## Section of legislation

**s20 Assessment**

(1) If, under section 19 an adult is referred by the BDR Registrar for assessment, a clinician must take all reasonable steps to assess the adult for section 21.

(2) An assessment may be made in person or on the basis of information provided or otherwise available to the clinician.

(3) Following the assessment, the clinician must make a report of the assessment to the BDR Registrar, containing the following:
   (a) a recommendation as to whether a BDO should be made for the adult;
   (b) a recommendation as to any appropriate therapeutic support program for the adult.

(4) If, despite taking all reasonable steps, the clinician is unable to assess the adult within a reasonable time:
   (a) the clinician must notify the BDR Registrar accordingly; and
   (b) the application to which the referral for assessment relates lapses.

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**s26 Assessment of adults for treatment**

(1) On application by a banned adult, the BDR Registrar may refer the adult to a clinician for assessment for treatment.

(2) A clinician must take all reasonable steps to assess:
   (a) an adult who is referred under subsection (1) by the BDR Registrar for assessment; or
   (b) an adult who is subject to an order under section 12(2)(c)(ii) for assessment or treatment.

(3) An assessment may be made in person or on the basis of information provided or otherwise available to the clinician.

(4) Following the assessment, the clinician must make a report of the assessment to the BDR Registrar, containing a recommendation as to any appropriate therapeutic support program for the adult.

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**Meaning**

The BDR Registrar may refer a person for an assessment following the receipt of an application under the Authorised Persons Referral Pathway for a Banned Drinker Order (BDO) to be made.

The BDR Registrar MUST refer a person for an assessment following the receipt of an application from a family member, carer, guardian or public guardian.

The assessment is a clinical assessment to assist the BDR Registrar in making a decision about whether to make a BDO.

Clinicians within the assessing team must take all reasonable steps to assess the adult so that the BDR Registrar can make a determination.

This assessment can be done in person or based on evidence provided or otherwise available to the clinician.

A report must be made by the assessing clinician about the assessment and advise:

- Whether in the opinion of the clinician, the person is misusing or has misused alcohol and could benefit from a restriction on alcohol; and
- What, if any, therapeutic support program is best placed to manage this person's particular situation.

An assessment must be undertaken in a reasonable time. For the purposes of this Act, the assessment must occur within a month. If no assessment occurs, the clinician must advise the BDR Registrar that no assessment has been completed and the BDR Registrar will lapse the application and inform the referring agency.

The BDR Registrar may refer a banned person for an assessment by request.

This assessment can be done in person or based on evidence provided or otherwise available to the assessing clinician.

A report must be made by the assessing clinician to the BDR Registrar recommending what, if any, therapeutic support program is best placed to manage this person’s particular situation.
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<th>Meaning</th>
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<tr>
<td>s35 BDR Registrar</td>
<td>The BDR Registrar is a statutory role. The appointment is made by the CEO of the Department of Health.</td>
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<tr>
<td>(1) The BDR Registrar is: (a) the Chief Executive Officer; or (b) the person appointed under subsection (2).</td>
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<td>(2) The Chief Executive Officer may appoint a public sector employee to be the BDR Registrar, if the Chief Executive Officer is satisfied that the employee is suitably qualified for appointment.</td>
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<td>s36 Functions and powers</td>
<td>The BDR Registrar may do all things necessary or convenient in performance of their functions. The functions are conferred by the Act. For example, the referral for assessment under s20.</td>
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<td>(1) The BDR Registrar has the functions conferred on the BDR Registrar under this or another Act.</td>
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<tr>
<td>(2) The BDR Registrar may do all things necessary or convenient to be done for, or in relation to, the performance of the BDR Registrar’s functions.</td>
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<td>s37 Delegation</td>
<td>The BDR Registrar may delegate any of their powers and functions to a public sector employee.</td>
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<td>The BDR Registrar may delegate any of the BDR Registrar’s powers and functions under this Act to a public sector employee.</td>
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<td>s38 Record keeping</td>
<td>The BDR Registrar is required to keep records. At minimum, the record must include a record of:</td>
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<td>(1) The BDR Registrar must keep the records in relation to the performance of the BDR Registrar’s functions that are reasonable in the circumstances.</td>
<td>• The number of applications made to the BDR Registrar for a BDO,</td>
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<td>Note for subsection (1) See Part 9 of the Information Act for further requirements for record keeping.</td>
<td>• The number of BDOs made by the BDR Registrar,</td>
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<td>(2) Without limiting what records must be kept, records must include the following: (a) the number of applications made to the BDR Registrar for a BDO;</td>
<td>• The number of variations and revocations of BDOs made by the BDR Registrar.</td>
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<td>(b) the number of BDOs made by the BDR Registrar; (c) the number of variations and revocations of BDOs made by the BDR Registrar.</td>
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**Section of legislation** | **Meaning**
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**s39 Sharing information**<br>(1) A person who applies to the BDR Registrar for a BDO under Part 2, Division 4 may give the BDR Registrar any information about the adult to whom the application relates.<br>(2) A police officer or the BDR Registrar may give an information sharing authority any information about a BDO that is in force.<br>(3) The police officer or BDR Registrar may do so only if:<br>(a) the police officer or BDR Registrar specifies the BDO when giving the information; and<br>(b) the police officer or BDR Registrar believes on reasonable grounds that the information would:<br>(i) assist the information sharing authority to provide a service to, or perform a function relating to, the adult who is subject to the BDO; and<br>(ii) ensure the effective and efficient enforcement of the BDO.<br>Section 39 allows for information to be shared in certain circumstances. A person referring another person to the BDR Registrar under the Authorised Persons Referral Pathway may provide the BDR Registrar with any information about the adult the application is related to. This allows for lawful sharing of information about another person. A Police Officer or the BDR Registrar may provide information about a BDO that is in force to an information sharing authority. An information sharing authority is:<br>(a) a public sector employee who is acting under a law of the Territory in relation to a banned adult; or<br>(b) a licensee as defined in section 4(1) of the Liquor Act; or<br>(c) a legal representative of a banned adult; or<br>(d) a person or body prescribed by regulation. The Police Officer or BDR Registrar may only do so if they specify that it is in relation to a BDO when the information is shared, and the Police Officer or BDR Registrar reasonably believes that the information would assist in the provision of a service or assist the performance of a function relating to the adult subject to the BDO, and to ensure the effective and efficient enforcement of the BDO.

**s40 Restriction on use or disclosure of information**<br>(1) Subject to this section, an information sharing authority given information under this Division must not use or disclose the information for any purpose other than the one for which it was given.<br>(2) An information sharing authority given information under this Division may disclose the information:<br>(a) in a statistical form that does not identify the person to whom the information relates; or<br>(b) for the purpose of evaluating the effectiveness of the administration of this Act; or<br>(c) if authorised or required by another law in force in the Territory.<br>This section specifies when information is restricted or may otherwise be disclosed. An information sharing authority (as defined above) must not use or disclose the information for any other purpose than that for which it was given. Information may be disclosed in de-identified statistical form, for the purpose of evaluating the effectiveness of the administration of this Act or if authorised or required by another law in force in the Territory.

**s44 Protection from liability**<br>(1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as any of the following:<br>(a) the BDR Registrar;<br>(b) a clinician.<br>(2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.<br>(3) In this section:<br>**exercise**, of a power, includes the purported exercise of the power.<br>**performance**, of a function, includes the purported performance of the function.<br>The BDR Registrar or a clinician is not civilly or criminally liable for anything they do or do not do in good faith when exercising power or performing functions under the Act.

**46 Acts repealed**<br>The Alcohol Mandatory Treatment Act no longer exists and there is now no ability to mandate treatment or detain someone under that Act.