

2004

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**INTOXICATED PERSONS (CARE AND PROTECTION)  
AMENDMENT BILL 2004**

**SUPPLEMENTARY  
EXPLANATORY STATEMENT**

Circulated by authority of

Minister for Health

## SUPPLEMENTARY EXPLANATORY STATEMENT

### **Outline**

In *Scrutiny Report No. 53*, the Standing Committee on Legal Affairs noted a lack of clarity in the *Intoxicated Persons (Care and Protection) Amendment Bill 2004* regarding the point at which the search of the person seeking admission to a sobering-up service occurs.

Clause 5 of the Bill has been amended to more clearly identify that the search of the intoxicated person will occur prior to their admission into the sobering-up service.

### **Formal Clauses: Clause 5**

**S6A** – ‘Admission to licensed place’ - a note attached to S6A (b) identifies that the intoxicated person can be searched prior to admission into a licensed place.

**S6C** – ‘Power of carer to search intoxicated person’ – S6C (1) provides that the carer can conduct a ‘frisk search’ of the intoxicated person before admitting that person into a licensed place.