



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.