



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 97 of 1978

An Act to amend the Alcohol and Drug Addicts (Treatment) Act, 1961-1976.

[Assented to 7th December, 1978]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Alcohol and Drug Addicts (Treatment) Act Amendment Act, 1978". Short titles.

(2) The Alcohol and Drug Addicts (Treatment) Act, 1961-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Alcohol and Drug Addicts (Treatment) Act, 1961-1978".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 4 of the principal Act is amended—

(a) by inserting in the definition of "centre" after the passage "committal centre" the passage "or a sobering-up centre"; Amendment of principal Act, s. 4— Interpretation.

(b) by inserting in the definition of "institution" after the passage "this Act" the passage "or any premises declared under this Act to be a sobering-up centre";

(c) by striking out the definition of "patient" and inserting in lieu thereof the following definition:—

"patient" means any person admitted to an institution pursuant to this Act and not discharged therefrom or any person being detained pursuant to this Act;

and

(d) by striking out the definition of "sobering-up centre" and inserting in lieu thereof the following definition:—

"sobering-up centre" means—

(a) any institution established pursuant to the provisions of this Act;

or

(b) any premises,

declared under this Act to be a sobering-up centre.

Amendment of
principal Act,
s. 5—
Declaration of
institutions
and specified
drugs.

4. Section 5 of the principal Act is amended—

(a) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The Governor may, upon the recommendation of the Minister, by proclamation—

(a) declare any such institution or part of an institution—

(i) to be a committal centre;

or

(ii) to be a voluntary centre;

or

(b) declare any such institution or part of an institution or any premises or part of any premises to be a sobering-up centre.

(b) by inserting after subsection (3) the following subsection:—

(3a) The provisions of the Planning and Development Act, 1966-1978, shall, notwithstanding the provisions of this Act, apply to and in relation to any institution established, or centre declared, under this section and the use of the institution or centre for the purposes of this Act.

Amendment of
principal Act,
s. 6—
Officers and
employees of
the Board.

5. Section 6 of the principal Act is amended by striking out from subsection (1) the passage "superintendents, medical officers, welfare officers and other".

Amendment of
principal Act,
s. 7—
Powers and
functions of
the Board.

6. Section 7 of the principal Act is amended—

(a) by inserting in paragraph (a) of subsection (1) after the word "institutions" the passage "not being premises declared under this Act to be sobering-up centres";

(b) by inserting after paragraph (a) of subsection (1) the following paragraph:—

(a1) shall supervise the conduct of all sobering-up centres, being premises (other than police stations) declared under this Act to be sobering-up centres;

and

(c) by inserting after paragraph (c) of subsection (1) the following paragraph:—

(c1) shall supervise the exercise, performance and discharge by superintendents (other than officers of the Board or members of the police force) of their powers, functions and duties under this Act;.

7. Section 8 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 8—
Super-
intendents.

(1) There shall be a superintendent for each centre.

(1a) The Minister may, on the recommendation of the Board, appoint any person or the holder for the time being of any office or position to be the superintendent of any centre for the purposes of this Act;.

and

(b) by striking out subsection (3).

8. Section 29a of the principal Act is amended—

(a) by inserting in paragraph (b) of subsection (2) after the word "others" the passage "and remove and take custody of any such object";

Amendment of
principal Act,
s. 29a—
Apprehension
of persons
under the
influence of
a drug.

(b) by striking out subsections (3), (4), (5), (6) and (7) and inserting in lieu thereof the following subsections:—

(3) Where a member of the police force or authorized person has apprehended a person under subsection (1) of this section, he shall take that person as soon as reasonably practicable—

(a) to—

(i) the place of residence, if any, at which the apprehended person is permanently or temporarily residing;

or

(ii) a place approved by the Minister for the purposes of this subparagraph,

and there release him from custody;

(b) if it is not reasonably practicable in the circumstances to take the person to a place referred to in paragraph (a) of this subsection, to a sobering-up centre for admission as a patient;

or

(c) if it is not reasonably practicable in the circumstances to take the person to a sobering-up centre, to a police station.

(4) Where a person apprehended under this section is taken to a police station (not being a sobering-up centre) in pursuance of this section, the member of the police force in charge of that station may detain the person and may give such directions to that person as are reasonably necessary therefor or incidental thereto, but shall, before the expiration of the period of four hours from the time of apprehension—

(a) discharge the person, if the person has, in the opinion of the member of the police force, so recovered from the effects of the drug as to be able to take care of himself;

or

(b) if not, cause the person to be transferred to a sobering-up centre for admission as a patient.

(5) Where a person apprehended under this section is taken to a sobering-up centre in pursuance of this section, the superintendent or person in charge of the centre shall admit the person to the centre as a patient.

(6) A person admitted to a sobering-up centre in pursuance of this section or section 32d of this Act may be detained at the centre by the superintendent or person in charge of the centre, but shall be discharged—

(a) if the person has, in the opinion of the superintendent, or person in charge, so recovered from the effects of the drug as to be able to take care of himself;

or

(b) in any case, before the expiration of the period of—

(i) eighteen hours from the time of apprehension of the person;

(ii) thirty hours from the time of apprehension of the person, if, before the expiration of that period of eighteen hours, a medical practitioner has certified in the prescribed manner that further detention is necessary to enable the person so to recover from the effects of the drug as to be able to take care of himself;

or

(iii) one hundred and two hours from the time of apprehension of the person, if, before the expiration of that period of thirty hours, a court of summary jurisdiction has determined, upon the application of the superintendent, that it is satisfied that further detention is necessary to enable the person so to recover from the effects of the drug as to be able to take care of himself.

(7) Where a person apprehended under this section is taken to a police station and detained there, or is taken to a sobering-up centre and admitted as a patient, any object removed from the apprehended person in pursuance of subsection (2) of this section and any valuable object on his person shall be taken into custody and dealt with in accordance with the prescribed procedure, but shall be returned to the person on, or before, his discharge.

(8) Where a person is detained in pursuance of this section, the person by whom he is detained shall allow him a reasonable opportunity to communicate with a solicitor, relative or friend.

(9) Notwithstanding any other provision of this section, if—

(a) a solicitor acting on behalf of a person detained in a police station (not being a sobering-up centre) in pursuance of this section, or a relative of a person so detained, requests that he be released into the care of the solicitor or relative;

and

(b) the officer in charge of the police station is satisfied that the solicitor or relative is able and willing to care properly for that person,

that person shall be released into the care of the solicitor or relative.

9. Section 29b of the principal Act is amended—

(a) by inserting in subsection (1) after the word “discharge” the passage “from a police station or, as the case may be,”;

and

(b) by striking out from subsection (3) the passage “the superintendent of the sobering-up centre in which” and inserting in lieu thereof the passage “the person by whom”.

Amendment of
principal Act,
s. 29b—
Application
for
declaration.

10. Section 32a of the principal Act is amended—

(a) by inserting in paragraph (a) of subsection (1) after the word “institution” the passage “police station,”;

(b) by inserting in paragraph (b) of subsection (1) after the word “institution” the passage “or the member of the police force in charge of any police station at which he is so detained”;

and

(c) by inserting in subsection (1) after the last word occurring therein the passage “or that member of the police force”.

Amendment of
principal Act,
s. 32a—
Detained
person in
lawful custody
and to comply
with rules.

Amendment of
principal Act,
s. 32c—
Removal of
patient to
hospital or
other
establishment.

11. Section 32c of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “superintendent or”;
 - (b) by inserting in subsection (1) after the word “institution”, twice occurring, in each case, the passage “or police station”;
- and
- (c) by striking out from subsection (2) the passage “superintendent or”, twice occurring.

Amendment of
principal Act,
s. 40—
Regulations.

12. Section 40 of the principal Act is amended—

- (a) by striking out paragraph (c) and inserting in lieu thereof the following paragraph:—
 - (c) regulating and prescribing the powers, functions and duties of the Board, officers and employees of the Board, superintendents and for the purposes of this Act members of the police force;;
- (b) by striking out paragraph (f) and inserting in lieu thereof the following paragraph:—
 - (f) prescribing rules of conduct and discipline to be observed by patients, officers and employees of the Board, superintendents and for the purposes of this Act members of the police force;;

and

- (c) by inserting in paragraph (n) after the word “institutions” the passage “, at premises approved by the Minister under section 29a of this Act and (with respect to the detention of persons pursuant to this Act) at police stations”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor