

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 2nd Day of August 1966

CRIMINAL JUSTICE AMENDMENT BILL

Amendments Proposed by His Excellency the Governor-General

Clause 1: To insert, after subclause (2), the following subclause:

(2A) Section 5A of this Act shall come into force on the date of the commencement of the Alcoholics Act 1966.

To omit from subclause (4) the words "subsections (2) and (3)" in line 15, and substitute the words "subsection (2), (2A), and (3)".

New Clause

To insert, after clause 5, the following clause:

5A. Power of Court to order detention and treatment of alcoholic or drug addict on conviction—The principal Act is hereby further amended by inserting, after section 48, the following section:

"48A. (1) If, on the conviction before any Court of any person for any offence of which drunkenness or the taking of drugs forms a necessary element, or for any offence which is shown to have been committed under the influence of alcohol or drugs or of which drunkenness or the taking of drugs is shown to be a contributing cause, it appears to the Court or Judge that the offender is an alcoholic within the meaning of the Alcoholics Act 1966 or is a person to whom section 35 of that Act applies, the Court or Judge may, if it or he thinks fit, either in addition to or instead of imposing any sentence or making any order that the Court or Judge has jurisdiction to impose or make, make an order requiring the offender to be detained for treatment for alcoholism or, as the case may be, for drug addiction in an institution within the meaning of that Act.

"(2) No order shall be made under subsection (1) of this section, unless—

"(a) Two medical practitioners either give evidence to the effect, or give certificates in the form prescribed pursuant to the Alcoholics Act 1966 to the effect, that they believe the offender to be an alcoholic within the meaning of that Act, or, as the case may be, a person to whom section 35 of that Act applies, and that the making of such an order is expedient in his own interest or in that of his relatives; and

- “(b) The Court or Judge is satisfied that the managers or the superintendent of an institution, as the case may require, are willing to receive the offender in the institution.
- “(3) Nothing in this section shall derogate from—
- “(a) The provisions of any enactment providing that on the conviction of the offender any specified sentence or any specified minimum sentence shall be imposed or any specified order shall be made:
- “(b) The provisions of any enactment conferring any right of appeal against any sentence imposed or order made on conviction.
- “(4) The Alcoholics Act 1966 shall apply to every offender in respect of whom an order is made under this section as if it were an order made under section 8 of that Act.”

EXPLANATORY NOTE

Clause 1: These amendments are consequential on the proposal to insert a new *clause 5A* in the Bill.

Clause 5A: The new *section 48A* provides that on the conviction of a person for an offence of which drunkenness or the taking of drugs is a necessary element, or which is shown to have been committed under the influence of alcohol or drugs or of which drunkenness or the taking of drugs is shown to be a contributing cause, the Court, if satisfied that the offender is an alcoholic within the meaning of the Alcoholics Bill or a person to whom *clause 35* of that Bill (relating to drug addicts) applies, may make an order for detention and treatment for alcoholism or drug addiction. In this clause the description of such offences replaces the more limited terms of the present Reformatory Institutions Act 1909, but is similar to that already contained in section 10 of that Act, which relates to the powers of a Judge. The most important change in this provision is the requirement that an order cannot be made unless two medical practitioners certify that the offender is an alcoholic or, as the case may be, a person to whom *clause 35* applies, and that the order is expedient in the interest of the offender or of his relatives. This is a requirement in the case of an order under *clause 8* of the Alcoholics Bill.
