

Australian Capital Territory

# **Intoxicated Persons (Care and Protection) Act 1994**

**A1994-85**

**Republication No 5**

**Effective: 17 August 2004**

Republication date: 17 August 2004

Last amendment made by A2004-54

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Intoxicated Persons (Care and Protection) Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 17 August 2004. It also includes any amendment, repeal or expiry affecting the republished law to 17 August 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Intoxicated Persons (Care and Protection) Act 1994

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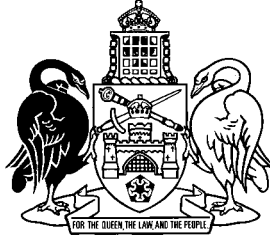
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Australian Capital Territory

# Intoxicated Persons (Care and Protection) Act 1994

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An Act to provide for the care and protection of intoxicated persons, and for related purposes

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## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Intoxicated Persons (Care and Protection) Act 1994*.

### **U** 3 Interpretation for Act

#### (1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***admission statement*** means a statement provided in accordance with section 6.

***carer*** means a person who works with intoxicated persons at a licensed place.

***caring service*** means a service that provides immediate, short-term care for intoxicated persons, but does not include a service provided at a hospital or other medical facility.

***health practitioner*** means a medical practitioner, nurse or paramedic.

***inspector*** means a public servant for the time being performing the functions of an inspector by virtue of section 27.

***intoxicated*** means apparently under the influence of alcohol, another drug or substance, or a combination of alcohol, drugs or substances.

#### **Examples of substances**

- 1 glue
- 2 petrol
- 3 another solvent



***licensed place*** means a place at which a licensee is licensed to provide a caring service.

***licensee*** means a person who holds a licence granted under section 16.

***manager***, in relation to a licensed place, means the person in charge of the place for the time being.

***office-holder*** means—

- (a) in relation to a corporation—an executive officer; or
- (b) in relation to an incorporated association—the president, secretary or public officer of the association; or
- (c) in relation to a body established by or under a law of the Territory or elsewhere—any person with overall responsibility for the conduct of that body.

***prescribed*** includes prescribed by the standards.

***prohibited substance***—see the *Drugs of Dependence Act 1989*, section 3.

***public place*** means any premises, street, road, public park, recreation reserve or other place which the public are entitled to use or which is open to, or used by, the public, whether on payment of money or otherwise, and includes a school.

***responsible person***, in relation to an intoxicated person, includes—

- (a) a relative, guardian or friend of the intoxicated person who has attained the age of 18 years; or
- (b) a solicitor acting on behalf of the intoxicated person.

***school*** means—

- (a) any preschool, primary school, high school or secondary college established and conducted in the Territory; or

(b) any school or other educational or related institution approved by the Minister;

and includes any land or premises which belong to or are occupied or used in connection with a school.

*standard* means a standard made under section 31.

- (2) A reference in this Act to the *name and address* of an applicant or person is a reference to the full name and business address of the applicant or person and, if the applicant or person is not an individual, the full name and residential address of each office-holder.

## Part 2 Intoxicated persons

### 4 Detention of intoxicated persons

- (1) Where a police officer believes on reasonable grounds that a person in a public place is intoxicated and is, because of that intoxication—
  - (a) behaving in a disorderly manner; or
  - (b) behaving in a manner likely to cause injury to himself, herself or another person, or damage to any property; or
  - (c) incapable of protecting himself or herself from physical harm;the officer may take the person into custody and detain him or her.
- (2) The police officer may take the person into custody only if the officer is satisfied that there is no other reasonable alternative for the person's care and protection.
- (3) A person detained under subsection (1) shall be released—
  - (a) when he or she ceases to be intoxicated; or
  - (b) at the expiration of the period of 8 hours after he or she is so detained;whichever is earlier.
- (4) A police officer shall not allow a person detained under subsection (1) to remain at a police station in which the person was detained for more than 12 hours after the person is first detained.
- (5) Nothing in this section prevents a police officer from releasing a person detained under subsection (1) if, in the opinion of the police officer, it is reasonable to do so.
- (6) For subsection (5), a police officer shall be taken to have acted reasonably if the officer releases a person detained under subsection (1) into the care of the manager of a licensed place.

**5 Search of persons in custody**

- (1) A police officer may search a person who is taken into custody under section 4 (1) and may take possession of any articles found in his or her possession.
- (2) A person is entitled to the return of any articles taken from him or her under subsection (1) when he or she ceases to be detained under section 4.
- (3) In subsection (1):

*search* means a search of a person or of articles in the possession of a person that may include—

- (a) requiring the person to remove his or her overcoat, coat or jacket and any gloves, shoes, socks and hat; and
- (b) an examination of those items.

**6 Admission statement and other relevant information**

- (1) Where a police officer releases a person from custody under section 4 into the care of the manager of a licensed place and the person enters that place, the officer shall give the manager an admission statement relating to the intoxicated person.
- (2) An admission statement shall be in writing and shall contain the following:
  - (a) the name of the intoxicated person (if known);
  - (b) the date of birth of the person (if known);
  - (c) the time and date when the person was detained by the officer;
  - (d) an itemised list of any articles taken from the person under section 5 (1);
  - (e) confirmation that the officer signing the statement has returned the articles so listed to the person.

- (3) An officer referred to in subsection (1) may release to the manager such further information relating to the intoxicated person as the officer believes on reasonable grounds will assist the manager in caring for the person.

#### **6A Admission to licensed place**

A carer must not admit an intoxicated person to a licensed place if the person—

- (a) refuses to give the carer the person's clothing and other possessions for safekeeping; or
- (b) refuses to undergo a search under section 6C when required to do so; or

*Note* Under s 6C, a search may be required before admission.

- (c) is found to be in possession of a prohibited substance.

#### **6B Safekeeping of possessions**

A carer must secure the clothing and other possessions of an intoxicated person who is admitted to a licensed place.

#### **6C Power of carer to search intoxicated person**

- (1) A carer may require an intoxicated person to undergo a frisk search in a licensed place before admitting the person.
- (2) The frisk search of an intoxicated person must, if practicable, be carried out by a person of the same sex as the intoxicated person.
- (3) If the intoxicated person is a transgender or intersex person, the person may ask that the frisk search be carried out by either a male or a female.

*Note 1* For the meaning of *transgender person*, see Legislation Act, s 169A.

*Note 2* For the meaning of *intersex person*, see Legislation Act, s 169B.

- (4) If the intoxicated person asks that the frisk search be carried out by a male, the person is taken, for this section, to be male.

(5) If the intoxicated person asks that the frisk search be carried out by a female, the person is taken, for this section, to be female.

(6) In this section:

*frisk search*, of an intoxicated person, means a search in which light pressure is momentarily applied to the person over the person's outer clothing without contact being made with—

- (a) the person's genital or anal areas; or
- (b) for a female—the person's breasts.

#### **6D Leaving licensed place**

- (1) An intoxicated person who is admitted to a licensed place may leave the licensed place at any time.
- (2) An intoxicated person who is admitted to a licensed place is taken to have left the licensed place if the person goes outside the licensed place unsupervised by a carer.
- (3) A carer must return an intoxicated person's possessions to the person when the person leaves the licensed place.

#### **7 Information to be given to intoxicated person**

The carer who admits an intoxicated person to a licensed place must tell the person that—

- (a) the person may leave the licensed place at any time; and
- (b) if the person goes outside the licensed place unsupervised by a carer, the person will be taken to have left the licensed place; and
- (c) the person will be given adequate opportunity to contact a responsible person or other appropriate person.

**8 Contacting other people**

A licensee must ensure that an intoxicated person admitted to a licensed place has adequate opportunity to contact a responsible person or other appropriate person.

**9 Leaving in dangerous condition**

If an intoxicated person who, in the opinion of a carer, is a danger to himself, herself, another person or property leaves, or is about to leave, the licensed place, the carer shall notify the police.

**10 Transfer—medical treatment**

If a carer at a licensed place is satisfied that an intoxicated person requires, or may require, medical treatment, the carer shall arrange for the intoxicated person to be transferred to the emergency department of a hospital.

**11 Remaining at licensed place**

A licensee shall not allow a person admitted to a licensed place to remain at the place for more than 15 hours.

**12 Objection to care**

Nothing in this Act shall be taken to authorise the provision of care to a person at a licensed place if the person objects to being provided with that care.

**13 Protection of carers, managers and licensees**

No action, suit or proceeding lies against a person who is or has been a licensee, manager of a licensed place or carer in relation to any act done or omitted to be done by that person as licensee, manager of a licensed place or carer in good faith for the performance or exercise, or purported performance or exercise, of a function or power for the purposes of this Act or another law of the Territory.

## Part 3 Licences

### Division 3.1 Approval

#### 14 Provision of services

A person shall not provide a caring service unless licensed to do so.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

#### 15 Applications

- (1) A person may apply for a licence to provide a caring service.
- (2) An application under subsection (1) shall—
  - (a) be in writing signed by the applicant; and
  - (b) specify the following:
    - (i) the name and address of the applicant;
    - (ii) the proposed name and address of each place at which the applicant proposes to provide a caring service;
    - (iii) particulars of any experience the applicant has in dealing with intoxicated persons or persons with problems related to alcohol or other drugs; and
  - (c) be accompanied by—
    - (i) if the applicant is an individual—a written statement signed by the applicant stating that he or she has never been bankrupt, applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of remuneration for their benefit; or



- (ii) if the applicant is a corporation—a written statement signed on behalf of the corporation by an office-holder stating that as at the date of the application—
  - (A) a liquidator, receiver, official manager or receiver and manager has not been appointed in relation to the corporation, any of its assets or any part of its affairs or undertaking; and
  - (B) no compromise or arrangement of a kind specified in the Corporations Act, part 5.1 has been entered into or is proposed; and
  - (C) the corporation is solvent; or
- (iii) if the applicant is an incorporated association or a body established by or under a law of the Territory or elsewhere—a written statement signed on behalf of the association or body by an office-holder stating that the association or body can meet its debts.

## **16 Grant**

- (1) On receiving an application in accordance with section 15 the Minister may grant the applicant a licence to provide a caring service if satisfied that—
  - (a) the applicant has adequate experience in dealing with intoxicated persons or persons with problems related to alcohol or other drugs; and
  - (b) the applicant will provide a caring service at each place specified in the application in accordance with the Act and any standards.
- (2) A licence shall specify—
  - (a) the name and address of the person to whom it is granted; and
  - (b) the location of each place at which a caring service may be provided under it.

## Division 3.2 Conditions

### 17 Licence conditions

A licence is subject to the conditions imposed by or under this division.

### 18 Employees

- (1) A licensee shall ensure that every person employed by the licensee at a licensed place, including any volunteer, holds a current first-aid certificate.
- (2) In subsection (1):

*first-aid certificate* means a first-aid certificate issued by a provider approved under section 37.

### 19 Insurance

A licensee shall maintain a prescribed policy or policies of insurance.

### 20 Annual reports

- (1) A licensee shall give the Minister a written report in relation to each year, or part of such a year, in which the licensee provides a service.
- (2) A report under subsection (1) shall be given to the Minister no later than 30 September immediately following the year to which the report relates.
- (3) A report shall specify the following:
  - (a) in respect of any caring service provided by the licensee—the number of persons admitted to the licensed place during the period to which the report relates, and the age and gender of each person so admitted (if known);
  - (b) whether, in the opinion of the licensee, the licensee has complied with the Act and standards;

(c) if the licensee has not so complied, the particulars of any failure to comply.

(4) In this section:

*year* means a period of 12 months ending on 30 June.

## **21 Further conditions**

- (1) The Minister may, by notice in writing, impose such further conditions on a licence as are necessary and reasonable for the care and protection of intoxicated persons.
- (2) A condition under subsection (1) takes effect at the expiration of the period of 28 days after the date of the notice, or on such later date as is specified in the notice.

## **Division 3.3 Suspension and cancellation of licences**

### **22 Emergency suspension and cancellation**

- (1) Where the Minister believes on reasonable grounds that there is an immediate risk of danger to the health or safety of persons being cared for, or persons providing care, at a licensed place, he or she may suspend the licence in relation to that place.
- (2) A suspension under subsection (1) takes effect from the time at which notice of the suspension is given to the licensee.
- (3) A notice under subsection (2) shall—
  - (a) state the facts and circumstances on which the Minister's belief is based; and
  - (b) specify the licensed places in relation to which the licence is suspended; and
  - (c) state that, while the licence is suspended, the licensee may not provide caring services at the places so specified; and

- (d) invite the licensee, within 28 days after the date of the notice, to show cause why the licence should not be cancelled in relation to the places so specified.
- (4) After the expiration of the period of 28 days after the date of the notice, the Minister may cancel the licence in relation to any licensed place specified in the notice on the ground referred to in subsection (1).
- (5) The cancellation of a licence under this section takes effect on—
  - (a) the date on which notice under section 34 (1) of the cancellation is given to the licensee; or
  - (b) if a later date is specified in that notice—on that later date.

## **23 Cancellation of licences**

- (1) The Minister may, subject to this section, cancel a licence in relation to a licensed place on any of the following grounds:
  - (a) if the licensee is an individual—the licensee has become bankrupt, applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of remuneration for their benefit;
  - (b) if the licensee is a corporation—
    - (i) a liquidator, receiver, official manager or receiver and manager has been appointed in relation to the corporation, any of its assets or any part of its affairs or undertaking; or
    - (ii) a compromise or arrangement of a kind specified in the Corporations Act, part 5.1 has been entered into or is proposed; or
    - (iii) the corporation is insolvent;
  - (c) if the licensee is an incorporated association or a body established by or under a law of the Territory or elsewhere—that the association or body is unable to meet its debts;

- (d) the licensee is no longer providing a caring service at the licensed place;
  - (e) the licensee has contravened this Act or the standards;
  - (f) the licensee has breached a condition of the licence.
- (2) The Minister shall not cancel a licence in relation to a licensed place unless he or she has given written notice to the licensee of the proposal to do so—
- (a) specifying the ground for the proposed cancellation;
  - (b) setting out the facts and circumstances on which that ground is based;
  - (c) specifying the licensed places in relation to which he or she proposes to cancel the licence; and
  - (d) inviting the licensee, within 28 days after the date of the notice, to show cause why the licence should not be so cancelled.
- (3) After the expiration of the period of 28 days after the date of the notice, the Minister may cancel the licence in relation to any licensed place specified in the notice on the ground specified in the notice.
- (4) The cancellation of a licence under this section takes effect on—
- (a) the date on which notice under section 34 (1) of the cancellation is given to the licensee; or
  - (b) if a later date is specified in that notice—on that later date.

## **24 Requested cancellation**

- (1) A licensee may, by notice in writing, request the Minister to cancel the licensee's licence in relation to 1 or more licensed places.
- (2) On receiving a notice under subsection (1), the Minister shall cancel the licence in accordance with the request and the cancellation shall

take effect immediately or on such later day as is specified in the notice.

**25 Amendment of licence**

- (1) A licensee shall, within 14 days after receiving notice under subsection 34 (1) of the cancellation of the licence in relation to a place specified in the licence, return the licence to the Minister.

Maximum penalty: 5 penalty units.

- (2) The Minister shall amend any licence returned under subsection (1) to reflect the cancellation and shall return the amended licence to the licensee.

**26 Return of licence**

A person whose licence has been cancelled in relation to all the places specified in the licence shall not, without reasonable excuse, fail to return the licence to the Minister.

Maximum penalty: 5 penalty units.

## Part 4                      Inspection

### 27                      Inspectors

- (1) There shall be 1 or more inspectors for this Act.
- (2) An inspector shall perform such functions for this Act as the Minister directs.
- (3) The Minister may create and maintain 1 or more offices in the public service the duties of which include performing the functions of an inspector.
- (4) An inspector shall be any public servant for the time being performing the duties of a public service office referred to in subsection (3).

### 28                      Inspectors—identity cards

- (1) The Minister shall issue to an inspector an identity card that specifies the inspector's name and office, and on which appears a recent photograph of the inspector.
- (2) On ceasing to occupy, or act in, an office of inspector, a person shall not, without reasonable excuse, fail to return his or her identity card to the Minister.

Maximum penalty (subsection (2)): 1 penalty unit.

### 29                      Powers of inspection

- (1) An inspector may, at any reasonable time, enter a licensed place and—
  - (a) inspect the place and any equipment used at the place in connection with the care of persons admitted to the place; and

- (b) inspect any books, documents or other records that are in the possession of the licensee, or to which the licensee has access, relating to the conduct of the licensed place; and
  - (c) require the licensee to furnish the inspector with any information, books, documents or other records that are in the possession of the licensee, or to which the licensee has access, relating to the conduct of the licensed place.
- (2) An inspector who enters premises under subsection (1) is not authorised to remain on the premises if, when requested to do so by the licensee, the inspector does not show his or her identity card to the licensee.
  - (3) A person is not required to furnish material to an inspector under subsection (1) (c) if, when requested to do so by the person, the inspector does not show his or her identity card to the person.
  - (4) Where an inspector enters premises under subsection (1), a reference in this section to the licensee shall include a reference to the manager.

**30 Failing to comply with requirement of inspector**

A person shall not, without reasonable excuse, fail to comply with a requirement to furnish material under section 29 (1) (c).

Maximum penalty: 50 penalty units.



## Part 5 Standards

### 31 Making standards

- (1) The Minister may, in writing, make standards for this Act.
- (2) A standard may make provision in relation to—
  - (a) the condition and maintenance of premises used as licensed places; and
  - (b) the condition and maintenance of equipment used at licensed places; and
  - (c) the operation of caring services, including the conduct of persons providing care; and
  - (d) the training of persons working with intoxicated persons at licensed places; and
  - (e) the basic skills required by persons working with intoxicated persons at licensed places; and
  - (f) the collection, use, storage and disclosure of information relating to the conduct of licensed places and persons admitted to them.
- (3) A standard is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 33 Publication in newspaper

- (1) The Minister shall cause to be published in the principal daily newspaper circulating in the Territory, on or before the date on which a standard is made under section 31, notice of the making of the standard—
  - (a) specifying the date on which the standard takes effect; and

- (b) specifying the place or places at which copies of the standard may be purchased; and
  - (c) containing a statement to the effect that a copy of the standard may be inspected by members of the public at the place or places specified in the notice; and
  - (d) containing a statement to the effect that the standard is subject to disallowance by the Legislative Assembly under the *Legislation Act 2001*.
- (2) The Minister shall ensure that—
- (a) a copy of the standard is made available for public inspection at the place or places so specified in the notice under subsection (1); and
  - (b) copies of that standard are made available for purchase at the place or places so specified in the notice.
- (3) In this section:
- standard*** includes any document, or part of a document, the provisions of which are applied by a standard.

## Part 6

# Appeals to administrative appeals tribunal

### 34 Notice of decision

- (1) Where the Minister makes a decision—
- (a) under section 16 (1) that he or she is not satisfied in relation to section 16 (1) (a) or (b) in relation to an applicant; or
  - (b) under section 21 (1) to impose a further condition on a licence; or
  - (c) under section 22 (1) suspending a licence; or
  - (d) under section 22 (4) or 23 (1) cancelling a licence; or
  - (e) under section 37 to refuse to approve a person or body as a provider of first-aid courses;
- the Minister shall give notice in writing of the decision to the relevant person.
- (2) For subsection (1), the relevant person is—
- (a) in relation to a decision referred to in subsection (1) (a)—the applicant; or
  - (b) in relation to a decision referred to in subsection (1) (e)—the person or body; or
  - (c) in any other case—the licensee.
- (3) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**35 Review by administrative appeals tribunal**

Application may be made to the administrative appeals tribunal for a review of a decision referred to in section 34.

## Part 7                      Miscellaneous

### 36                      Confidentiality

- (1) A person shall not, otherwise than for the purposes of this Act or as required by law, make a record of or divulge or communicate to any person any information or document, being information or a document that the firstmentioned person acquired under or by virtue of this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both;

- (2) This section does not affect the operation of any other law relating to the confidentiality of information or documents.

### 37                      Approval of first-aid providers

The Minister may, by instrument, approve a person or body as a provider of first-aid courses for this Act.

### 38                      Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note*            A notifiable instrument must be notified under the *Legislation Act 2001*.

### 39                      Regulation-making power

The Executive may make regulations for this Act.

*Note*            Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

**Intoxicated Persons (Care and Protection) Act 1994 No 85**

notified 15 December 1994 (Gaz 1994 No S280)  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
remainder commenced 15 June 1995 (s 2 (3))

as amended by

**Intoxicated Persons (Care and Protection) (Amendment) Act 1997 No 71**

notified 10 November 1997 (Gaz 1997 No S350)  
commenced 10 November 1997 (s 2)

**Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 198**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 198 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Crimes Legislation Amendment Act 2001 No 63 pt 7**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
pt 7 commenced 27 September 2001 (s 2 (2) and CN 2001 No 3)

**Statute Law Amendment Act 2002 (No 2) No 49 pt 1.2**

notified LR 20 December 2002  
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))  
pt 1.2 commenced 21 December 2002 (s 2 (3))

## Endnotes

### 4 Amendment history

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#### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.45**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.45 commenced 9 April 2004 (s 2 (1))

#### **Education Act 2004 A2004-17 sch 2 pt 2.4**

notified LR 8 April 2004  
s 1, s 2 commenced 8 April 2004 (LA s 75 (1))  
sch 2 pt 2.4 commences 1 January 2005 (s 2)

#### **Intoxicated Persons (Care and Protection) Amendment Act 2004 A2004-54**

notified LR 16 August 2004  
s 1, s 2 commenced 16 August 2004 (LA s 75 (1))  
remainder commenced 17 August 2004 (s 2)

## 4 Amendment history

### **Commencement**

s 2 om 2001 No 44 amdt 1.2268

### **Interpretation for Act**

s 3 def *carer* sub 1997 No 71 s 4  
def *intoxicated* sub 2001 No 63 s 53  
def *legal representative* om 1997 No 96 sch 1  
def *licensed place* sub 1997 No 71 s 4  
def *prohibited substance* ins A2004-54 s 4  
def *responsible person* am 1997 No 96 sch 1  
def *school* sub A2004-17 amdt 2.9

### **Detention of intoxicated persons**

s 4 am 2001 No 63 ss 54-56

### **Search of persons in custody**

s 5 am 1997 No 71

### **Admission statement and other relevant information**

s 6 am 1997 No 71

### **Admission to licensed place**

s 6A ins 1997 No 71  
sub A2004-54 s 5

### **Safekeeping of possessions**

s 6B ins 1997 No 71  
sub A2004-54 s 5



**Power of carer to search intoxicated person**

s 6C ins 1997 No 71  
sub A2004-54 s 5

**Leaving licensed place**

s 6D ins 1997 No 71  
sub A2004-54 s 5

**Information to be given to intoxicated person**

s 7 am 1997 No 71  
sub A2004-54 s 5

**Contacting other people**

s 8 sub A2004-54 s 5

**Leaving in dangerous condition**

s 9 am 1997 No 71

**Remaining at licensed place**

s 11 am 2002 No 49 amdt 1.2

**Protection of carers, managers and licensees**

s 13 am 1997 No 71

**Approval**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA

**Provision of services**

s 14 am 1998 No 54

**Conditions**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA

**Suspension and cancellation of licences**

div 3.3 hdg (prev pt 3 div 1 hdg) renum R2 LA

**Amendment of licence**

s 25 am 1998 No 54

**Return of licence**

s 26 am 1998 No 54

**Inspectors—identity cards**

s 28 am 1998 No 54

**Failing to comply with requirement of inspector**

s 30 hdg sub A2004-15 amdt 2.98  
s 30 am 1998 No 54; A2004-15 amdt 2.99, amdt 2.100

**Making standards**

s 31 am 2001 No 44 amdts 1.2269-1.2271

**Disallowance**

s 32 om 2001 No 44 amdt 1.2272

## Endnotes

### 5 Earlier republications

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**Publication in newspaper**

s 33 am 2001 No 44 amdt 1.2273

**Confidentiality**

s 36 am 1998 No 54

**Approved forms**

s 38 sub 2001 No 44 amdt 1.2274

**Regulation-making power**

s 39 ins 2001 No 44 amdt 1.2274

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1997 No 96	1 June 1998
2	Act 2001 No 63	22 November 2001
3	A2002-49	21 December 2002
4	A2004-15	9 April 2004

**6 Uncommenced amendments**

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Education Act 2004 A2004-17 sch 2 pt 2.4****Part 2.4 Intoxicated Persons (Care and Protection) Act 1994****[2.9] Section 3 (1), definition of *school***

*substitute*

*school* means a government school or non-government school under the *Education Act 2004*, and includes any land or premises that belong to, are occupied by, or are used in relation to, a school.

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