

Legislative Council.

No. , 1897.

A BILL

To provide for the care, control, and treatment of inebriates;
and for purposes incidental to the above-mentioned objects.

[THE HON. J. M. CREED;—17 November, 1897.]

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:—

- 5 1. It shall be lawful for a judge of the supreme court or a judge of any district court or any stipendiary or police magistrate, hereinafter termed magistrate, on the application of—
- 10 (a) an inebriate or any person authorised in writing in that behalf by an inebriate while sober;
- 15 (b) the husband, wife, parent, brother, sister, or 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,
- 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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and

and on the evidence whether oral or by certificate of a duly qualified medical practitioner, and where the application is made to a judge of the supreme court or judge of a district court on personal inspection of the inebriate by the judge or by some person appointed by him in that behalf, or if the application is to a magistrate on personal inspection of the inebriate by such magistrate (either of whom may direct that the inebriate shall be brought before him in court or in chambers) and the inebriate having been afforded, if mentally fit, an opportunity of being heard in objection, to order—

- (a) 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 some gaol or receiving house for any period not exceeding fourteen days, or in some hospital for the insane or licensed inebriate institution for such period as may be mentioned in the order; or
- (b) that the inebriate be placed under the care and charge of an attendant or attendants to be named in the order, and who is or are to be under the control of the judge or magistrate making the order during such time as may be mentioned in the order.

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

2. The judge or magistrate may in the 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 for that purpose make such orders and give such directions as may be necessary or expedient. He may also give such directions as to the treatment of the inebriate as may be thought fit, and may vary or rescind any order or direction made by him.

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

3. The order of a judge or magistrate 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.

4. When by the order of a judge of the supreme court or of a district court judge an inebriate has been placed under the charge of an attendant, an inebriate shall not be allowed to leave the Colony of New South Wales during the duration of such order, unless permitted to do so by some variation or amendment of the order.

An inebriate escaping from custody liable to penalties.

5. Any inebriate who refuses or neglects to comply with any regulations made under this Act, or escapes from the institution in which or from the attendant under whom he has been placed, shall be liable upon summary conviction to the penalties provided by such regulations, and 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.

6. It shall be the duty of the inspector-general of the insane, or such person as he may depute, to inspect any place where an inebriate is under control, and to report to a judge or a stipendiary or police magistrate any variation in the order made in the case which he thinks necessary, 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.

Person supplying inebriate with intoxicant liable to penalty.

7. Any person who supplies an inebriate 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.

8. The Governor may license institutions for the care, control, and maintenance of inebriates, and may make regulations for the issue and revocation of such licenses, for the regulation and management of such licensed institutions, for the control of inebriates and the discipline of officers and attendants under this Act whether in institutions or otherwise, and 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 without delay.

Governor may license institutions for inebriates and may make regulations.

9. All penalties imposed by this Act or by any regulations made thereunder may be recovered before any court of summary jurisdiction.

Recovery of penalties.

10. For the purposes of this Act—
15 “Inebriate” means a person who habitually uses alcoholic liquors or intoxicating or narcotic drugs to excess.

Definitions.

“Institution” means a place licensed under this Act for the reception, control, and treatment of inebriates.

11. This Act may be cited as the “Inebriates Act, 1897.”

Short title.

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