signature:

Designation:.....

Form 3

(Clause 6)

Record of reception of intoxicated person at proclaimed place

Intoxicated Persons Act 1979

Name of intoxicated person:

Address:

.....

Sex:

Date of birth:

Racial origin:

Aboriginal or Torres Strait Islander origin

Other racial origin

(Tick appropriate box: note that a person is to be regarded as an Aboriginal person or Torres Strait Islander if the person considers himself or herself to be an Aboriginal person or Torres Strait Islander.)

The person named above was found intoxicated in a public place, namely

.....

(place)

on. at am/pm.

(date)

(time)

by

(name of detaining officer)

The person was *(cross out whichever does not apply)*:

- (a) behaving in a disorderly manner, or
- (b) behaving in a manner likely to cause injury to himself or herself or to another person or damage to property, or
- (c) in need of physical protection because of incapacity due to intoxication.

Signature of detaining officer:

Designation :

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The person named above was received at
(proclaimed place)

on at am/pm.
(date) (time)

in accordance with an instrument given under section 5 (2) of the *Intoxicated Persons Act 1979*.

Property docket number:

Signature of receiving officer:.....

Designation:.....

The person named above was transferred to
(proclaimed place)

Signature:

Designation:.....

Receipt (if any):.....

The person named above was released from custody on..... at am/pm.
(date) (time)

The person was released because (*cross out whichever does not apply*):

- (a) the person had ceased to be intoxicated, or
- (b) 8 hours had expired since the time of the person's reception, or
- (c) the person was released into the care of the following person:

Name:

Address:

Signature:

Signature of releasing officer:.....

Designation: