

[Act 2000 No 34]



New South Wales

# Intoxicated Persons Amendment Bill 2000

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Intoxicated Persons Act 1979* to revise the procedures relating to the care and detention of intoxicated persons and to extend that Act to persons affected by drugs.

At present, under the *Intoxicated Persons Act 1979*:

- (a) a number of government and non-government facilities are proclaimed as places to which persons found intoxicated in a public place may be taken by police officers, and
  - (b) persons conducting any such proclaimed place are authorised to detain the intoxicated person at that place, and
  - (c) police officers may release an intoxicated person into the care of a responsible person or may detain the intoxicated person at a police station if the intoxicated person is violent, there is no accommodation available at a proclaimed place or it is otherwise in the interests of the intoxicated person.
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The principal changes to the procedures under the Act are as follows:

- (a) the provisions for the proclamation of government and non-government facilities and the power of those conducting the facilities to detain intoxicated persons are removed from the Act,
- (b) a person found intoxicated in a public place will only be able to be detained by a police officer, who will be required to release the person into the care of a responsible person (whether a friend or family member or staff of a government or non-government organisation or facility providing services for the care of intoxicated persons),
- (c) if a responsible person cannot be found and it is impracticable to return the intoxicated person home, the intoxicated person may be detained at a police station or at an approved juvenile detention centre.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Intoxicated Persons Act 1979* set out in Schedule 1.

**Clause 4** repeals the *Intoxicated Persons Regulation 1999* as a consequence of the transfer of its remaining operative provisions to the Act.

**Schedule 1 [1]** replaces the existing definitions of words and expressions for the purposes of the proposed Act. In particular:

- (a) the definition of *intoxicated person* refers to persons apparently seriously affected by alcohol or other drugs,
- (b) the definition of *authorised place of detention* is limited to police stations and juvenile detention centres approved by the Minister,
- (c) the definition of a *responsible person* includes a friend or family member or a member of staff of a government or non-government organisation or facility.

**Schedule 1 [2]** replaces section 5 for the purposes of providing for the revised procedures relating to the care and detention of intoxicated persons outlined above.

**Schedule 1 [3]–[6]** make consequential amendments to the Act.

**Schedule 1 [7]** makes provisions of a savings or transitional nature.