

1998

THE LEGISLATIVE ASSEMBLY AUSTRALIAN CAPITAL TERRITORY

INTOXICATED PERSONS (CARE AND PROTECTION) ACT 1994

REVOCATION OF DETERMINATION NUMBER 35 OF 1995

INSTRUMENT NO. 231 OF 1998

**(Circulated by authority of Michael Moore MLA
Minister for Health and Community Care)**

REVOCATION OF THE CARE AND PROTECTION OF INTOXICATED PERSONS STANDARD NUMBER 35 OF 1995

The *Intoxicated Persons (Care and Protection) Act 1994* (the Act) provides for the care and protection of intoxicated persons and was enacted following the decriminalisation of public intoxication in 1983 and moves by all jurisdictions to adopt a health and welfare oriented response to this issue.

The Care and Protection of Intoxicated Persons Standard establishes minimum requirements for the manner in which a person licensed to provide a caring service, pursuant to the Act shall provide that service.

The Standard was first made in 1995 (Determination Number 35 of 1995) and was made again in 1998 (Determination Number 19 of 1998) to reflect legislative changes made to the Act in 1977 and, where necessary, to update and clarify the standard.

In its report Number 8 of 1998 dated 22 September 1998, the Standing Committee on Justice and Community Safety (Scrutiny of Bills and Subordinate Legislation Reports) commented, in relation to Determination 19 of 1998, that although the Explanatory Statement to the Determination indicated that the Determination replaced a previous instrument made in 1995, there was no reference to any previous instrument in the text of Determination Number 19 of 1998.

While elements of the earlier instrument that are either changed or maintained in the later instrument may be considered to be implicitly revoked by the later instrument, concerns exist where elements of the earlier instrument are not included in the later instrument. The attached instrument therefore revokes Determination Number 35 of 1995 in its entirety.