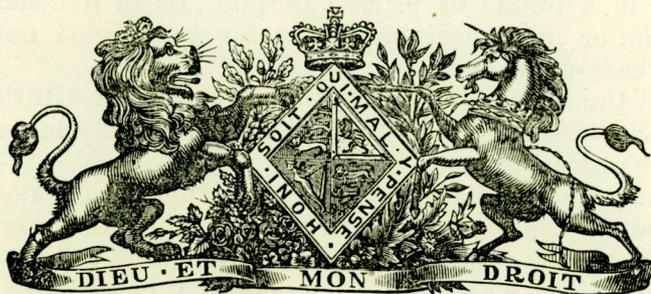


New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. 32, 1900.

An Act to provide for the care, control, and treatment of inebriates; and for purposes incidental to the above-mentioned objects. [Assented to, 10th October, 1900]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for a Judge of the Supreme Court or a Judge of any District Court, the Master in Lunacy, or any Stipendiary or Police Magistrate, hereinafter termed magistrate, on the application of—

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

A Judge or Magistrate, on application, and after evidence of medical practitioner, and on inspection, may make an order as to control of inebriate.

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Inebriates.

- (b) the husband, or wife, 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 sub-inspector 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 a justice of the peace,

and on proof to the satisfaction of the Judge, Master in Lunacy, or Magistrate, that the person in respect of whom the application is made is an inebriate, to order—

- (d) that the inebriate be placed 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 a licensed Institution, or in a receiving house for any period not exceeding twenty-eight days; or
- (e) that the inebriate be placed in a licensed Institution for such period not exceeding twelve months as may be mentioned in the order; or
- (f) 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 Judge, Master in Lunacy, or Magistrate making the order:

Provided that no such order shall be made except—

- (g) 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
- (h) on personal inspection of the inebriate (where the application is to a Judge or the Master in Lunacy) by the Judge or Master in Lunacy, or by some person appointed by him in that behalf, or (where the application is to a Magistrate) by the Magistrate.

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.

The inebriate shall be afforded an opportunity of being heard in objection. The Judge, Master in Lunacy, or Magistrate may direct that the inebriate shall be brought before him in Court or in Chambers.

Inebriates.

2. 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 Judge, Master in Lunacy, 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.

3. Where an inebriate has thrice within the preceding twelve months been convicted for an offence of which drunkenness is a necessary ingredient, it shall be lawful for any Court of Petty Sessions to order that the inebriate be placed for such period of not less than six or more than twelve months, as may be mentioned in the order, in any Institution which may be established by the Government for the reception, control, and treatment of inebriates so convicted; and on the order of a Judge of the Supreme Court, or of a District Court Judge, or of the Master in Lunacy, such period may from time to time be extended for further periods not exceeding twelve months each.

Court of Petty Sessions may make an order in case of an inebriate frequently convicted of drunkenness.

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 hospital, or private house, under the supervision of the police.

4. The Judge, Master in Lunacy, or Magistrate 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 in any court of competent jurisdiction.

Judge or Magistrate may make order as to property and treatment of inebriate.

5. (1) Where it is proved to the satisfaction of the Supreme Court in its Lunacy jurisdiction, or a Judge thereof, that any inebriate the subject of an order under this Act is incapable of managing his affairs, the Court or Judge 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

Court in Lunacy jurisdiction may make orders as to property of inebriate who is incapable.

Lunacy

Inebriates.

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.

Directions may be given, and orders varied, renewed, or rescinded.

6. The Judge, Master in Lunacy, or Magistrate making an order with respect to an inebriate may give such directions as he thinks fit as to the control of the inebriate, and may vary, renew, or rescind any order or direction made by him.

The Supreme Court in its Lunacy jurisdiction or a Judge thereof in Chambers may give such directions as may be thought fit as to the control of any inebriate the subject of an order under this Act, and may vary, renew, or rescind any order or direction made under this Act.

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

7. The order of a Judge or Magistrate or Master in Lunacy 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 five pounds.

Inebriate not to leave the Colony.

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

Inebriate escaping from custody may be arrested.

9. 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.

Inspector-General of Insane and other officers to inspect places where inebriates are under control.

10. It shall be lawful for the Inspector-General of the Insane, or such person as he may depute, to inspect any inebriate the subject of an order under this Act and any place where an inebriate is under control, and he, or his deputy, 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 this Act to compel the inebriate to comply with the directions of such order.

Inebriates.

11. 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 ten pounds.

Person supplying inebriate with intoxicant liable to penalty.

12. It shall not be lawful for any person, except by permission of the Judge, Master in Lunacy, or Magistrate adjudicating, to publish a report of any proceedings under this Act, and no report published in contravention of this section shall in any action for defamation be deemed to be privileged.

Proceedings not to be published without permission.

13. The Judges of the Supreme Court, or any three of them, may make rules—

Judges may make rules.

- (a) for regulating the form and mode of proceeding under this Act before the Court, or a Judge, or the Master in Lunacy, or a Magistrate;
- (b) for carrying out the provisions of this Act so far as they relate to the powers or duties of the Court, or of a Judge, or of the Master in Lunacy, or of a Magistrate;
- (c) for directing the Inspector-General of the Insane, or such person as he may depute, to visit any inebriate the subject of an order under this Act, and to report to the Master in Lunacy upon the health and general condition of the inebriate; and
- (d) for directing that any fees and expenses connected with such visit be paid out of the estate of the inebriate.

14. The Governor may license Institutions for the reception, control, and treatment of inebriates, and may make regulations—

Governor may license institutions for inebriates and may make regulations.

- (a) for the issue and revocation of such licenses;
- (b) for the regulation, management, and inspection of licensed Institutions, and of Institutions established by the Government;
- (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; and
- (e) for carrying out the provisions of this Act;

and may in these regulations impose any penalty not exceeding fifty pounds for any breach of the same. All such regulations on being published in the Gazette shall have the force of law, and shall be laid before both Houses of Parliament.

15. All penalties imposed by this Act or by any regulations made thereunder may be recovered before any Court of Petty Sessions.

Recovery of penalties.

Inebriates.

Definitions.

16. For the purposes of this Act—

“Inebriate” means a person who habitually uses alcoholic liquors 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.

Short title.

17. This Act may be cited as the “Inebriates Act, 1900.”

These Memoranda were originally attached to the Bill before it became law.

THE Honorable J. M. Creed, in view of the action proposed on the recommendation of the Comptroller-General of Prisons, has suggested an additional clause to be added to his Bill dealing with repeatedly-convicted drunkards. In such cases it is considered that a medical certificate might in some remote places be difficult to obtain, and that legal proof having been furnished of the necessity for the control of such inebriates expert evidence of the subject's condition would not be required either in the public interest or for the protection of himself.

The new clause reads as follows:—

“In the case of an inebriate who has been convicted of drunkenness three times within the previous twelve months, two justices sitting in petty sessions may commit the inebriate to an institution for a period of not less than six or more than twelve months. And on the order of a Supreme or District Court Judge, of the Master in Lunacy, a Stipendiary or Police Magistrate, such period may be extended for further periods not exceeding twelve months each. The justices making such committal may, if it be necessary for the immediate medical treatment of such inebriate at or near the place of committal, direct that he shall be so treated in a gaol or lock-up, a hospital or private house, under the supervision of the police for so long as may be necessary to render him physically fit to travel to the institution to which he has been committed.”

SYDNEY DAILY TELEGRAPH.

THE PROPOSED INEBRIATE ACT.

DR. CREED, who is the framer of the Bill to provide for the care, control, and treatment of inebriates, which he recently introduced into the Legislative Council, afforded some interesting particulars with reference to that measure at an interview with a representative of this journal yesterday. In reply to the first question, “Do you think the necessity for passing such a measure at the present time is really imperative?”

Dr. Creed said, “No person having ordinary experience can doubt the necessity which exists for some law which would enable the relatives and friends of persons taking alcoholic liquors, or using narcotic drugs, to such excess as to threaten not only themselves, but all dependent on them, with ruin, to so control the victims of these habits as to help them to a happy future. At present, however conscious we may be that an otherwise worthy and estimable man may be bringing destitution on himself and misery to every one connected with him, we have no means of controlling him, unless we treat him as a criminal, and to put this brand upon him, all who love or esteem him are naturally extremely reluctant to do. With the power sought to be conferred by this Bill it would be easy to save many who without it will drift on to destruction. In many cases the loss of self-control and feebleness of will is so great that a person who with the greatest emotion will acknowledge his weakness, and make the most fervent and heart-felt promises of abstinence, will within an hour break them all, when, if he could have been restrained for a few days, he would have been able easily to keep them.”

“Are you now speaking from the results of your own professional experience?”

“Yes; and it is similar, except, perhaps, in being more extensive, to the experience of all members of the medical profession who have given special attention to this unfortunate class of sufferers. Many persons who, when not under the influence of the particular intoxicant to which they are slaves, are in every way estimable, become when subject to it, the most weak-willed and contemptible of beings, vicious, immoral, liars, thieves, violent, and even dangerous to those who in their sober moments they love best. Though I do not for a moment believe that with the provisions in the Bill I have introduced any abuse could occur, would it not be justifiable to run some little risk to obtain power to rescue so many otherwise lost men and women? I have been defeated when on the very threshold of success by a patient who has been in every way desirous of rescue, but absolutely incapable, by his own will, of resisting the craving for drink or narcotic, which always exists at the commencement of abstinence after heavy drinking. Control during the comparatively short period over which this torture (and I am not exaggerating when I say ‘torture’) exists, would render the patient fit to be at large, if on any sign of a relapse it were practicable to again place him under control for a short time. The social ill effects of alcoholism are, I think, much worse than those of the habitual use of morphia or cocaine; but in my experience the sufferer from alcohol is more easily and rapidly rescuable than the victim of drugs. With the power given by this Act, my experience assures me that at least 80 per cent. of dipsomaniacs can be permanently cured.”

“But,

"But, being so convinced of the evils of drink, how is it that you are not an advocate of prohibition?"

"Because, although I am of opinion that without alcohol as a beverage society would be far better, I believe general prohibition to be impracticable, and that if the sale of liquors were prohibited, the evil would still exist to as great an extent as ever, in a worse form. I would continue to legalise the sale of liquors, but under such conditions as would ensure their good quality, and render excess as difficult as possible. With prohibition, experience has shown that traffic in liquor still goes on, but without control as to quality, and thus a man who might not be injured from what he drank if the alcoholic liquor were good would suffer greatly from the deleterious stuff with which he would be surreptitiously served. Prohibition is felt by many who are in no way drunkards as a social tyranny, and it would be likely to produce in such men a spirit of rebellion, which would impel them to assert their independence by getting liquor *sub rosa*, and often by taking more than under ordinary conditions they would feel inclined to do. To say that the absence of facility to obtain liquor would save a man who is an alcoholic subject from getting drunk, is, from my professional experience, absurd, for when the craving is present drink alcohol they will; reason has no power; the prospect of the direst consequences no terror. Get drunk they must with good liquor if obtainable, with anything intoxicating if it is not. Cases within my own knowledge show that taste has little to do with it, and that the gratification obtained is not in the swallowing of the drink, but in the effect produced. Men naturally refined, when compelled by alcoholic craving, if ordinary drink is unobtainable, will swallow anything. I have known more than one man of the highest intellect who drank the methylated spirits from specimen bottles in which snakes and lizards had been preserved for months, if not years. Many women in the highest degree estimable, with the exception of the one sad failing, will take scents of all kinds, eau de cologne being generally chosen. I myself have had the 'tip' given me that if ever I wanted a drink as badly as the speaker, if whisky was not to be had, to 'try tricopherous; it is a great deal better than lamp spirit.' This 'application for the hair,' composed of alcohol and castor oil, I found on inquiry was the beverage which had produced the drunken condition in which I found him. I have known spirit varnish to be taken for the same reason. With these facts before us, what would it avail to close licensed public-houses, only to bring into existence unlicensed drinking shops? Where can we find an instance of greater degradation of a great intellect—one of the greatest scholars of his time—than the case of Porson, professor of Greek at the University of Cambridge, who killed himself by drink at the age of 49? It is related of him that, in default of anything better, he drank spirit kept for use in a lamp, and that when he saw a search being made in a house he was visiting for a liniment required for use, he exclaimed, 'I drank it an hour ago.' These may be thought to be exceptional cases, and perhaps they may be; but similar ones are by no means rare, and there are plenty pretty much like them occurring daily in New South Wales."

"The Bill appears to be very comprehensive in its application to various classes of inebriates. Do you think it possible that the powers conferred under it can be exercised so as to improperly interfere with the liberty of the subject?"

"I think the precautions I have introduced into the Bill will render any abuse of its purpose practically impossible. Action under it cannot be commenced by any busybody who might think he would be acting philanthropically if he brought some person with whom he had no direct connection under its provisions. Only some near relative or business partner can, under well-defined conditions, make direct application, which must be made to a Judge, either of the Supreme or District Court, or to a Stipendiary or Police Magistrate, who may make an order after having heard evidence and inspected the patient, the Judges, either personally or by deputy, the Magistrates personally only. It is necessary to give this power to Stipendiary and Police Magistrates to meet cases which occur in the country, where for months at a time it might be impossible to obtain the authority of a Judge, the case possibly being extremely urgent. They already have power to send any man to gaol who gets drunk, and if he is convicted three times in 12 months, they can imprison him for six months; it is, therefore, no extension of authority to empower them to place a drunkard under benevolent restraint on fitting evidence of its necessity. They have also the power under the 53rd section of the Licensing Act to prohibit publicans from supplying an inebriate with liquor for 12 months, and to renew this order so long as the case justifies it. I have frequently made what use of this power is possible, several times having sent the man himself to make the application for the order. In the country, where the person is known, and when he does not possess a horse which would enable him to go away from his own district, it is sometimes effective, but in large cities it is useless, as only a publican who has a copy of the order served upon him is liable to punishment, even if he personally knows the man, and is asked not to serve him. Even if it were practicable to serve it on all the licensees in Sydney and other large centres of population, how many would recognise the man if he required to be supplied
with

with liquor? I know of cases where a poor wretch, having been brought under the operation of this section, has left his usual haunts, in which the publicans had been served with a copy of the prohibition order, and, followed by a wife or child, has sought others who were not, and though warned by his relatives, persisted in serving him with what he asked for, laughing at the idea that they should refuse. One incident, or, rather, series of incidents, which happened, many years ago in a country town, is, though very sad, almost ludicrous in its absurdity. At my instance two doctors who practised in it were placed under the usual interdict, and so far as preventing them directly purchasing alcoholic drink, it worked well, for they were well known, and the order was willingly obeyed. These gentlemen, however, with the inherent cunning of dipsomaniacs, craving liquor, easily got round the efforts to save them. One would lie in bed, the other would visit him professionally and order brandy as a medicine; this would be shared, when the characters assumed of doctor and patient would be reversed with a similar result. They were both skilful kindly men, who were much beloved, but both died very soon, killed by liquor. I see by the papers that on Monday a prohibition order was made at one of the suburban police courts in the case of a man drinking to excess. I fear, however, it will have little effect."

"In framing your Bill, have you been largely guided by precedents—by the result of legislation elsewhere?"

"I have not slavishly followed previous legislation, as it has not been effective. In most cases elsewhere no action can be taken except on the initiative of the dipsomaniac himself, and but few have the self-reliance or sense of duty to do what is necessary for themselves. To be of real advantage any law must contain provision for action to be taken by some other person, if it is proved necessary, without the previous assent of the victim of intemperance. This is done in ordinary cases of lunacy; why should it not be in the madness of drink? It is hypercritical to object to similar action being taken in both cases. Habitual drunkards no doubt might be certified to as lunatics, but we are reluctant to place this stigma on anyone who, if kept from drink, will be sane in a week. I have also taken a new departure by providing that a person may be placed under the charge of an attendant without being confined in an institution. In this way many sad cases might be controlled, in which the sufferers would have to be left to perish without it. To take a professional or business man away from his work might as completely and even more rapidly ruin him, and those dependent on him, than if he were left to get drunk nightly, whilst the very fact of there being power to attach a 'shadow' to him, who would prevent anyone supplying him with liquor, would in many instances be a sufficient inducement to make him leave off drink without such coercion."

"You provide that any person who supplies an inebriate with liquor, or any drug, or instrument which he might use for the purpose of creating intoxication, shall be liable to punishment?"

"Yes; this is necessary, because, without it, some kind, but weak, person might yield to the pleadings—often most distressing—of the inebriate, and, by giving him what is forbidden, seriously delay his recovery. The instrument especially indicated is the hypodermic syringe; the drugs are opium, chloral, Indian hemp, morphia, cocaine, chloroform, ether, &c. But it is necessary not to be too definite, for, from time to time, new drugs may be used, of which at present we have little, if any, knowledge. Of those I have named, chloral has been used as an intoxicant for little over twenty-five years, and cocaine less than twenty."

"Have you considered the extent to which the Bill is likely to affect our criminal statistics, if its operation is widely applied?"

"If the measure is generally carried to its logical conclusion, it must in time largely affect the criminal, lunacy, and pauper statistics of this Colony. The best intellects of our time, which have made the consideration of this most important of all social problems a special study, are unanimous in their opinion that it is simply criminal ignorance to continue to treat drunkenness as a crime, when there are known scientific methods of dealing with it successfully—of curing it absolutely in many cases, as I have been, and am doing, even without the aid which this Bill would give, and of preventing continuous outbreaks by the use of healthy substitutes for alcohol at the right time. I have not the statistics of the official classification of criminal offenders in this Colony by me just now, but I venture the opinion that more than 50 per cent. of them will be found set forth under the head of 'drunkenness.' This is, of course, easily ascertainable. There is also another important aspect of this matter which should be considered. The intemperate use of alcohol is undoubtedly in many instances the prime cause of some of the worst crimes known to humanity, and it is therefore only reasonable to suppose that by dealing with it scientifically the actual criminology of the community, apart from the so-called crime of drunkenness, would be proportionately affected. The consideration of this question and other incidental issues, is, however, too large an order to undertake at a casual interview of this kind."

"Is

"Is there anything more you would like to say upon this subject?"

"Well, not to-day; but if anything more occurs to me, or if you or your readers wish for any further information with regard to the Bill and its probable results, I shall be glad to afford it at any time, and if any persons who are interested will communicate with me, I shall be pleased to forward them a copy of the Bill, and shall be glad to consider any suggestions."

November 26, 1897.

SYDNEY DAILY TELEGRAPH.

TREATMENT OF INEBRIATES.

To the Editor.

Sir,—It is with much satisfaction I learn from your columns the intention of the Government to establish an inebriate institution on an island in the Hawkesbury River, of which, however, I have no personal knowledge. I also see that apparently it is only intended to utilise a portion of the island for that purpose. This, I submit, is a mistake, as to secure easy and complete control it will be necessary to fence off with a high fence one part from the other, which, besides being less secure, will perpetuate the appearance of a prison, instead of what under the changed conditions should not only be, but have the appearance of being, a retreat for the security and treatment of persons the victims of disease. If an entire island is made use of no fences will be necessary, and the required isolation can be easily maintained. This is perhaps a detail which can well be left to the future. Before, however, any scheme can be brought into work, legislation is necessary, and so long ago as November of last year I commenced to take action in this direction. My Bill, to which you refer, if adopted in its main principles by Parliament, will meet the case of the class to which the present action of the Government relates—that is, to relieve the police courts from the continuously repeated necessity of dealing with chronic drunkards, and the prisons from the necessity of carrying out the almost innumerable short terms of imprisonment to which they are sentenced. It will also go far beyond this in the direction that all who have thought out the subject must most strongly desire, that is, to aid in the reform of the many in every other way worthy men, who are ruining themselves and those dependent on them by their craze for alcohol or narcotic drugs; this being in some almost constant, in others only intermittent. In my opinion to ensure this reformation it is in a very large proportion, if not in the majority of cases, unnecessary to confine the subject for long periods in an institution, though it is unquestionably essential to have this power in reserve for the treatment of those cases in which it may be found requisite by the failure after trial of the less stringent provisions. I am also of opinion that the absolute control and very considerable isolation which subjects confined in a retreat for perhaps twelve months endure renders the complete release from all supervision and sudden friction with the ordinary life of the world at the termination of the period a dangerous trial to them, and I fear many would succumb.

What I desire to see established, in addition to retreats giving absolute control in those cases necessitating it, is a place where a victim of alcoholism could be placed under treatment and such control, whilst permitting him to follow his ordinary business, as would necessitate his returning every night and permit of his restraint immediately on the slightest appearance of the craving. In this way at the end of the period of treatment there would be no sudden change from absolute control to complete absence of restraint, but the subject would gradually, amidst his ordinary surroundings, acquire the self-reliance which would follow the knowledge gained by experience not only that he could carry out his ordinary duties without resort to alcohol, but that he could do it better. A very large number of cases would not need even the resort to such a retreat as is sketched out above, but might be placed under the control of some person or persons whilst continuing to reside in their own or in a friend's house. In those cases, in which the means of the inebriate permitted it, paid attendants would be the best, in others some friend or member of the family might be unselfish enough to take him in charge. The duty of such an attendant would be to warn any person to whom the subject might apply for liquor that it must not be supplied to him, to point out that anyone doing so would be prosecuted and punished, and to ensure generally a regular mode of life in other ways, so as to avoid the associations which had, perhaps, tended to keep up the drink habit.

It is with the idea of rendering practicable all the methods I have briefly summarised that I have drawn up my Bill, and I think that whilst it thoroughly safeguards the persons who may become subject to its provisions from any oppression or abuse, it is all sufficient to place the drunkard under the most favourable conditions for recovery from his mania, and this is the object to be desired, not only for the sake of himself and his immediate friends, but in the interest of the public, of whom, if kept sober, he would probably be a valuable unit. Many persons have come to the conclusion that when a man has
become

become a confirmed drunkard recovery is so rare as to be practically impossible. My own experience, however proves differently, for during the years in which I have paid especial attention to dipsomania I was at first astonished at the remarkable success which attended the treatment of such cases on the lines I have suggested, and this in spite of the fact that I had, and have now, no means of coercion at even the most critical moments. That my subjects were continuing their ordinary life, with their usual surroundings, often financially embarrassed and worried by immediate pecuniary need, and that being in most cases men of high sensibility, suffering acute mental torture from their realisation of the consequences of their disease, which, however, they considered their former follies. I am confident that with the power to restrain for at the most a few days at the very commencement of any threatened relapse, a permanent cure could be confidently depended on in 90 per cent. of cases of dipsomania. Men now quoted as high authorities in their own branches of science or business were, before treatment on the lines I have sketched out, mental and physical wrecks, apparently irrecoverable. Other cases having every prospect of cure have, however, failed, because at the critical moment there existed no means of prompt control which would have protected them from themselves.

All the other Australian Colonies have Acts which provide for the establishment, licensing, inspection, and management of institutions for the treatment of inebriates. None of them, however, make any provision for the treatment or control of such subjects anywhere but in such retreats, and make confinement in them for a lengthened period a necessity. This, I submit, in the majority of cases is a mistake, for except in some few instances I think treatment and control whilst the patient continues his ordinary calling very preferable and likely to be more permanently effective. The worst inebriate, kept under supervision, and subject to prompt control when restraint is really necessary, has but periods of irresistible craving, with longer intervals in which this terrible sensation is absent. During the former, restraint is essential; during the latter, a mistake, as tending to prevent the growth of self-reliance, and being both galling and unnecessary.

The public may fairly expect cordial co-operation by those in whose province the power lies, in the creation of a practical law at as early date as possible which will enable effective action to be taken for the rescue of the inebriates in our midst.—Yours, &c.,

JNO. M. CREED.

Legislative Council, September 19, 1898.

THE SUNDAY TIMES.

(Sunday, September 18th, 1898.)

PROPOSED INEBRIATE ASYLUM—CAPTAIN NEITENSTEIN'S SCHEME—CASUAL AND HABITUAL DRUNKARDS—
FIRST INEBRIATE ASYLUM IN THE WORLD—ESSENTIALS TO SUCCESS.

In last Sunday's issue we announced the reservation of Long Island, on the Hawkesbury, River, as a site for an inebriate asylum. This action may be regarded as having been taken in pursuance of the recommendation of Captain Neitenstein, the Comptroller of Prisons, who in his last annual report referred to the necessity for establishing such an institution.

Rational treatment requisite.

In regard to this matter the Comptroller said: "This will substitute more rational treatment for habitual drunkards than is now the case. Prison life is no good for these people (habitual drunkards), as is generally admitted. The institution will be an asylum or hospital rather than on prison lines, and it is suggested that the control be placed in the hands of a medical specialist, supervised by a Board of Visitors, composed of the Comptroller-General of Prisons, the Chief Medical Officer, and the Inspector-General of Insane.

"Commitment should be for an indefinite term, but in no case would an inmate remain for more than three years. Penalties would be provided to punish persons illegally interfering, communicating, or otherwise molesting the inmates, or assisting or inducing them to escape, or harbouring them after escape, and inmates improperly absent without leave would be liable to arrest and extra detention.

"After a sojourn of twelve months the Board should have the power to liberate any inmate on license by finding of sureties, or on his own recognizance, or absolutely. Where not released absolutely a relapse into drink would ensure further institutional detention."

A pleasant place.

"The asylum should be a pleasant place, amidst pleasant surroundings, and should contain within its grounds ample opportunities for cheerful outdoor work, vegetable and floral gardening, various industrial occupations, gymnasia, swimming and other baths, library and recreation hall, church, refectory, and the necessary quarters, sleeping accommodation, and offices. "Where

"Where the patients friends were of good repute visits should be freely allowed, and there should be every facility for letter-writing. In some cases leave might be allowed, and there would be no reason why inmates might not be allowed to send a portion of their earnings—derived from occupations in the asylum—to their families.

"Where persons were found to be able to contribute, the committing magistrate would make an order on their estate for such payments, but no difference would be made in their treatment. Such latter persons might, however, be handed over to any private inebriate retreat which might be established for paying patients; but all such patients would come under provisions of the Act, and the supervision and control of the Board of Visitors."

It seems a reasonable contention that the prison authorities should be represented on the proposed Board of Visitors, seeing that under the present system such large number of the inmates of the gaols consist of habitual drunkards, and that one of the objects of establishing such an institution as an inebriate asylum would be to relieve the gaols of this class of prisoners, not only in the interests of persons affected with the alcoholic mania, but as a means facilitating the working of the penal establishments.

How to deal with casuals.

The carrying out of the scheme would not, of course, get rid of the necessity for dealing with casual drunkards, who form a totally distinct class from the habituals, although the ranks of the latter are necessarily being constantly recruited from those of the former. To show the necessity for some alteration of the existing system, it is pointed out that on May 1 last year there were in Biloela Gaol six men whose convictions averaged 104 each, and six women who averaged 160 each. One unfortunate had been sent to prison on no less than 351 occasions.

The establishment of these two institutions would necessitate a classification so as to distinguish between casual and habitual drunkards, and it is suggested that after a certain number of appearances before the Courts a person might be deemed a habitual drunkard, liable to detention in the asylum. A knowledge of such a provision would probably have a salutary effect upon the conduct of persons of drunken habits.

A scheme for dealing with casual drunkards which would obviate the necessity for their being sent to the ordinary gaols was also outlined in the Comptroller-General's Report, and the establishment of a separate penitentiary for this class of persons has been sanctioned by the Government, and a site for the purpose has been approved of.

It is not now for the first time that this subject has pressed itself upon the attention of the prison authorities. The present Comptroller-General referred to the matter in his first Annual Report for the year 1896, when he pointed out that the manner in which drunkards are dealt with is wholly unsatisfactory. Men and women afflicted with the disease of habitual drunkenness are ignorantly dealt with as criminals, and the abortive treatment to which they are in consequence subjected is neither deterrent nor reformatory. Scores of these poor creatures (it was significantly remarked) spend years of their unhappy lives in moving backwards and forwards between the public-house and the prison.

Liberty of the subject.

In reply to the objection raised by many well-meaning people that the liberty of the subject would be unduly interfered with, it is shown that precisely the same objection would apply to the incarceration of the insane, who are detained in special establishments away from their relatives until cured; and as to the objections that much misery would be caused to families by the removal of their breadwinner, the answer is obvious, that a habitual drunkard possesses little value as the support of a home, and his temporary absence would not diminish the family earnings, or the family comfort.

In connection with the whole subject there is a phase of voluntary surrender by an inebriate, or his friends, to the seclusion and restraint of an asylum, a subject to which Dr. Creed's Bill, previously explained in our columns, expressly applies.

There is, however, some danger in mixing up the two classes of cases, and it seems evident that they will have to be dealt with distinctly. The Government institution, when established, will take over the large number of cases which are at present treated as criminals, and apply reformatory treatment to them, whilst Dr. Creed's Bill would mainly be useful in intercepting those who have not yet fallen to that level, and arresting their downward course. Many of the clauses in Dr. Creed's Bill would, however, be doubtless found useful in supplementing the treatment of quasi-criminal inebriates.

The

The Pioneer Asylum.

One cogent reason for placing a State inebriate asylum under control of an independent Board is the danger attendant upon its being subjected to political influence. An instance of this is afforded by the history of the first inebriate asylum in the world, which was organised by Dr. J. E. Turner, of Maine, U.S.A. In 1846 this gentleman became interested in the work. He recognised the nature of the disease of inebriety, and the need of hospital treatment. After eight years of persistent effort he, in the face of great opposition, succeeded in enlisting the attention of many eminent medical men, and formed a company to build an inebriate hospital with the late famous surgeon, Dr. Valentine Mott, as president. Laws were passed giving power to hold inmates, a charter was granted, and nearly £10,000 subscribed for the grounds and building. Ten years later, in 1864, a magnificent building was completed and opened for patients at Binghampton, New York. Later a fire destroyed part of the building, which was soon after rebuilt. Then the Board of Trustees became involved in a controversy with the founder, Dr. Turner, resulting in his retirement, and placing the hospital in the care of the State. Passing into the management of politicians its history was a series of misfortunes, until finally it was changed into a chronic insane asylum.

Notwithstanding the misfortunes of the first hospital and its founder, a large number of similar places have been organised and managed with success. Over fifty different hospitals for inebriates have been established in America, more than thirty of which are in successful operation.

Necessity for Restraint.

The treatment of an inebriate asylum consists of preventing the patient from drinking alcoholics during the time the irresistible impulse lasts. If he is held only by his honor, and is treated as a "boarder" on parole, there is no need of asylum walls. Inebriate asylums are of the most benefit to that class of drunkards who do not want to reform, and obstinately refuse to assist in their own reformation. If they are forcibly prevented from obtaining alcoholics they must keep sober whether they want to or not.

To punish the inebriate as a criminal cannot cure his inebriety, but it always unfits him for living a temperate, healthy life hereafter. To attempt a cure by faith and prayer is to depend on false hopes, the failure of which is followed by increased degeneration. To attempt any form of treatment without knowing any other fact except that the victim drinks to excess is always to blunder and fall.

It is evident, in fact, that a consensus of medical, scientific, and philanthropic opinion has established the conclusion that the time has come to recognise the physical conditions which enter into all cases of inebriety, and to apply exact remedies along the line of Nature's laws and forces. For this reason it is to be fervently hoped that nothing will occur to prevent the early realisation of a much-needed reform, both as regards the carrying out the scheme for the establishment of a State-controlled inebriate asylum in the neighbourhood of Sydney, and the enactment of legislation to deal with the disease of inebriety, based upon progressive, enlightened, and humane principles.

EXTRACT FROM REPORT OF COMPTROLLER-GENERAL OF PRISONS FOR YEAR 1896.

7. *Habitual Drunkards.*

The manner in which drunkards are dealt with is generally admitted to be unsatisfactory. Men and women afflicted with the disease of habitual drunkenness are ignorantly dealt with as criminals, and the abortive treatment to which they are in consequence subjected is neither deterrent nor reformatory. Scores of these poor creatures spend years of their unhappy lives in moving backwards and forwards between the public-house and the prison.

It is no uncommon thing to find over fifty convictions recorded against one of these unfortunates. Could anything show more plainly the utter uselessness of the present system? Indeed, that is generally admitted; but, although reform is much talked about, it has been found impossible to get beyond the talking stage.

There is another aspect of this question which deserves attention: The constant stream of drunkards flowing into the gaols is at once most inconvenient and expensive. Their presence is embarrassing, and interferes considerably with the arrangements for properly accommodating the more legitimate prisoners. In Darlinghurst alone, a huge army of drunkards and vagrants, owing to drink, march into prison, many of them in a filthy, diseased, and verminous condition, forming at once a danger to the cleanliness, order, and usefulness of the gaol. No possible good is done by their incarceration. Their sentence of two, or seven, or fourteen days, or whatever it may be, simply patches them up in preparation for another bout of drink, and so the miserable game proceeds, costing much money and doing no good.

From

From a prison point of view, the removal of this class would offer great advantages. The accommodation now occupied by these persons could be applied to the separate housing by night of prisoners who now, from want of room, have to be associated, while the sanitary condition of the gaol, together with its reformatory and industrial opportunities would indubitably benefit.

It is not easy to hit upon remedial measures which are free from objections of some kind. It is no doubt due to this difficulty that the present system owes its continuance. To deal effectually with this matter, new ground will have to be broken, and some purely experimental steps undertaken. Objections will no doubt be raised, but they should not be allowed to obstruct reform. The first thing should be to take habitual drunkenness out of the category of crime, and class it as a disease requiring medical rather than prison treatment. This being recognised, a course of treatment might be instituted, involving detention, more or less prolonged, in an inebriate reformatory situated some distance from any large centre of population.

The establishment should not present a prison appearance, nor should it cost much money to build. Properly-classified dormitories, subdivided into cubicles so that each inmate would have a room to himself; a large refectory, which would also serve as a lecture and recreation hall; a well-stocked library, together with work-rooms, hospital, officers' quarters, and the necessary offices, would comprise the internal arrangements. Outside should be a large area of ground, suitable for floral, fruit, and vegetable gardening, dairy work, agriculture, poultry and pig farming, and any practicable outdoor work. A playing-field and swimming-bath would be attached. Opportunity would be offered for good wholesome work, as much in the open air as possible, and there would be ample time given for recreation, education, and moral and religious instruction. A special staff of officers would have to be selected, fitted by education and temperament for the work, and the general superintendence should, I think, be placed in the hands of a resident medical officer. An independent Board of Visitors would visit at uncertain times and report to the Minister having administrative control. The inmates, or more properly speaking, patients, would be habitual drunkards. Here would crop up a difficulty in definition. It would perhaps be well not to proceed too drastically at the beginning. Probably after a certain number of appearances before the Courts a person might be deemed an habitual drunkard, liable to detention in the Reformatory. Such detention should not be for less than one year. No possible good could be effected in less time with such cases. After twelve months any patient would be eligible for discharge, either on probation or absolutely, and in no case should the time of curative detention exceed three years.

These conditions are no doubt of a stringent character; but the disease requires heroic treatment. Probably well-meaning people would cry out that the liberty of the subject is being unduly interfered with. Precisely the same objection would apply to the incarceration of the insane, who are detained in special establishments away from their relatives until cured. Again, it will probably be urged that much misery would be caused to families by the removal of their bread-winner. But seriously considered, an habitual drunkard possess little value as the support of a home, and his temporary absence would not diminish the family earnings or the family comfort. Besides, the patient could freely communicate by letter with his near relations, enjoy visits from them, and even in special cases be allowed occasional holidays under their care and responsibility, while from the proceeds of his labour he would be able to contribute towards their support.

The remarks made are equally applicable to female prisoners. It seems to me that such a system is capable of effecting great moral reformation and of conferring the necessary stimulus to enable this terrible mental disease to be overcome. I trust that whatever else may be effected in connection with prison reform this subject may be speedily dealt with. To continue the present useless and costly system would be indefensible.

EXTRACT FROM THE REPORT OF THE COMPTROLLER-GENERAL OF PRISONS
FOR THE YEAR 1897.

Drunkards and habitual vagrants continue to come and go under existing prison conditions, from which they derive little or no benefit from a reformatory point of view. Some practical change in present methods is urgently required. I have already outlined a plan for dealing with this class of persons, and you have sanctioned a sum being placed on the Estimates for the construction of a penitentiary for vagrants and casual drunkards, and of an inebriate asylum for the habitual drunkards. The sites proposed for these establishments are healthfully and conveniently situated, and it is earnestly to be hoped that nothing will occur to prevent the early realisation of a much-needed reform. To show the necessity for some alteration, it is pointed out that on the 1st May of the present year there were in Biloela Gaol six men whose convictions averaged 104 each, and six women who averaged 160 each. One unfortunate had been sent to prison on no less than 351 occasions.

3. *Inebriate Asylum.*

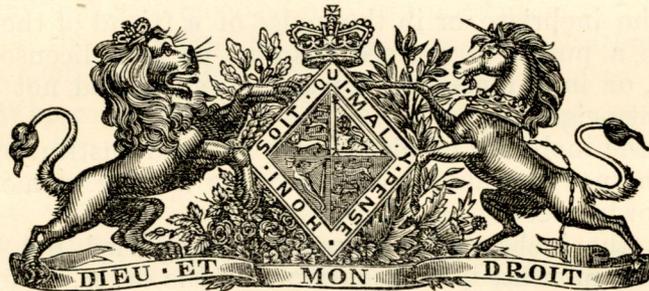
This will substitute more rational treatment for habitual drunkards than is now the case. Prison life is no good for these people, as is generally admitted. The institution will be an asylum or hospital, rather than on prison lines, and it is suggested that the control be placed in the hands of a medical specialist, supervised by a Board of Visitors composed of the Comptroller-General of Prisons, the Chief Medical Officer, and the Inspector-General of Insane. Commitment should be for an indefinite term, but in no case would an inmate remain for more than three years. Penalties would be provided to punish persons illegally interfering, communicating, or otherwise molesting the inmates, or assisting or inducing them to escape, or harbouring them after escape; and inmates improperly absent without leave would be liable to arrest and extra detention. After a sojourn of twelve months, the Board should have the power to liberate any inmate on license by finding of sureties, or on his own recognizance, or absolutely. Where not released absolutely, a relapse into drink would insure further institutional detention. The asylum should be a pleasant place, amidst pleasant surroundings, and should contain within its grounds ample opportunities for cheerful outdoor work, vegetable and floral gardening, various industrial occupations, gymnasia, swimming, and other baths, library and recreation hall, church, refectory, and the necessary quarters, sleeping accommodation, and offices. Where the patients' friends were persons of good repute, visits should be freely allowed, and there should be every facility for letter-writing. In some cases leave might be allowed, and there would be no reason why inmates might not be allowed to send a portion of their earnings—derived from occupations in the asylum—to their families. Where persons were found to be able to contribute, the committing magistrate would make an order on their estate for such payments, but no difference would be made in their treatment. Such latter persons might, however, be handed over to any private inebriate retreat which might be established for paying patients; but all such patients would come under the provisions of the Act and the supervision and control of the Board of Visitors.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 20th September, 1900.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. 32, 1900.

An Act to provide for the care, control, and treatment of inebriates; and for purposes incidental to the above-mentioned objects. [Assented to, 10th October, 1900.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for a Judge of the Supreme Court or a Judge of any District Court, the Master in Lunacy, or any Stipendiary or Police Magistrate, hereinafter termed magistrate, on the application of—

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

A Judge or Magistrate, on application, and after evidence of medical practitioner, and on inspection, may make an order as to control of inebriate.

(b)

Inebriates.

- (b) the husband, or wife, 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 sub-inspector 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 a justice of the peace,

and on proof to the satisfaction of the Judge, Master in Lunacy, or Magistrate, that the person in respect of whom the application is made is an inebriate, to order—

- (d) that the inebriate be placed 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 a licensed Institution, or in a receiving house for any period not exceeding twenty-eight days; or
- (e) that the inebriate be placed in a licensed Institution for such period not exceeding twelve months as may be mentioned in the order; or
- (f) 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 Judge, Master in Lunacy, or Magistrate making the order;

Provided that no such order shall be made except—

- (g) 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
- (h) on personal inspection of the inebriate (where the application is to a Judge or the Master in Lunacy) by the Judge or Master in Lunacy, or by some person appointed by him in that behalf, or (where the application is to a Magistrate) by the Magistrate.

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.

The inebriate shall be afforded an opportunity of being heard in objection. The Judge, Master in Lunacy, or Magistrate may direct that the inebriate shall be brought before him in Court or in Chambers.

Inebriates.

2. 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 Judge, Master in Lunacy, 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.

3. Where an inebriate has thrice within the preceding twelve months been convicted for an offence of which drunkenness is a necessary ingredient, it shall be lawful for any Court of Petty Sessions to order that the inebriate be placed for such period of not less than six or more than twelve months, as may be mentioned in the order, in any Institution which may be established by the Government for the reception, control, and treatment of inebriates so convicted; and on the order of a Judge of the Supreme Court, or of a District Court Judge, or of the Master in Lunacy, such period may from time to time be extended for further periods not exceeding twelve months each.

Court of Petty Sessions may make an order in case of an inebriate frequently convicted of drunkenness.

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 hospital, or private house, under the supervision of the police.

4. The Judge, Master in Lunacy, or Magistrate 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 in any court of competent jurisdiction.

Judge or Magistrate may make order as to property and treatment of inebriate.

5. (1) Where it is proved to the satisfaction of the Supreme Court in its Lunacy jurisdiction, or a Judge thereof, that any inebriate the subject of an order under this Act is incapable of managing his affairs, the Court or Judge 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

Court in Lunacy jurisdiction may make orders as to property of inebriate who is incapable.

Lunacy

Inebriates.

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.

Directions may be given, and orders varied, renewed, or rescinded.

6. The Judge, Master in Lunacy, or Magistrate making an order with respect to an inebriate may give such directions as he thinks fit as to the control of the inebriate, and may vary, renew, or rescind any order or direction made by him.

The Supreme Court in its Lunacy jurisdiction or a Judge thereof in Chambers may give such directions as may be thought fit as to the control of any inebriate the subject of an order under this Act, and may vary, renew, or rescind any order or direction made under this Act.

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

7. The order of a Judge or Magistrate or Master in Lunacy 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 five pounds.

Inebriate not to leave the Colony.

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

Inebriate escaping from custody may be arrested.

9. 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.

Inspector-general of Insane and other officers to inspect places where inebriates are under control.

10. It shall be lawful for the Inspector-general of the Insane, or such person as he may depute, to inspect any inebriate the subject of an order under this Act and any place where an inebriate is under control, and he, or his deputy, 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 this Act to compel the inebriate to comply with the directions of such order.

Inebriates.

11. 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 ten pounds.

Person supplying inebriate with intoxicant liable to penalty.

12. It shall not be lawful for any person, except by permission of the Judge, Master in Lunacy, or Magistrate adjudicating, to publish a report of any proceedings under this Act, and no report published in contravention of this section shall in any action for defamation be deemed to be privileged.

Proceedings not to be published without permission.

13. The Judges of the Supreme Court, or any three of them, may make rules—

Judges may make rules.

- (a) for regulating the form and mode of proceeding under this Act before the Court, or a Judge, or the Master in Lunacy, or a Magistrate;
- (b) for carrying out the provisions of this Act so far as they relate to the powers or duties of the Court, or of a Judge, or of the Master in Lunacy, or of a Magistrate;
- (c) for directing the Inspector-General of the Insane, or such person as he may depute, to visit any inebriate the subject of an order under this Act, and to report to the Master in Lunacy upon the health and general condition of the inebriate; and
- (d) for directing that any fees and expenses connected with such visit be paid out of the estate of the inebriate.

14. The Governor may license Institutions for the reception, control, and treatment of inebriates, and may make regulations—

Governor may license institutions for inebriates and may make regulations.

- (a) for the issue and revocation of such licenses;
- (b) for the regulation, management, and inspection of licensed Institutions, and of Institutions established by the Government;
- (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; and
- (e) for carrying out the provisions of this Act;

and may in these regulations impose any penalty not exceeding fifty pounds for any breach of the same. All such regulations on being published in the Gazette shall have the force of law, and shall be laid before both Houses of Parliament.

15. All penalties imposed by this Act or by any regulations made thereunder may be recovered before any Court of Petty Sessions.

Recovery of penalties.

Inebriates.

Definitions.

16. For the purposes of this Act—
“Inebriate” means a person who habitually uses alcoholic liquors 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.

Short title.

17. This Act may be cited as the “Inebriates Act, 1900.”

In the name and on the behalf of Her Majesty I assent to this Act.

BEAUCHAMP,

Governor.

*Government House,
Sydney, 10th October, 1900.*