

Appendix 5 Minutes

Standing Committee on Social Issues

Meeting 9, 12 November, Room 1108, 1.15 pm.

1. Members present

Jan Burnswoods MLC (Chair)
The Hon Robyn Parker MLC (Deputy Chair)
The Hon Catherine Cusack MLC
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC

2. ...

3. ...

4. ...

5. Inquiry into the *Inebriates Act 1912*

The Committee discussed the direction of the inquiry.

6. Adjournment

The Committee adjourned at 2.30 pm, *sine die*.

Tanya Bosch
Director

Meeting 12, 26 November 2003, Waratah Room, 2.00 pm.

1. Members present

Jan Burnswoods MLC (Chair)
The Hon Robyn Parker (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC

2. Apologies

The Hon Catherine Cusack MLC
The Hon Kayee Griffin MLC

3. Inquiry into the *Inebriates Act 1912*, public hearing

The public and the media were admitted.

His Honour, Judge Derek Price, Chief Magistrate of the Local Court of New South Wales, sworn and examined.

The witness tendered a folder of documents in support of his evidence.

Resolved, on the motion of Mr West, that the Committee accept the documents.

Questioning concluded and the witness and the public withdrew.

4. Adjournment

The Committee adjourned at 3.40 pm until 9.30am, 27 November 2003.

Tanya Bosch
Director

Meeting 13, 27 November 2003, Jubilee Room, 9.30 am.

1. Members present

Jan Burnswoods MLC (Chair)
The Hon Robyn Parker (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Catherine Cusack MLC
The Hon Kayee Griffin MLC
The Hon Ian West MLC

2. Inquiry into the *Inebriates Act 1912*, public hearing

The public and media were admitted.

Mr John Williams, Senior Policy Officer, Aboriginal Health and Medical Research Council, and Ms Leonie Jefferson, Senior Aboriginal Drug and Alcohol Counsellor, Northern Rivers Area Health Service, affirmed and examined.

Ms Jefferson tendered a document of case studies and a submission from the North Coast Regional Co-ordination Management Group, in support of her evidence.

Mr Williams tendered a document containing his answers to proposed questions.

Resolved, on the motion of Mr West, that the Committee accept the documents.

Questioning concluded and the witnesses withdrew.

Assistant Commissioner Bob Waites, Commander, Greater Metropolitan Region and Corporate Spokesperson, Alcohol related Crime, NSW Police, and Superintendent Frank Hansen, Manager, Drug and Alcohol Coordination, State Crime Command, NSW Police, sworn and examined.

Questioning concluded and the witnesses withdrew.

The Committee adjourned at 12.20 pm and resumed at 1:45 pm.

Dr Peter Tucker, Psychiatrist and Clinical Director of Mental Health Services, Western Sydney Area Health Service, Dr Victor Storm, Psychiatrist and Clinical Director of Mental Health Services, Central Sydney Area Health Service, and Dr Joanne Ferguson, Psychiatrist, Drug Health Services, Central Sydney Area Health Service, affirmed and examined.

Questioning concluded and the witnesses withdrew.

Mr Larry Pierce, Executive Director, Network of Alcohol and Other Drugs Agencies, affirmed and examined.

Questioning concluded and the witness and the public withdrew.

3. Adjournment

The Committee adjourned at 4.20 pm until 9.30am, 11 December 2003.

Tanya Bosch
Director

Meeting 14, 11 December 2003, Jubilee Room, 9.35 am.

1. Members present

Jan Burnswoods MLC (Chair)
The Hon Robyn Parker (Deputy Chair)
The Hon Catherine Cusack MLC
The Hon Kayee Griffin MLC
The Hon Ian West MLC

2. Apologies

The Hon Dr Arthur Chesterfield-Evans MLC

3. Inquiry into the *Inebriates Act 1912*, public hearing

The public and media were admitted.

Mr John Feneley, Assistant Director General, Policy and Crime Prevention, Attorney General's Department, and Mr Geoff Barnden, Director of Drug and Alcohol Policy, the Cabinet Office, sworn and examined.

Mr Barnden tendered a document, 'A brief guide to evaluation for NSW drug summit programs', in support of his evidence.

Mr Feneley tendered the documents, 'Judicial Officers' Bulletin', June 2003, 'NSW MERIT Program', and 'New South Wales Drug Court Evaluation: Cost Effectiveness' in support of his evidence.

Resolved, on the motion of Mr West, that the Committee accept the documents.

Questioning concluded and the witnesses withdrew.

Dr Richard Matthews, Acting Deputy Director General, Strategic Development, NSW Health, sworn and examined.

Questioning concluded and the witness and the public withdrew.

Resolved, on the motion of Ms Parker, that in order to better inform all those who are participating in the inquiry process, the Committee make use of its powers granted under paragraph 16 of the resolution establishing the Standing Committees, and section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish submissions 1 to 47, excluding submissions 15, 17 and 20.

Resolved, on the motion of Ms Parker, to publish submissions 15 and 20 whilst suppressing the names in them.

4. Inquiry into the *Inebriates Act 1912*, site visit to Matthew Talbot Hostel

The Committee was briefed by Mr Bernard Cronin, Executive Manager, and Ms Sue Bowen, Ms Megan Groves and Mr Brett Macklin, staff of the Matthew Talbot Hostel.

The Committee left Woolloomooloo to travel to Surry Hills.

5. Inquiry into the *Inebriates Act 1912*, site visit to Albion Street Lodge

The Committee was briefed by Ms Janice Jones, Chief Executive Officer of the Haymarket Foundation and Ms June Lewis, Director of the Albion Street Lodge.

6. Inquiry into the *Inebriates Act 1912*, site visit to William Booth House

The Committee was briefed by Major Colin Lingard, Manager, Mr Mike Bartley, Drug and Alcohol Worker, and Garry, a client of William Booth House.

7. Adjournment

The Committee returned to Parliament House at 5.00 pm and adjourned sine die.

Tanya Bosch
Director

Meeting 15, 18 February 2004, Jubilee Room, 9.35 am.

1. Members present

The Hon Robyn Parker MLC (Acting Chair)
The Hon Catherine Cusack MLC
The Hon Kayee Griffin MLC
The Hon Ian West MLC
The Hon Dr Arthur Chesterfield-Evans MLC

2. Apologies

Ms Jan Burnswoods MLC

3. ...

4. Inquiry into the *Inebriates Act 1912*, deliberative

Resolved, on the motion of Mr West, that in order to better inform all those who are participating in the inquiry process, the Committee make use of its powers granted under paragraph 16 of the resolution establishing the Standing Committees, and section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish submissions 48 to 52.

5. Inquiry into the *Inebriates Act 1912*, public hearing

The public and media were admitted.

Emeritus Professor Ian Webster AO, Medical Practitioner, affirmed and examined.

Questioning concluded and the witness withdrew.

Mr John Scantleton, Manager, Magistrates Early Referral Into Treatment (MERIT) Program, Northern Rivers Area Health Service, affirmed and examined.

Mr Scantleton tendered the PowerPoint slides for his presentation, 'MERIT: Magistrates Early Referral Into Treatment' and the documents, 'Evaluation of the Lismore MERIT Pilot Program: Final Report, Department of Rural Health, Northern Rivers University, October 2003', 'Program Activity Summary for Statistics from Program, NRAHS MERIT, 01 Jul 2000 to 31 Jan 2004', and written answers to his proposed questions, in support of his evidence.

Resolved, on the motion of Ms Griffin, that the Committee accept the documents.

Questioning concluded and the witness withdrew.

The Committee adjourned at 12.40 pm and resumed at 2:10 pm.

Dr Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, affirmed and examined.

Dr Weatherburn tabled the PowerPoint slides for his presentation in support of his evidence.

Resolved, on the motion of Ms Griffin, that the Committee accept the document.

Questioning concluded and the witness withdrew.

Professor Arie Freiberg, Dean of the Faculty of Law, Monash University, affirmed and examined.

Professor Freiberg tendered the documents, 'Problem-Oriented Courts, Innovative Solutions to Intractable Problems?', 'Journal of Judicial Administration', 'Between Bail and Sentence: The Conflation of Dispositional Options', 'Drug Courts in Australia: The First Generation', 'The Compulsion of Voluntary Treatment in Sentencing', 'Therapeutic Jurisprudence in Australia: Paradigm Shift or Pragmatic Incrementalism?', 'Human Services (Complex Needs) Act 2003', 'Responding to people with multiple and complex needs: Phase one report, Department of Human Services, July 2003', 'Sentencing Pathways' and 'Drug Related Sentencing Hierarchy', in support of his evidence.

Resolved, on the motion of Ms Griffin, that the Committee accept the documents.

Questioning concluded and the witness and the public withdrew.

6. **Adjournment**

The Committee adjourned at 4.40 pm until 10.15 am, 19 February 2004.

Julie Langsworth
Director

Meeting 16, 19 February 2004, 10:15 am.

1. **Members present**

The Hon Robyn Parker MLC (Acting Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Catherine Cusack MLC
The Hon Kayee Griffin MLC
The Hon Ian West MLC

2. **Apologies**

Ms Jan Burnswoods MLC

3. **Inquiry into the *Inebriates Act 1912*, site visit to the Drug Court of New South Wales, Parramatta**

The Committee was briefed by Senior Judge Neil Milson and observed the Drug Court in session, presided by Judge Ian Barnett.

4. **Adjournment**

The Committee returned to Parliament House at 12:45 pm and adjourned sine die.

Julie Langsworth
Director

Meeting 17, 26 February 2004, Room 812, Parliament House, 10:35 am

1. **Members present**

Jan Burnswoods (Chair)
The Hon Robyn Parker (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Catherine Cusack MLC
The Hon Kayee Griffin MLC
The Hon Ian West MLC

2. ...

3. ...

4. **Inquiry into the *Inebriates Act 1912*, deliberative**

The Chair noted her appreciation for the Hon Robyn Parker MLC acting as Chair for the Committee hearings on 18 and 19 February 2004 during Ms Burnswood's absence.

The Secretariat briefed the Committee on the regional trip on the 24 and 25 March 2004 and future hearings.

5. **Adjournment**

The Committee adjourned at 11.00 am.

Julie Langsworth
Acting Director

Meeting 19, 4 March 2004, The Herbert Street Clinic, Royal North Shore Hospital, 10.00am

1. **Members present**

Jan Burnswoods (Chair)
The Hon Robyn Parker (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC

2. **Apologies**

The Hon Catherine Cusack MLC
The Hon Kayee Griffin MLC

3. **Inquiry into the *Inebriates Act 1912*, site visit and hearing at the Herbert Street Clinic, Royal North Shore Hospital**

The Committee undertook a tour of the Herbert Street Clinic, an alcohol and other drug service, led by Dr Stephen Jurd, Addictions Psychiatrist and Area Medical Director, Drug and Alcohol Services, Northern Sydney Area Health Service.

Dr Stephen Jurd, Ms Tonina Harvey, Ms Diane Paul and Mr Owen Brannigan, sworn and examined.

Dr Jurd tendered the document, 'ANSWERS', in support of his evidence.

Resolved, on the motion of Mr West, that the Committee accept the document.

Questioning concluded and the witnesses withdrew.

The Committee left the Herbert Street Clinic to travel to Macquarie Hospital.

4. **Inquiry into the *Inebriates Act 1912*, site visit and hearing at Macquarie Hospital**

The Committee undertook a tour of Macquarie Hospital, a psychiatric hospital to which people under an inebriates order may be sent, led by Dr Glenys Dore, Addictions Psychiatrist and Deputy Superintendent, Macquarie Hospital.

Dr Glenys Dore, affirmed and examined.

Reverend Rennie Schmid, Mental Health Chaplain, Macquarie Hospital, sworn and affirmed.

Questioning concluded and the witness withdrew.

5. Adjournment

The Committee adjourned at 5.00 pm sine die.

Merrin Thompson
Senior Project Officer

Meeting 21, 24 March 2004, Site visit to Moree

The Committee met at 8.30am at Bankstown for the flight to Moree.

1. Members present

Jan Burnswoods (Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC

2. Apologies

The Hon Robyn Parker MLC

3. Hearing - Inquiry into the *Inebriates Act 1912*

The Chair opened the meeting at 11.00am, held at the Aboriginal Health Offices, Moree.

Ms Louise Peckham, Aboriginal Health Education Officer, Alcohol and Other Drug Services, Community Health Centre, Moree, sworn and examined.

Mr Ian Kamerman, General Practitioner, Bingara, Visiting Medical Officer in Addiction Medicine, New England Area Health Service, New South Wales Director of the Australian College of Rural and Remote Medicine, affirmed and examined.

Ms Beth Burton, Clinical Nurse Consultant, Alcohol and Other Drug Services, New England Area Health Service, Tamworth, affirmed and examined.

Ms Toni Colby, MERIT Caseworker, Alcohol and Other Drug Services, New England Area Health Service, Tamworth, affirmed and examined.

Ms Vi Hunt, Area Coordinator and Registered Nurse, Alcohol and Other Drug Service, New England Area Health Service, affirmed and examined.

Questioning concluded and witnesses withdrew.

4. Adjournment

The Committee adjourned at 12.45pm for an informal lunch with hearing participants and community representatives, and reconvened at 1.45pm.

5. Public consultation – Inquiry into the *Inebriates Act 1912*

The Committee met with Ms Val Dahlstrom, Area Manager, Aboriginal Health, New England Area Health Service, and the following community representatives: Mr Faulkner Munroe, Byamee Homeless Persons; Mr Richard Swan, Aboriginal Health; Ms Jane Adams, NSW Police, Inverell; Ms Leona Quinell, Aboriginal Health; Ms Dianne Tighe, Aboriginal Liaison Officer; Mr Dennis McLaughlan, NSW Police; Mr David Roberts, NSW Police; Mr Bill Grose, community member; Ms Therese Stacey, Aboriginal Health, Moree; Mr Lloyd Duncan, Byamee Homeless Persons; Mr Bill Toomey, Aboriginal Health; Mr Bruce Boney, Aboriginal Health; Ms Janice Cutmore, Aboriginal Health; Mr William Agrobe, Byamee Homeless Persons; Mr Robert Draper, community member; Ms Jillian Knox, Moree Local Aboriginal Land Council; Ms Donna Taylor, Pius Aboriginal Corporation.

6. Adjournment

The Committee adjourned at 4.10pm.

Julie Langsworth
Acting Director

Meeting 22, 25 March 2004, Site visit to Orange

The Committee met at 7.30am for the flight to Orange.

1. Members present

Jan Burnswoods (Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC

2. Apologies

The Hon Robyn Parker MLC

3. Hearing - Inquiry into the *Inebriates Act 1912*

The Chair opened the meeting at 10.00am, held at Bloomfield Hospital, Orange.

Dr Martyn Patfield, Consultant Psychiatrist, Medical Superintendent and Director of Acute Services, Bloomfield Hospital, sworn and examined.

Associate Professor Paul Fanning, Director, Mental Health Services and Acting Director, Clinical Services, Mid Western Area Mental Health Services, sworn and examined.

Dr John Hoskin, Semi-retired Psychiatrist, former Medical Superintendent, Bloomfield Hospital, sworn and examined.

Dr Patfield tendered 2 documents containing statistical information, in support of his evidence.

Resolved, on the motion of Ms Griffin, that the Committee accept the documents.

Questioning concluded and witnesses withdrew.

The public withdrew.

4. In camera briefing - Inquiry into the *Inebriates Act 1912*

The Committee deliberated.

The Committee met with 2 people to discuss issues relating to the *Inebriates Act 1912*.

The in camera briefing concluded and the 2 people withdrew.

5. Adjournment

The Committee adjourned at 12.15pm for an informal lunch with hearing participants and reconvened at 1.15pm.

6. Hearing – Inquiry into the *Inebriates Act 1912*

Ms Diedre Killen, Co-ordinator, Alcohol and Other Drugs Program, Mid Western Area Health Service, affirmed and examined.

Ms Kim Lewis, Alcohol and Other Drugs Project Worker, Mid Western Area Health Service, affirmed and examined.

Ms Christine McInnes, Program Director, Lyndon Withdrawal Unit, affirmed and examined.

Ms Lewis tendered a confidential document, in support of her evidence.

Resolved, on the motion of Dr Chesterfield-Evans, to accept the document, and that the document remain a confidential Committee document.

Questioning concluded and the witnesses withdrew.

7. Adjournment

The Committee adjourned at 3.15pm for the flight to Bankstown airport.

Julie Langsworth

Acting Director

Meeting 23, 7 April 2004, Jubilee Room, 9.30 am

1. Members present

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC

2. Hearing - Inquiry into the *Inebriates Act 1912*

The public and the media were admitted.

Dr Ingrid van Beek, Director, and Dr Hester Wilce, Medical Practitioner, Kirketon Road Centre, affirmed and examined.

The witnesses withdrew.

Ms Andrea Taylor, Manager, Quality and Risk Management Unit, Royal North Shore and Ryde Health Services, affirmed and examined.

The witness tendered a document in support of her evidence.

Resolved, on the motion of Mr West, that the Committee accept the document.

Questioning concluded and the witness and the public withdrew.

The Committee adjourned at 12.30 pm and resumed at 1:45 pm.

3. Deliberative - Inquiry into the *Inebriates Act 1912*

Resolved, on the motion of Mr West, that the minutes of meeting numbers 19, 20, 21 and 22 be adopted.

Resolved, on the motion of Ms Griffin that, in accordance with section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under the authority of Standing Order 252, the Committee authorises the Clerk of the Committee to publish the transcript of evidence given by witnesses Ms Kim Lewis and Ms Christine McInnes who appeared before the Committee at the public hearing on 25 March 2004 subject to the suppression of certain confidential information identified by the Committee.

The Secretariat briefed the Committee on future activities in relation to this inquiry.

Resolved, on the motion of Mr Pearce, that the Secretariat liaise with the Chair and Deputy Chair to finalise the witnesses for this inquiry.

Resolved, on the motion of Dr Chesterfield-Evans, that the Secretariat arrange a site visit to the Phoenix Unit at Manly, subject to the availability of Members.

4. **Hearing – Inquiry into the *Inebriates Act 1912***

Mr Graeme Smith, Director, and Ms Frances Rush, Regional Manager, Sydney Metropolitan South East, Office of the Public Guardian, sworn and examined.

The witnesses withdrew.

Mr George Klein, Behavioural Scientist and Senior Health Education Officer, Centre for Drug and Alcohol Medicine, Nepean Hospital, affirmed and examined.

Questioning concluded and the witness and the public withdrew.

5. **Adjournment**

The Committee adjourned at 4:45 pm.

Merrin Thompson
Senior Project Officer

Meeting 25, 28 April 2004, Legislative Council Committee Room, Parliament House, Melbourne.

The Committee met at 7am at Sydney Airport for the flight to Melbourne. The meeting in Melbourne commenced at 10.10am.

1. **Members present**

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC

2. **Apologies**

The Hon Greg Pearce MLC

3. **Private briefing - Inquiry into the *Inebriates Act 1912***

The Committee participated in a private meeting with the Reference Group for the Victorian Department of Human Services' Review of the Alcoholics and Drug Dependent Persons Act 1968, together with: Paul G McDonald (Chair), Director, Drugs Policy and Services Branch, DHS, Daniel Harvey, Policy Adviser, Alcohol, Tobacco & Koori Drug Policy Unit, DHS, Robin Fisher, Manager, Drug Treatment Service Operations, DHS, Lyndall Grimshaw, Acting Manager, Complex Clients, DHS, Francene McCartin, Director, Juvenile Justice Custodial Services, DHS, Jennifer Giles, Legal Officer, Health Team, DHS, Sarah Dowling, Legal Officer, Policy & Services Development Unit, Corrections Victoria, Leanne Barnes, A/Manager Drug Policy & Projects, Corrections Victoria, Janet Farrow, Executive Director, Uniting Care Moreland Hall, Donna Ribton-Turner, Manager Withdrawal Services, Uniting Care Moreland Hall and Bruce Paterson, Project Officer, Mental Health Branch, DHS.

Mr McDonald provided the Committee with a document to support his presentation and the document, *The Alcoholics and Drug-dependent Persons Act (ADDPA) 1968: A Review*, March 2004, prepared by Turning Point Alcohol & Drug Centre.

Mr Dan Harvey provided the Committee with a document to support his presentation.

4. Adjournment

The Committee adjourned at 12.30pm for an informal lunch with meeting participants and reconvened at 1.15pm.

5. Hearing - Inquiry into the *Inebriates Act 1912*

Ms Sylvia Alberti, Manager, Forensic and Clinical Services and Senior Research Fellow and Ms Amy Swan, Research Fellow, Turning Point Alcohol and Drug Centre briefed the Committee on the literature review on compulsory treatment for the Victorian review.

Ms Alberti provided 2 documents to support her presentation.

Questioning concluded and the participants withdrew.

Ms Janet Farrow, Executive Director and Ms Donna Ribton-Turner, Manager, Withdrawal Services, Uniting Care Moreland Hall, briefed the Committee on service provision in Victoria.

Ms Ribton-Turner provided 1 document to support her presentation.

Questioning concluded and the participants withdrew.

6. Adjournment

The Committee adjourned at 3.30pm for the flight to Sydney.

Julie Langsworth
Acting Director

Meeting 26, 29 April 2004, Jubilee Room, Parliament House, Sydney, 9.35am

1. Members present

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC

2. Deliberative - Inquiry into the *Inebriates Act 1912*

Resolved, on the motion of Ms Parker, that a roundtable consultation take place on Friday 4 June 2004 to discuss potential legislative and service models in relation to people with severe alcohol and drug dependence, and that the following people be invited to participate by attending the roundtable meeting or providing written comments: Professor Terry Carney, Sydney Law School, Professor Ian Webster, Chair, NSW Expert Advisory Committee on Drugs, Dr Stephen Jurd, Herbert Street Clinic, Ms Tonina Harvey, Northern Sydney Health, Dr Martyn Patfield, Bloomfield Hospital, Dr Joanne Ferguson, Rozelle Hospital, Mr Larry Pierce, Network of Alcohol and Drug Agencies, Dr Ian Kamerman, Rural GP, Representative from NSW Health, Representative from the Attorney General's Department, Ms Val Dahlstrom, Area Manager, Aboriginal Health, New England Area Health Service, Judge Derek Price, Chief Magistrate, Local Court of NSW, Professor Duncan Chappell, President, Mental Health Review Tribunal, Dr Paul Fanning, Director, Medical Services, Mid Western Area Health Services, Ms Vi Hunt, Area Coordinator, Alcohol and Other Drug Services, New England Area Health Service, Dr Ingrid van Beek, Director, Kirketon Road Centre, Dr Hester Wilce, Medical Practitioner, Kirketon Road Centre, Mr Grahame Smith, Office of the Public Guardian, Ms Didi Killen, Coordinator, Alcohol and Other Drugs Program, Mid Western Area Health, as well as other relevant people identified by the Secretariat.

Resolved, on the motion of Dr Chesterfield-Evans, under paragraph 16 of the resolution establishing the Standing Committees, and section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish submission 53.

Resolved, on the motion of Dr Chesterfield-Evans, that in accordance with section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under the authority of Standing Order 252, the Committee authorises the Director to publish the evidence taken at the Melbourne briefings on 28 April 2004 from Ms Sylvia Alberti, Manager, Forensic and Clinical Services and Senior Research Fellow and Ms Amy Swan, Research Fellow, Turning Point Alcohol and Drug Centre; and Ms Janet Farrow, Executive Director and Ms Donna Ribton-Turner, Manager, Withdrawal Services, Uniting Care Moreland Hall.

Resolved, on the motion of Mr West, to accept the documents presented to the Committee at the Melbourne briefing on 28 April 2004.

3. Hearing - Inquiry into the *Inebriates Act 1912*

Professor Wayne Hall, Professorial Fellow and Director, Office of Public Policy and Ethics, Institute for Molecular Bioscience, University of Queensland, affirmed and examined.

Questioning concluded and the witness withdrew.

Ms Michelle Noort, Director, Centre for Drug and Alcohol, sworn and examined.

Mr David McGrath, A/Deputy Director, Centre for Drug and Alcohol, sworn and examined.

Questioning concluded and the witnesses withdrew.

Professor Duncan Chappell, President, Mental Health Review Tribunal, affirmed and examined.

Professor Chappell tendered a document to support his evidence.

Resolved, on the motion of Mr West, that the Committee accept the document.

Questioning concluded and the witness withdrew.

4. Adjournment

The Committee adjourned at 1.30pm.

Julie Langsworth
Acting Director

Meeting 28, 10 May 2004, Room 1153, Parliament House, Sydney, 1.35pm

1. Members present

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC (until 2.30pm)
The Hon Greg Pearce MLC

2. Minutes

Resolved, on the motion of Ms Parker, that the Committee adopt Minutes 25, 26 and 27.

3. Deliberative - Inquiry into the Inebriates Act 1912

The Committee deliberated.

Resolved, on the motion of Dr Chesterfield-Evans, that in accordance with section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under the authority of Standing Order 223, that the Committee authorize the Clerk of the Committee to publish the transcript of evidence given by Mr George Klein who appeared before the Committee at the public hearing on 7 April 2004, subject to the suppression of two paragraphs containing potentially identifying information.

4. ...

5. Adjournment

The Committee adjourned at 2.30pm and reconvened at 2.40pm to travel by train to Redfern.

6. ...

The Committee visited the Redfern/Waterloo area for the purpose of better understanding the area the subject of the terms of reference.

7. Adjournment

The Committee adjourned at 4.30pm.

Julie Langsworth
Acting Director

Meeting 29, 18 May 2004, Jubilee Room, Parliament House, Sydney, 9.00am

1. Members present

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC

2. ...

3. ...

4. ...

5. ...

6. ...

7. Confirmation of Minutes 28

Resolved, on the motion of Mr West, that the Committee adopt Minutes 28.

8. ...

9. Deliberative – Inquiry into *Inebriates Act*

The Secretariat briefed the Committee on the roundtable discussion to be held on 4 June 2004.

The Committee deliberated.

Resolved, on the motion of Ms Griffin, that in order to better inform all those who are participating in the inquiry process, the Committee make use of powers granted under Standing Order 223 and section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish all non-confidential tabled documents tendered during the inquiry into the *Inebriates Act* 1912.

10. Adjournment

The Committee adjourned at 4.40pm to reconvene at 10.00am, Wednesday 19 May 2004.

Julie Langsworth
Acting Director

Meeting 32, 26 May 2004, Redfern Town Hall, Parliament House, 10.15am

1. **Members present**

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC

2. ...

3. **Deliberative - Inquiry into the *Inebriates Act***

The Acting Director informed the Committee that a briefing paper had been prepared by Ms Merrin Thompson, Senior Project Officer, entitled Potential Legislative and Service Model For A New Compulsory Treatment System in order to guide the discussion at the Roundtable on Friday 4 June 2004.

The Committee deliberated.

Resolved, on the motion of Dr Chesterfield-Evans that, the briefing paper prepared by the Secretariat entitled Potential Legislative and Service Model For A New Compulsory Treatment System be circulated on a confidential basis to the participants in the Roundtable on 4 June 2004.

4. **Adjournment**

The Committee adjourned at 3.55pm, to reconvene at 10.00am on 4 June 2004 in the Jubilee Room, Parliament House.

Julie Langsworth
Acting Director

Meeting 33, 4 June 2004, Jubilee Room, Parliament House, 10.05am

1. **Members present**

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Dr Arthur Chesterfield-Evans MLC
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC

2. **Private briefing - Inquiry into the *Inebriates Act 1912***

The Committee held a private briefing on issues related to the inquiry into the *Inebriates Act* attended by: Acting Chief Magistrate Graeme Henson, Local Court of New South Wales; Emeritus Professor Ian Webster, Medical Practitioner and Chair, NSW Expert Advisory Committee on Drugs; Professor Terry Carney, Director of Research, Faculty of Law, the

University of Sydney; Professor Duncan Chappell, President, Mental Health Review Tribunal; Mr Larry Pierce, Director, Network of Alcohol and Drug Agencies; Dr Stephen Jurd, Medical Director, Drug and Alcohol Services, Northern Sydney Health; Dr Martyn Patfield, Medical Superintendent and Director of Acute Services, Bloomfield Hospital; Dr Joanne Ferguson, Staff Specialist Psychiatrist, Drug Health Services, Rozelle and Concord Hospitals; Ms Val Dahlstrom, Area Manager, Aboriginal Health, New England Area Health Service; Mr John Feneley, Deputy Director General, Policy and Crime Prevention, Attorney General's Department; Dr Richard Matthews, A/Deputy Director General, Strategic Development, NSW Health; Mr David McGrath, Deputy Director, Centre for Drug and Alcohol, NSW Health.

Questioning concluded and the participants withdrew.

Luncheon adjournment.

3. Confirmation of Minutes 28, 29, 30, 31, 32

Resolved, on the motion of Mr Pearce, that the Committee adopt Minutes 28, 29, 30, 31, 32

4. ...

5. ...

6. ...

7. Adjournment

The Committee adjourned at 4.50pm, to reconvene at 1.30pm on 7 June 2004 in the Jubilee Room, Parliament House.

Julie Langsworth
Acting Director

Meeting 42, 24 August 2004, Room 1108, Parliament House, 10.10am

1. Members present

Jan Burnswoods (Chair)
The Hon Robyn Parker, MLC (Deputy Chair)
The Hon Ian West MLC
The Hon Kayee Griffin MLC
The Hon Greg Pearce MLC
The Hon Dr Arthur Chesterfield-Evans MLC

2. Deliberative - Inquiry into the *Inebriates Act 1912*

Consideration of Chair's draft report

The Chair submitted her draft report which, having been circulated to each member of the Committee, was accepted as having been read.

The Committee proceeded to consider the draft report.

Chapter 1 read.

Resolved, on the motion of Mr Pearce, that Chapter 1 be adopted.

Chapter 2 read.

Resolved, on the motion of Dr Chesterfield-Evans, that Chapter 2 be adopted.

Chapter 3 read.

Resolved, on the motion of Mr West, that Chapter 3 be adopted.

Chapter 4 read.

Resolved, on the motion of Ms Griffin, that Chapter 4 be adopted.

Chapter 5 read.

Resolved, on the motion of Ms Parker, that Chapter 5 be adopted.

Chapter 6 read.

Resolved, on the motion of Ms Griffin, that paragraphs 6.68 and 6.69 be amended to read:

‘At the roundtable discussion with key stakeholders, participants spoke of the need for measures to help address antisocial behaviour, primarily out of a concern for the impact it has on others, and the importance of supporting families and communities.’

‘Participants suggested that the problems associated with such behaviour may partly have emerged out of measures to divert people with drug and alcohol problems and mental illness from the criminal justice system. They envisaged some practical difficulties in developing a workable preventative model in rural areas, given the finite resources and limited services that exist there. Nevertheless, they argued that any new model must necessarily address the needs of small communities.’

but that in the event that the witness authorises the use of his quotes, that they be included.

Resolved, on the motion of Ms Parker, that Chapter 6 as amended be adopted.

Chapter 7 read.

Resolved, on the motion of Mr Pearce, that the heading ‘Exclusions’ above paragraph 7.27 be deleted, that paragraphs 7.27 and 7.28 be moved to the paragraph following paragraph 7.22, and that paragraph 7.28 be amended to read:

‘The Committee has designed this legislative framework with adults in mind. We have received very little evidence about the appropriateness of applying the framework to minors. There is

potentially a significant gap in relation to the treatment of minors with a substance dependence. The Committee believes this requires further investigation.'

Resolved, on the motion of Dr Chesterfield-Evans, that the second dot point in Recommendation 11 be deleted.

Resolved, on the motion of Mr Pearce, that the second sentence in paragraph 7.55 be amended to read:

'Many inquiry participants were concerned about ensuring a fair and impartial legal process, and the need for magistrates to have adequate input from medical practitioners when making their decisions.'

Resolved, on the motion of Mr Pearce, that Recommendation 16 be deleted.

Resolved, on the motion of Ms Parker, that Recommendation 18 be amended to read:

'That NSW Health and the Attorney General's Department consult with Aboriginal communities in order to ensure that the decision making process in Recommendation 15 be implemented in a culturally sensitive manner.'

Resolved, on the motion of Ms Parker, that paragraph 7.80 be amended as follows:

'The Committee considers that it will be important for government agencies to consult with Aboriginal communities in order to ensure that the decision making process in Recommendation 15 be implemented in a culturally sensitive manner. It may be appropriate for this to be incorporated into the regulations to accompany the legislation.'

Resolved, on the motion of Ms Griffin, that Chapter 7 as amended be adopted.

Chapter 8 read.

Resolved, on the motion of Ms Parker, that paragraph 8.42 be amended to read:

'The Committee considers that in implementing the model of involuntary care, NSW Health will need to recognise and incorporate the needs of Indigenous people, in consultation with Aboriginal communities.'

Resolved, on the motion of Ms Parker, that Recommendation 35 be amended to read:

'That in implementing the Committee's proposed model of involuntary care, NSW Health recognise and incorporate the needs of Indigenous people, in consultation with Aboriginal communities.'

Resolved, on the motion of Ms Parker, that paragraph 8.45 be amended to read:

'The Committee considers that the needs of culturally and linguistically diverse communities will also need to be addressed during implementation.'

Resolved, on the motion of Ms Parker, that Recommendation 36 be amended to read:

‘That in implementing the Committee’s proposed model of involuntary care, NSW Health recognise and incorporate the needs of culturally and linguistically diverse communities, in consultation with them.’

Resolved, on the motion of Dr Chesterfield-Evans, that Chapter 8 as amended be adopted.

Chapter 9 read.

Resolved, on the motion of Ms Parker, that paragraphs 9.93 and 9.94 be reversed.

Resolved, on the motion of Mr West, that Chapter 9 as amended be adopted.

Executive summary read.

Resolved, on the motion of Mr West, that the fourth paragraph be read:

‘On the basis of this analysis we conclude that the *Inebriates Act* is fundamentally flawed and recommend that it be immediately repealed and replaced with an entirely new framework of involuntary care for a small and tightly defined group of people with drug and alcohol dependence.’

Resolved, on the motion of Ms Griffin, that the executive summary as amended be adopted.

Resolved, on the motion of Mr Pearce, that pursuant to Standing Order 229 the Committee consider the Chair’s Foreword for approval.

Chair’s Foreword read.

Resolved, on the motion of Mr West, that the Chair’s Foreword be adopted, with leave given to the Chair to alter the text to make reference to a witness if necessary.

Resolved, on the motion of Dr Chesterfield-Evans that the Draft Committee report as amended be the report of the Committee and be signed by the Chair and presented to the House in accordance with Standing Orders 230 and 231.

Resolved, on the motion of Mr Pearce, that pursuant to the provisions of section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 the Committee authorises the publication of all non-confidential minutes, correspondence, submissions and tabled documents.

Resolved, on the motion of Mr West, that in accordance with Standing Order 233 the Committee authorises the publication of those excerpts from confidential transcripts that appear in the report.

Resolved, on the motion of Ms Parker, that the Committee Secretariat be permitted to correct typographical, stylistic and grammatical errors in the report prior to tabling.

Resolved, on the motion of Ms Parker, that Merrin Thompson, Senior Project Officer, be thanked for her contribution to the report.

3. ...

4. **Adjournment**

The Committee adjourned at 1.15pm sine die.

Merrin Thompson
Senior Project Officer

Appendix 6 The *Inebriates Act 1912*

Inebriates Act 1912.

Reprint history (since 1972):

Reprint No 114 January 1975

Reprint No 221 December 1978

Reprint No 325 March 1981

Reprint No 46 April 1992

Reprint No 510 September 2002

An Act to consolidate the Acts providing for the care, control, and treatment of inebriates, and for purposes incidental to the abovementioned objects.

Part 1 Preliminary

1 Name of Act, repeals and savings

(1) This Act may be cited as the *Inebriates Act 1912*.

(2) The Acts mentioned in Schedule 1 are hereby repealed; but such repeal shall not prejudice or affect the validity or duration of any certificate, licence, permit, or authority lawfully granted, or order lawfully made under any such Act. All licences granted under any such repealed Act shall be held in all respects, and all renewals thereof shall be applied for, under and subject to the provisions of this Act, unless hereinafter otherwise specially provided for. All boards and persons appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall remain in office as if this Act had been in force at the time they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly. All institutions licensed or established under the provisions of any Act hereby repealed, and being so licensed or established at the time of the passing of this Act, shall be deemed to have been licensed or established under this Act. All rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been made under the authority of this Act.

2 Definitions

For the purposes of this Act:

Inebriate means a person who habitually uses intoxicating liquor or intoxicating or narcotic drugs to excess.

Institution means a place licensed under this Act or established by the Government for the reception, control, and treatment of inebriates.

Narcotic drug does not include tobacco, cigars, or cigarettes.

Spouse means:

(a) a husband or wife, or

(b) the other party to a de facto relationship within the meaning of the *Property (Relationships) Act 1984*, but where more than one person would so qualify as a spouse, means only the last person so to qualify.

State institution means institution established by the Government as aforesaid.

Part 2 Applications to commit inebriates

3 Order for control of inebriates

(1) It shall be lawful for the Supreme Court or a District Court Judge or a Magistrate, on the application of and on proof to the satisfaction of the Court, Judge or Magistrate that the person in respect of whom the application is made is an inebriate, to order:

(a) an inebriate or any person authorised in writing in that behalf by an inebriate while sober,

(b) the spouse, or a parent, or a brother, sister, son, or daughter of full age, or a partner in business of an inebriate,
or

(c) a member of the police force of or above the rank of sergeant acting on the request of a duly qualified medical practitioner in professional attendance on the inebriate, or on the request of a relative of the inebriate, or at the instance of an authorised officer within the meaning of the *Criminal Procedure Act 1986*,

(d) that the inebriate enter into a recognizance (or, in the case of an order by the Supreme Court, other security), with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months, or

(e) that the inebriate be placed for any period mentioned in the order not exceeding twenty-eight days under the care and control of some person or persons to be named in the order, in the house of the inebriate, or in the house of a friend of the inebriate, or in a public or private hospital, or in an institution, or in an admission centre, or

(f) that the inebriate be placed in a licensed institution or a State institution established under section 9 for such period not exceeding twelve months as may be mentioned in the order, or

(g) that the inebriate be placed for any period not exceeding twelve months, to be mentioned in the order, under the care and charge of an attendant or attendants to be named in the order, and who shall be under the control of the Court or Judge or Magistrate making the order, or of a guardian who is willing to act in that capacity:

Provided that no such order shall be made except:

(i) on production of the certificate of a legally qualified medical practitioner that the person in respect of whom the application is made is an inebriate together with corroborative evidence by some other person or persons, and

(ii) on personal inspection of the inebriate by the Court or Judge or Magistrate, or by some person appointed by him in that behalf.

(1A) The Court, Judge or Magistrate to which or to whom an application is made under subsection (1) may, before determining the application, remand the person in respect of whom the application is made into such custody as the Court, Judge or Magistrate may order for a period not exceeding 7 days to enable that person to be examined by a legally qualified medical practitioner for the purpose of assisting in determining whether or not that person is an inebriate.

(1B) A person who escapes from the custody of a person into whose custody he has been remanded under subsection (1A) may be arrested and returned to that custody.

(2) Every medical practitioner who signs any certificate under or for the purposes of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is an inebriate, and shall distinguish in such certificate facts observed by himself from facts communicated to him by others, and no such order shall be made upon any certificate which purports to be founded only upon facts communicated by others.

(3) The inebriate shall be afforded an opportunity of being heard in objection. The Court, Judge or Magistrate may direct that the inebriate shall be brought before him in open court or in private.

(4) On the order of the Supreme Court or of a District Court Judge, any period mentioned in an order made under paragraph (f) or paragraph (g) of subsection (1) may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order.

4 Powers and duties of guardian

(1) Where an inebriate is placed as aforesaid under the charge and care of a guardian, the guardian:

(a) shall prescribe for the inebriate a place of residence in New South Wales, either in the house of the inebriate or in that of the guardian,

(b) shall provide for the inebriate such medical attendance as may be necessary,

(c) may deprive the inebriate of intoxicating liquor and intoxicating or narcotic drugs, and prevent him from obtaining them,

(d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person,

(e) may require the inebriate to submit to the attendance of such nurses or attendants as the guardian thinks necessary,

(f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) who supplies the inebriate with any intoxicating liquor or intoxicating or narcotic drug shall be liable to a penalty not exceeding 0.5 penalty unit.

(2) On application, by or on behalf of the Minister, to the Supreme Court or a District Court Judge or any Magistrate, a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Court, Judge, or Magistrate may appoint another guardian, or may make an order under section 3.

5 Voluntary recognizances

(1) Any person may enter into a recognizance, with or without sureties, before a Magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months. An application to enter into a recognizance under this section shall be in the form of Schedule 2.

(2) A Magistrate, before a recognizance is taken before him under this section or under section 3, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule 3.

6 Private hearing

The hearing of any application under either of the three last preceding sections may, at the request of the alleged inebriate, or where the application is made by him, be in private.

7 Forfeiture of recognizances

Subject to section 17A, if, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any Magistrate that the person bound thereby has failed to observe any of the conditions of the recognizance, the Magistrate before whom such proof is given may forfeit the recognizance.

8 Medical practitioner who is also applicant not to sign certificate—order not to be made upon certain certificates

A medical practitioner who is an applicant under this Act for an order in respect of an inebriate shall not sign a certificate under or for the purposes of this Act in respect of such inebriate.

If on the production of the certificate of a medical practitioner in respect of an inebriate it appears to the Court, Judge, or Magistrate that the said medical practitioner, or his father, brother, son, partner, or assistant:

- (a) is the superintendent or medical officer of any institution, or a regular professional attendant therein, or
 - (b) is wholly or in part the proprietor, licensee, mortgagee, or lessee of any institution, or
 - (c) is interested in the payments to be made by or on account of any inebriate received into any institution,
- an order that the inebriate be placed in such institution shall not be made upon such certificate.

9 Institutions for inebriates committed under sec 3

(1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section 3, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act or any Act hereby repealed, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary. Such officers shall be appointed in the same manner as officers in hospitals for the insane. The establishing of any such institution, and a description of the land included within the limits thereof shall be notified in the Gazette.

(2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Minister for Health.

(3) The enactments of the *Lunacy Act 1898*, mentioned in Schedule 4, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein. In so applying such enactment:

hospital or *hospital for the insane* shall be read as and mean an institution established under this section.
insane patient, or *patient*, shall be read as and mean an inebriate in any such institution.
this Act shall be taken to refer to the *Inebriates Act 1912*.

9A Fees and charges not payable in respect of certain persons

During the period within which the Agreement executed and approved under the provisions of the *Mental Institution Benefits Agreement Act 1949* is in force:

- (a) no means test shall be imposed on and no fees shall be charged to or in respect of qualified persons in mental institutions established for the reception, control and treatment of inebriates,
- (b) except with the concurrence of the Commonwealth of Australia, no charge shall be made to or in respect of qualified persons for services or comforts for which it was not customary to make a charge as at the first day of November, one thousand nine hundred and forty-eight.

In this section the terms *qualified person* and *mental institution* shall have the meanings respectively ascribed thereto in the aforesaid Agreement.

10 Penalty for interfering with such institutions

Whosoever without lawful authority:

(a) is found within the boundaries of an institution established under the last preceding section, or
 (b) in any manner communicates or attempts to communicate with any inebriate therein,
 shall be liable to a penalty not exceeding 0.5 penalty unit, or to imprisonment for any term not exceeding three months, or to both penalty and imprisonment.

Part 3 Convicted inebriates

11 Inebriates convicted of certain offences

(1) Where a person is convicted before a Magistrate, or on indictment: and on inquiry it appears that the offender is an inebriate, the court may either:

(i) of an offence of which drunkenness is an ingredient, or

(ii) of assaulting women, cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

(a) sentence the offender according to law, or

(b) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months:

(i) he will be of good behaviour,

(ii) he will not take or use any intoxicating liquor or intoxicating or narcotic drugs,

(iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Commissioner of Police may appoint, such report being made either personally or by letter, unless the Minister directs that the report be made personally, in which case it must be made in that mode only,

(iv) he will not do or omit to do any act whereby the recognizance would become forfeited, or

(c) order the said offender to be placed for a period of twelve months in a State institution established under section 13:

Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section 3.

(2) On the order of the Supreme Court or of a District Court Judge, such period may from time to time be extended for further periods not exceeding twelve months each.

(3) Where the inebriate is physically unfit to travel to the institution named in such order, the court making the order may direct that he be placed for immediate medical treatment for such time as it thinks fit in a gaol, or lock-up, or in a hospital, or private house, under the supervision of the police.

12 Forfeiture of recognizances

Subject to section 17A, if, during the period specified in any such recognizance, the offender so discharged:

(a) is proved to any Magistrate to have contravened any of the conditions of the recognizance, or

(b) is charged by a member of the police force with getting his livelihood by dishonest means, and being brought before any Magistrate, it appears to such Magistrate that there are reasonable grounds for believing that he is getting his livelihood by dishonest means, or

(c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the Magistrate before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address, or

(d) is convicted of any offence against the *Vagrancy Act 1902*, the Magistrate before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 13 for the remainder of the period mentioned in the recognizance.

13 Institutions for inebriates committed under sec 11

(1) The Governor may establish institutions for the reception, control and treatment of inebriates who have, under section 11, been ordered to be placed in a State institution, or who, in pursuance of this Act or any Act hereby repealed, have been transferred to any such institution.

(2) The Governor may appoint a Visiting Magistrate, who shall exercise in respect of a State institution the same powers and jurisdiction as are conferred on a Visiting Magistrate in respect of a correctional centre under the *Crimes (Administration of Sentences) Act 1999*.

(3) The Commissioner of Corrective Services shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.

(4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Commissioner of Corrective Services, subject to the approbation of the Governor.

Part 4 General and supplemental

14 Release on licence

The Governor may release on licence any person detained in a State institution, and may revoke such licence.

The conditions of the licence shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such licence shall be revoked by a Magistrate on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the licence; or the licence may be revoked by the Governor at his discretion.

Where a licence is revoked as aforesaid, the person released on licence may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

15 Release

The Supreme Court or a District Court Judge may order that any person detained in an institution be released on such conditions (if any) as he may impose.

16 Committal on second offence

Where a person has, after the ninth day of September, one thousand nine hundred and nine, been discharged from a State institution, or released on licence, or discharged under section 11 on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section 11, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years.

17 Form of recognizance

A recognizance taken under this Act shall be in the form of Schedule 5.

17A Forfeiture of securities under recognizances

The provisions of Part 7A of the *Bail Act 1978* and Part 7 of the *Fines Act 1996* apply to the forfeiture of any security under a recognizance under this Act and to the recovery of any security so forfeited in the same way as they apply to the forfeiture of bail money and to the recovery of any bail money so forfeited.

18 Order as to property and treatment of inebriate

The Supreme Court, District Court Judge, Magistrate or court making an order in respect of an inebriate, may in the same or any subsequent order direct that the expense of the care, charge, and maintenance of the inebriate be paid out of any property of the inebriate, and may fix the amounts to be so paid, and the amounts so fixed may be recovered from the inebriate in any court of competent jurisdiction at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or when the inebriate is detained in a State institution, at the suit of the Minister.

19 Court may make orders as to property of inebriate who is incapable

(1) Where it is proved to the satisfaction of the Supreme Court that any inebriate the subject of an order under this Act is incapable of managing his affairs, the Court may make all proper orders for rendering the property and income of the inebriate available for the payment of his debts and for the maintenance and benefit of himself and his family; and may make orders for the care and management of his property in all respects as if he were an insane person within the meaning of the *Lunacy Act 1898*; and may, if necessary, appoint any person, either with or without security, to undertake

the care and management of his property under the order and direction of the Court.

(2) The person so appointed shall, subject to the said orders and directions and to the rules of Court, have the same powers and be subject to the same obligations and control as a committee of the estate of an insane person, and the powers and provisions contained in the *Lunacy Act 1898* relating to the management and administration of the estates of insane persons shall apply to the estates of such inebriates.

20 Directions; variation, renewal and rescission of orders

(1) Where the Supreme Court, by any Judge or master or by any registrar or other officer, makes an order or gives a direction with respect to an inebriate, the Supreme Court, by the same Judge, master, registrar or officer, may, at the same time or afterwards:

(a) give such directions as the Court thinks fit as to the control of the inebriate, and

(b) vary, renew or rescind the order or direction.

(2) A District Court Judge or Magistrate making an order with respect to an inebriate may at the same time or afterwards:

(a) give such directions as he thinks fit as to the control of the inebriate, and

(b) vary, renew or rescind the order or direction.

(3) The Supreme Court may:

(a) give such directions as the Court thinks fit as to the control of any inebriate the subject of an order under this Act, and

(b) vary, renew or rescind any order or direction made under this Act.

20A Appeal

(1) An appeal shall not lie to the Court of Appeal from a decision or order of the Supreme Court under this Act, except by leave of the Court of Appeal.

(2) Subsection (1) does not apply to a decision or order of the Supreme Court under section 19 or subsection (3) of section 20.

21 Order shall authorise attendant to prevent supply of intoxicant to inebriate

The order of the Supreme Court or a District Court Judge or a Magistrate made under this Act shall be sufficient authority for the carrying out by any persons of any directions therein contained; and where the order is that the inebriate be placed under the care and charge of an attendant it shall authorise and direct the attendant to prevent any person from supplying the inebriate while under his charge with any intoxicating liquor or with any drug or instrument which may be used for the purpose of producing a state of inebriation. And any such attendant who neglects to comply with any such direction shall be liable to a penalty not exceeding 0.1 penalty unit.

22 Inebriate not to leave State

When by the order of the Supreme Court, a District Court Judge or a Magistrate an inebriate has been placed under the charge of an attendant, the inebriate shall not be allowed to leave the State of New South Wales during the continuance of such order, unless permitted to do so by some variation or amendment of the order.

23 Inebriate escaping from custody may be arrested

Any inebriate who escapes from the institution in which, or from the attendant under whom, he has been placed may be arrested and returned to his former custody under the order made.

24 Inspection of places where inebriates are under control

It shall be lawful for the Secretary of the Department of Health or an officer of the Department of Health authorised by that Secretary in that behalf to inspect any inebriate the subject of an order under section 3 and any place where an inebriate is under control, and he shall have power to enter at all reasonable times any such place for the fulfilment of this duty. It shall also be the duty of all police officers or constables to assist the person under whose care an inebriate has been placed by an order under section 3, to compel the inebriate to comply with the directions of such order.

25 Persons supplying inebriate with intoxicant liable to penalty

Any person who supplies an inebriate, being the subject of an order under this Act, with intoxicating liquor, or any drug or instrument which may be used for the purpose of producing a state of inebriation shall be liable to a penalty not

exceeding 0.5 penalty unit.

26 Penalty for publishing report

Any person who publishes a report of any proceedings under this Act, except by permission of the Judge, Master or Magistrate adjudicating, shall be liable to a penalty not exceeding 1 penalty unit.

27 Rules of Court

(1) Rules of court may be made under the *Supreme Court Act 1970* for carrying out the provisions of this Act so far as they relate to the powers or duties of the Supreme Court.

(2) Rules of court may be made under section 152 of the *District Courts Act 1912*:

(a) for regulating the form and mode of proceeding under this Act before a District Court Judge, and

(b) for carrying out the provisions of this Act so far as they relate to the powers or duties of a District Court Judge.

(3) Subsections (1) and (2) do not limit the rule-making powers conferred by the *Supreme Court Act 1970* or by the *District Courts Act 1912*.

28 Governor may license institutions for inebriates and may make regulations

The Governor may license institutions for the reception, control, and treatment of inebriates, and may make regulations:

(a) for the issue and revocation of such licences,

(b) for the regulation, management, and inspection of licensed institutions, and of institutions established by the Government, and providing for the proper and suitable employment of persons detained in such institutions,

(c) for determining the fees payable by inebriates placed in any institution,

(d) for the control and discipline of inebriates and the discipline of officers and attendants under this Act, whether in institutions or otherwise,

(e) providing for the release of inebriates from State institutions on licence, and for the retaking of inebriates who break the conditions of any such licence, and for returning them to such institutions,

(ea) for regulating the form and mode of proceeding under this Act before a Magistrate, and

(f) for carrying out the provisions of this Act generally and in particular so far as they relate to the powers or duties of a Magistrate,

and may in these regulations impose any penalty not exceeding 1 penalty unit for any breach of the same.

29 Supervising board

(1) There shall be a supervising board for inebriates (in this Act referred to as the *supervising board*) consisting of two persons, each of whom is an officer of the Department of Health from time to time nominated by the Minister for Health, and the Commissioner of Corrective Services.

(2) The supervising board:

(a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution,

(b) may, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

30 Removal of inebriates from State institutions

(1) The Minister may, on the recommendation of the supervising board, direct the removal of any inebriate from any one State institution to another State institution.

(2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.

(3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed.

31 Proceedings for acts done in carrying out provisions of Act

(1) No proceedings shall lie against any person for or on account of any act, matter, or thing done or commanded to be

done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care.

(2)

(3) Proceedings as aforesaid may, on application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the Court may think fit, unless the Court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

32 Recovery of penalties

All penalties imposed by this Act or by any regulations made thereunder or by any Act hereby repealed may be recovered before a Local Court.

Schedules

Schedule 1

(Section 1 (2))

Reference to Act

Short title

Act No 32, 1900

Inebriates Act 1900

Act No 2, 1909

Inebriates (Amendment) Act 1909

Schedule 2

(Section 5)

I, , of hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months.

(Signature of applicant.)Witness—

The day of 19.

I, , of hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months. (Signature of applicant.)Witness— The day of 19.

Schedule 3

(Sections 3, 5)

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Magistrate. The day of 19.

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof. Magistrate. The day of 19.

Schedule 4

Enactments of the *Lunacy Act 1898* applied to certain institutions

Section 15—Amendment of orders and certificates. Section 27—Register of patients. Section 28—Medical journal. Section 29—Entries of deaths, discharges etc. Section 30—Notice of deaths. Section 78—Visits of Inspector-General. Section 79—Inquiries by Inspector-General. Section 81—Annual Report by Inspector-General. Section 139—Relative may agree for maintenance of patient. Section 142—Order upon relations of patient for his support. Section 143—Application for maintenance supported by affidavit. Section 144—Proceedings on complaint under section 142. Section 145—Arrears of maintenance. Section 146—Procedure if amount unpaid. Section 147—The foregoing of arrears. Section 171—Superintendent may plead general issue etc. Section 173—Illtreatment of insane. Section 174—Penalty on escape. Section 176—Visit by Inspector-General and official visitors. Section 177—Letters of patients.

(Section 9)

Schedule 5

(Section 17)

New South Wales,
to wit.

Be it remembered that on the day of 19, of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance].

Taken and acknowledged the day and year first abovementioned at in the said State, before me—
Magistrate.

New South Wales, to wit. Be it remembered that on the day of 19, of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance]. Taken and acknowledged the day and year first abovementioned at in the said State, before me— Magistrate.

Historical notes

Table of Acts

Inebriates Act 1912 No 24. Assented to 26.11.1912. This Act has been amended as follows:

Editorial note.

The Act was to be repealed by the *Miscellaneous Acts (Mental Health) Repeal and Amendment Act 1983 No 181*, Sch 1, but that Act was repealed before Sch 1 was commenced.

1935

No 13

Police Regulation (Amendment) Act 1935. Assented to 13.3.1935.

1937

No 35

Statute Law Revision Act 1937. Assented to 23.12.1937.

1949

No 43

Mental Institution Benefits Agreement Act 1949. Assented to 16.11.1949.

1965

No 33

Decimal Currency Act 1965. Assented to 20.12.1965.

Date of commencement of sec 4, 14.2.1966, secs 1 (3), 2 (1) and the *Currency Act 1965* (Commonwealth), sec 2 (2).

1970

No 52

Supreme Court Act 1970. Assented to 14.10.1970.

Date of commencement, Part 9 excepted, 1.7.1972, sec 2 (1) and GG No 59 of 2.6.1972, p 2018. Amended by *Supreme Court (Amendment) Act 1972 No 41*. Assented to 11.4.1972.

1972

No 48

Reprints Act 1972. Assented to 9.10.1972.

No 63

Health Commission Act 1972. Assented to 23.11.1972.

Date of commencement of Sch, Part 1, 30.4.1973, sec 2 (c) and GG No 53 of 27.4.1973, p 1428.

1974

No 18

Defamation Act 1974. Assented to 10.4.1974.

Date of commencement, 1.7.1974, sec 2 and GG No 79 of 28.6.1974, p 2381.

1977

No 19

Notice of Action and Other Privileges Abolition Act 1977. Assented to 24.3.1977.

Date of commencement, 19.8.1977, sec 2 and GG No 92 of 19.8.1977, p 3541.

1979

No 68

Inebriates (Amendment) Act 1979. Assented to 11.5.1979.

Date of commencement of sec 3, 17.3.1980, sec 2 (2) and GG No 45 of 14.3.1980, p 1143.

1982

No 138

Miscellaneous Acts (Health Administration) Amendment Act 1982. Assented to 15.12.1982.

Date of commencement of Sch 1, 17.12.1982, sec 2 (2) and GG No 177 of 17.12.1982, p 5869.

1987

No 48

Statute Law (Miscellaneous Provisions) Act (No 1) 1987. Assented to 28.5.1987.

Date of commencement of Sch 32, except as provided by sec 2 (13), 1.9.1987, sec 2 (12) and GG No 136 of 28.8.1987, p 4809.

1993

No 47

Statute Law (Penalties) Act 1993. Assented to 15.6.1993.

Date of commencement, assent, sec 2.

1998

No 107

Criminal Procedure Legislation Amendment (Bail Agreements) Act 1998. Assented to 9.11.1998.

Date of commencement of Sch 3.7, 1.10.2000, sec 2 and GG No 127 of 29.9.2000, p 10810.

1999

No 4

Property (Relationships) Legislation Amendment Act 1999. Assented to 7.6.1999.

Date of commencement of Sch 2.13, 28.6.1999, sec 2 and GG No 72 of 25.6.1999, p 4082.

No 31

Statute Law (Miscellaneous Provisions) Act 1999. Assented to 7.7.1999.

Date of commencement of Schs 4 and 5, assent, sec 2 (1).

No 94

Crimes Legislation Amendment (Sentencing) Act 1999. Assented to 8.12.1999.

Date of commencement of Sch 4.31, 3.4.2000, sec 2 (1) and GG No 42 of 31.3.2000, p 2487; date of commencement of Sch 4.119, 1.1.2000, sec 2 (1) and GG No 144 of 24.12.1999, p 12184.

2001

No 121

Justices Legislation Repeal and Amendment Act 2001. Assented to 19.12.2001.

Date of commencement of Sch 2, 7.7.2003, sec 2 and GG No 104 of 27.6.2003, p 5978.

2003

No 82

Statute Law (Miscellaneous Provisions) Act (No 2) 2003. Assented to 27.11.2003.

Date of commencement of Sch 2.13, assent, sec 2 (2).

This Act has also been amended pursuant to an order under secs 8 (2) and 9 (3) of the *Reprints Act 1972 No 48* (formerly *Acts Reprinting Act 1972*). Order dated 2.1.1975, and published in GG No 12 of 10.1.1975, p 85, declaring that the *Inebriates Act 1912* is an enactment to which sec 8 (2) and sec 9 (3) of the *Acts Reprinting Act 1972* apply.

Table of amendments

No reference is made to certain amendments made by the *Decimal Currency Act 1965* and the *Reprints Act 1972*.

Part 1, heading

Ins 1999 No 31, Sch 5.48 [2].

Sec 2

Am 1999 No 4, Sch 2.13 [1]; 2001 No 121, Sch 2.127 [1].

Part 2, heading

Ins 1999 No 31, Sch 5.48 [3].

Sec 3

Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1979 No 68, sec 3; 1999 No 4, Sch 2.13 [2]; 1999 No 31, Sch 4.42 [1] [2]; 2001 No 121, Sch 2.127 [2].

Sec 4

Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1993 No 47, Sch 1; 1999 No 31, Sch 4.42 [1] [2].

Sec 5

Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1999 No 31, Sch 4.42 [1] [2].

Sec 7

Am 1998 No 107, Sch 3.7 [1]; 2001 No 121, Sch 2.127 [3].

Sec 8

Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1999 No 31, Sch 4.42 [2].

Sec 9

Am 1972 No 63, Sch; 1982 No 138, Sch 1.

Sec 9A

Ins 1949 No 43, sec 4 (1).

Sec 10

Am 1993 No 47, Sch 1; 1999 No 94, Sch 4.119.
Part 3, heading
Ins 1999 No 31, Sch 5.48 [4].
Sec 11
Am 1935 No 13, sec 7 (1); 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1999 No 31, Sch 4.42 [1].
Sec 12
Am 1998 No 107, Sch 3.7 [2]; 2001 No 121, Sch 2.127 [4].
Sec 13
Am 1999 No 94, Sch 4.31 [1] [2]; 2003 No 82, Sch 2.13.
Part 4, heading
Ins 1999 No 31, Sch 5.48 [5].
Sec 14
Am 2001 No 121, Sch 2.127 [5].
Sec 15
Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch).
Sec 17A
Ins 1998 No 107, Sch 3.7 [3].
Sec 18
Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1999 No 31, Sch 4.42 [2].
Sec 19
Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch).
Sec 20
Subst 1970 No 52, Second Sch (am 1972 No 41, Second Sch). Am 1999 No 31, Sch 4.42 [2].
Sec 20A
Ins 1970 No 52, Second Sch (am 1972 No 41, Second Sch).
Sec 21
Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1993 No 47, Sch 1; 1999 No 31, Sch 4.42 [2].
Sec 22
Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1999 No 31, Sch 4.42 [2].
Sec 24
Am 1972 No 63, Sch; 1982 No 138, Sch 1.
Sec 25
Am 1993 No 47, Sch 1.
Sec 26
Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch). Subst 1974 No 18, Sch 1. Am 1993 No 47, Sch 1; 1999 No 31, Sch 4.42 [2].
Sec 27
Subst 1970 No 52, Second Sch (am 1972 No 41, Second Sch).
Sec 28
Am 1937 No 35, Second Sch; 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1987 No 48, Sch 32; 1993 No 47, Sch 1; 1999 No 31, Sch 4.42 [2].
Sec 29
Am 1972 No 63, Sch; 1982 No 138, Sch 1.
Sec 31
Am 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1977 No 19, Sch 1.
Sec 32
Am 1999 No 31, Sch 4.42 [3].
Sch 3
Am 1999 No 31, Sch 4.42 [4].
Sch 5
Am 1965 No 33, First Sch; 1970 No 52, Second Sch (am 1972 No 41, Second Sch); 1999 No 31, Sch 4.42 [5].
The whole Act
Am 1999 No 31, Sch 5.48 [1] (each heading that is not a sec heading, a Sch heading or a heading in a Sch omitted).