



**NSW POLICE SERVICE
Wagga Wagga Command**

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ISSUE:

Submission relating to the inquiry into the *Inebriates Act*, 1912.

BACKGROUND:

I have had dealings with attempting to deal with a person under the *Inebriates Act*, 1912 in recent times when I made application to the Wagga Wagga Local Court to have a treatment order made under that act for a female who had been diagnosed by doctors as suffering from alcohol induced brain damage. The application was made at the behest of a doctor from the Wagga Wagga Base Hospital and was granted after an appearance of the female before the Wagga Wagga Local Court.

There was no difficulty experienced in obtaining the order requested. The difficulties arose when a placement for the treatment of the female was sought within the public health system. Due to repeated difficulties in obtaining an order and the likelihood that the female would have to be kept in police custody over the course of a weekend when that was clearly not a suitable location for her the Magistrate who issued the order then rescinded the order as the order that had been made was impossible for police to comply with.

The difficulty arose when the Wagga Wagga Base Hospital refused to accept the person into the hospital on a temporary basis while a placement was located at a suitable hospital that could comply with the treatment order. I was informed that any hospital that took her, including Bloomfield Hospital in Orange and Roselle Hospital in Sydney, would not have attempted to keep her in the hospital if she did not wish to stay. The comment that was made to me by one health worker was that she 'would come in through the front door and be let out the back door'.

COMMENT:

The Act itself is quite old and is closely related to the now repealed *Lunacy Act*, 1898. In fact the institutions where inebriates were originally held while being treated were classed as 'lunatic asylums'.

Section 9 of the *Inebriates Act* is the section that relates to the placement of persons declared to be inebriates under section 3 of the Act. The difficulty is in finding a suitable placement that is prepared to undertake the treatment and care of inebriates. Members of the health department that I spoke to were of the opinion that they did not have the power to hold people for whom orders had been made treatment/placement on an involuntary basis.

Police I have spoken to have had very unsatisfactory dealings with the *Inebriates Act* and have either been unable to obtain orders from the Court due to the attitude of the Courts towards using such an old Act or because they have been, as the case above illustrates, been unable to find placement for the inebriate within the public health system.

The few exceptions I have heard about regarding finding placements for inebriates is where the person who has had a treatment order made against them has been aboriginal and the aboriginal community has agreed to accept the person within programs within that community.

Police in general are very hesitant to use the inebriates act because of the institutional memories regarding unsuccessful attempts to use the act to assist people who require help.

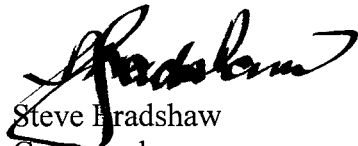
I have spoken to staff at the Drug and Alcohol Unit and they have requested that a copy of this report be forwarded to Inspector John Green of that unit for his information.

RECOMMENDATION:
Forwarded for information.

Tim O'Neill
Duty Officer
Wagga Wagga Police Station
14 November 2003

1. Commander - WAGGA WAGGA

Forwarded for your attention. This is an important issue for Policing and the community.


Steve Bradshaw
Commander
Wagga Wagga

2. The Director
Standing Committee on Social Issues
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

CC: Inspector John Green
Drug and Alcohol Unit
NSW Police

Daryl Maguire MP
Member for Wagga Wagga