

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Intoxicated Persons (Care and Protection) Amendment Bill 2004

A Bill for

An Act to amend the *Intoxicated Persons (Care and Protection) Act 1994*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Intoxicated Persons (Care and Protection)*
3 *Amendment Act 2004*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Intoxicated Persons (Care and Protection)*
10 *Act 1994*.

11 **4 Interpretation for Act**
12 **Section 3 (1), new definition of *prohibited substance***

13 *insert*

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

16 **5 Sections 6A to 8**

17 *substitute*

18 **6A Admission to licensed place**

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

21 (a) refuses to give the carer the person's clothing and other
22 possessions for safekeeping; or

23 (b) refuses to undergo a search under section 6C when required to
24 do so; or

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

2 **6B Safekeeping of possessions**

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

5 **6C Power of carer to search intoxicated person**

6 (1) A carer may require an intoxicated person to undergo a frisk search
7 in a licensed place.

8 (2) The frisk search of an intoxicated person must, if practicable, be
9 carried out by a person of the same sex as the intoxicated person.

10 (3) If the intoxicated person is a transgender or intersex person, the
11 person may ask that the frisk search be carried out by either a male
12 or a female.

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

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

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

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

19 (6) In this section:

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

23 (a) the person's genital or anal areas; or

24 (b) for a female—the person's breasts.

1 **6D Leaving licensed place**

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

9 **7 Information to be given to intoxicated person**

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

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

18 **8 Contacting other people**

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2004.

2 Notification

Notified under the Legislation Act on 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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