New South Wales.

ANNO NONO

EDWARDI VII REGIS.

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Act No. 2, 1909.

An Act to amend the Inebriates Act, 1900; and for other purposes. [Assented to, 9th September, 1909.]

BE it enacted by the King'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. This Act shall be construed as one with the Inebriates Act, 1900 (herein referred to as the Principal Act), and may be cited as the "Inebriates (Amendment) Act, 1909." Short title.

2. Section one of the Principal Act is amended— Amendment of s. 1 Principal Act.

(a) by inserting next before paragraph (d) the following new paragraph—

(*c*1) that the inebriate enter into a recognizance, with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months; or

(b) by inserting in paragraph (d) after "placed" the words "for any period mentioned in the order not exceeding twenty-eight days"; and by omitting the words "for any period not exceeding twenty-eight days";

(c) by inserting in paragraph (e) after "institution" the words "or a State institution established under section 2A."

(d) by inserting at the end of paragraph (f) the words "or of a guardian who is willing to act in that capacity";

(e) Paragraph (h) of section one of the Principal Act is amended—

(i) by omitting the words within brackets "where the application is to a Judge or the Master in Lunacy";

(ii) by inserting after "Master in Lunacy" where next occurring, the words "or magistrate";

(iii) by omitting the words "or (where the application is to a magistrate) by the magistrate."

(f) by adding the following words at the end of the section:—

"On the order of a Judge of the Supreme Court or of a District Court, or of the Master in Lunacy, any period mentioned in an order made under paragraph (e) or paragraph (f) of this section may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order."

New sections.

3. The following sections (which may be referred to as sections 1A, 1B, 1C, and 1D, respectively), are inserted next after section one of the Principal Act:—

Powers and duties of guardian.

1A. (1) Where an inebriate is placed as aforesaid under the charge and care of a guardian, the guardian—

(a) shall prescribe for the inebriate a place of residence in New South Wales, either in the house of the inebriate or in that of the guardian;

(b) shall provide for the inebriate such medical attendance as may be necessary;

(c) may deprive the inebriate of intoxicating liquor and intoxicating or narcotic drugs, and prevent him from obtaining them;

(d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person;

(e) may require the inebriate to submit to the attendance of such nurses or attendants as the guardian thinks necessary;

(f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) of this section who supplies the inebriate with any intoxicating liquor or intoxicating or narcotic drug shall be liable to a penalty not exceeding twenty pounds.

(2)

(2) On application, by or on behalf of the Minister, to a Judge of the Supreme Court or of a District Court, or to the Master in Lunacy, or any stipendiary or police magistrate, a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Judge, Master, or magistrate may appoint another guardian, or may make an order under section one. Removal of guardian.

1B. Any person may enter into a recognizance, with or without sureties, before a stipendiary or police magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months. Voluntary recognizances.

An application to enter into a recognizance under this section shall be in the form of Schedule One.

A magistrate, before a recognizance is taken before him under this section or under section one, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule Two.

1C. The hearing of any application under either of the three last preceding sections may, at the request of the alleged inebriate, or where the application is made by him, be in private. Hearing may be in private.

1D. If, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any justice that the person bound thereby has failed to observe any of the conditions of the recognizance, the justice before whom such proof is given, may forfeit the recognizance. Forfeiture of recognisances.

4. The following sections (which may be referred to as sections 2A and 2B respectively) are inserted next after section two of the Principal Act:— New sections.

2A. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section one, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary. Institutions for inebriates committed under s. 1.

Such officers shall be appointed in the same manner as officers in hospitals for the insane.

The establishing of any such institution, and a description of the land included within the limits thereof, shall be notified in the Gazette.

(2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General. Control of such institutions.

(3)

Incorporation of sections of Lunacy Act.

(3) The enactments of the Lunacy Act, 1898, mentioned in Schedule three to this Act, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein.

In so applying such enactment—

"hospital" or "hospital for the insane" shall be read as and mean an institution established under this section;

"insane patient," or "patient," shall be read as and mean an inebriate in any such institution;

"this Act" shall be taken to refer to the Inebriates Act, 1900, as amended by the Inebriates (Amendment) Act, 1909.

Penalty for interfering with such institutions.

2B. Whosoever without lawful authority—

(a) is found within the boundaries of an institution established under the last preceding section; or

(b) in any manner communicates or attempts to communicate with any inebriate therein,

shall be liable to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding three months, or to both penalty and imprisonment.

New sections.

5. Section three of the Principal Act is repealed, and the following sections (which may be referred to as sections **3**, 3A, 3B, 3C, 3D, 3E, and 3F respectively) are inserted in its place:—

Inebriates convicted of certain offences.

3. (1) Where a person is convicted before a Stipendiary or Police Magistrate, or on indictment,—

(a) of an offence of which drunkenness is an ingredient; or

(b) of assaulting women, cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

and on inquiry it appears that the offender is an inebriate, the court may either sentence the offender according to law, or—

(c) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months,—

(i) he will be of good behaviour;

(ii) he will not take or use any intoxicating liquor or intoxicating or narcotic drugs;

(iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Inspector-General of Police may appoint, such report being made either personally or by letter, unless the Minister directs that the report be made personally, in which case it must be made in that mode only;

(iv) he will not do or omit to do any act whereby the recognizance would become forfeited; or

(d)

(d) order the said offender to be placed for a period of twelve months in a State institution established under section 3B: Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section one.

(2) 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.

(3) 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 in a hospital, or private house, under the supervision of the police.

Forfeiture of recognizances.

3A. If, during the period specified in any such recognizance, the offender so discharged—

(a) is proved to any justice to have contravened any of the conditions of the recognizance; or

(b) is charged by a member of the police force with getting his livelihood by dishonest means, and being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the justice before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address; or

(d) is convicted of any offence against the Vagrancy Act, 1902,

the justice before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 3B for the remainder of the period mentioned in the recognisance.

Institutions for inebriates committed under s. 3.

3B. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section three, been ordered to be placed in a State institution, or who, in pursuance of this Act, have been transferred to any such institution.

(2) The Governor may appoint a visiting justice, who shall exercise in respect of a State institution the same powers and jurisdiction as are conferred on a visiting justice in respect of a prison under the Prisons Act, 1899.

(3) The Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.

(4)

Appointment of keepers.

(4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Comptroller-General of Prisons, subject to the approbation of the Governor.

Release on license.

3C. The Governor may release on license any person detained in a State institution, and may revoke such license.

The conditions of the license shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such license shall be revoked by a justice on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the license; or the license may be revoked by the Governor at his discretion.

Where a license is revoked as aforesaid, the person released on license may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

Committal on second offence.

3D. Where a person has, after the commencement of this Act, been discharged from a State institution, or released on license, or discharged under section three on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section three, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years.

Form of recognizance.

3E. A recognizance taken under this Act shall be in the form of Schedule Four.

Release on certain conditions.

3F. A Judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such conditions (if any) as he may impose.

Amendment of s. 4.

6. Section four of the Principal Act is amended—

(a) by inserting after "magistrate" the words "or a court making an order in respect of an inebriate";

(b) by inserting after "recovered" the words "from the inebriate";

(c) by adding at the end of the section the words "at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or when the inebriate is detained in a State institution, at the suit of the Minister."

Amendment of s. 10.

7. Section ten of the Principal Act is amended by inserting after "an order under," wherever that expression occurs, the words "section one."

8.

8. Section thirteen of the same Act is amended by omitting paragraphs (c) and (d). Amendment of s. 13.

9. Section fourteen of the Principal Act is amended— Amendment of s. 14.

(a) in paragraph (b) by inserting at the end of that paragraph the words "and providing for the proper and suitable employment of persons detained in such institutions";

(b) in paragraph (d) by omitting "and" at the end of the paragraph;

(c) by inserting after the said paragraph a new paragraph as follows:—

(*d*1) providing for the release of inebriates from State institutions on license, and for the retaking of inebriates who break the conditions of any such license, and for returning them to such institutions; and

10. The following sections (which may be referred to as sections 14A, 14B, and 14C respectively), are inserted next after section fourteen of the Principal Act:— New sections.

14A. (1) There shall be a supervising board for inebriates (in this Act referred to as the "supervising board") consisting of the Chief Medical Officer of the Government, the Inspector-General of the Insane, and the Comptroller-General of Prisons. Supervising board.

(2) The supervising board—

(a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution;

(b) May, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

14B. (1) The Minister may, on the recommendation of the supervising board, direct the removal of any inebriate from any one State institution to another State institution. Removal of inebriates from State institutions.

(2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.

(3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed.

Proceeding for acts done in carrying out provisions of Act.

14c. (1) No suit or action shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care.

(2) No such suit or action as aforesaid shall be maintainable unless it is commenced within three months after the alleged cause of action, or, in the case of a suit or action by a person detained in an institution or placed under the care and control of some person in pursuance of this Act, within three months or, by special leave of the court, within six months after his discharge from such institution or after his release from such care or control.

(3) Proceedings in such suit or action as aforesaid may, on summary application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the court may think fit, unless the court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

Amendment of s. 16.

11. Section sixteen of the Principal Act is amended in definition of "inebriate" by omitting "alcoholic liquors" and inserting the words "intoxicating liquor; by adding the following at the end of the section :—

"Justice" means justice of the peace.

"Minister" means the Minister of the Crown for the time being charged with the administration of this Act.

"Narcotic drug" does not include tobacco, cigars, or cigarettes.

"State institution" means institution established by the Government as aforesaid.

New Schedules.

12. The following Schedules are added at the end of the Principal Act :—

Schedule One.

SCHEDULE ONE.

I, , of , hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months.

(Signature of applicant.)

Witness—

The day of , 19 .

Schedule Two.

SCHEDULE TWO.

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Stipendiary (or Police) Magistrate,

The day of , 19 .

SCHEDULE

SCHEDULE THREE.

Schedule Three.

Enactments of the Lunacy Act, 1898, *applied to certain institutions.*

Section 15—Amendment of orders and certificates.
Section 27—Register of patients.
Section 28—Medical journal.
Section 29—Entries of deaths, discharges, &c.
Section 30—Notice of deaths.
Section 78—Visits of Inspector-General.
Section 79—Inquiries by Inspector-General.
Section 81—Annual Report by Inspector-General.
Section 139—Relative may agree for maintenance of patient.
Section 142—Order upon relations of patient for his support.
Section 143—Application for maintenance supported by affidavit
Section 144—Proceedings on complaint under section 142.
Section 145—Arrears of maintenance.
Section 146—Procedure if amount unpaid.
Section 147—The foregoing of arrears.
Section 171—Superintendent may plead general issue, &c.
Section 173—Illtreatment of insane.
Section 174—Penalty on escape.
Section 176—Visit by Inspector-General and official visitors.
Section 177—Letters of patients.

SCHEDULE FOUR.

Schedule Four.

New South Wales, to wit.

Be it remembered that on the day of 19 , of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of pounds sterling to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance].

Taken and acknowledged the day and year first abovementioned at , in the said State, before me—

Stipendiary (*or* Police) Magistrate.

By Authority: William Applegate Gullick, Government Printer, Sydney, 1909.

[9*d*.]

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

Legislative Assembly Chamber,
Sydney, 1 *September,* 1909.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.

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EDWARDI VII REGIS.

* *

Act No. 2, 1909.

An Act to amend the Inebriates Act, 1900; and for other purposes. [Assented to, 9th September, 1909.]

BE it enacted by the King'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:—

Short title.

1. This Act shall be construed as one with the Inebriates Act, 1900 (herein referred to as the Principal Act), and may be cited as the "Inebriates (Amendment) Act, 1909."

Amendment of s. 1 Principal Act.

2. Section one of the Principal Act is amended—

(a) by inserting next before paragraph (d) the following new paragraph—

(*c*1) that the inebriate enter into a recognizance, with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months; or

(b)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

JOHN J. COHEN,
Chairman of Committees of the Legislative Assembly.

(b) by inserting in paragraph (d) after "placed" the words "for any period mentioned in the order not exceeding twenty-eight days"; and by omitting the words "for any period not exceeding twenty-eight days";

(c) by inserting in paragraph (e) after "institution" the words "or a State institution established under section 2A."

(d) by inserting at the end of paragraph (f) the words "or of a guardian who is willing to act in that capacity";

(e) Paragraph (h) of section one of the Principal Act is amended—

(i) by omitting the words within brackets "where the application is to a Judge or the Master in Lunacy";

(ii) by inserting after "Master in Lunacy" where next occurring, the words "or magistrate";

(iii) by omitting the words "or (where the application is to a magistrate) by the magistrate."

(f) by adding the following words at the end of the section:—

"On the order of a Judge of the Supreme Court or of a District Court, or of the Master in Lunacy, any period mentioned in an order made under paragraph (e) or paragraph (f) of this section may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order."

New sections.

3. The following sections (which may be referred to as sections 1A, 1B, 1C, and 1D, respectively), are inserted next after section one of the Principal Act:—

Powers and duties of guardian.

1A. (1) Where an inebriate is placed as aforesaid under the charge and care of a guardian, the guardian—

(a) shall prescribe for the inebriate a place of residence in New South Wales, either in the house of the inebriate or in that of the guardian;

(b) shall provide for the inebriate such medical attendance as may be necessary;

(c) may deprive the inebriate of intoxicating liquor and intoxicating or narcotic drugs, and prevent him from obtaining them;

(d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person;

(e) may require the inebriate to submit to the attendance of such nurses or attendants as the guardian thinks necessary;

(f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) of this section who supplies the inebriate with any intoxicating liquor or intoxicating or narcotic drug shall be liable to a penalty not exceeding twenty pounds.

(2)

(2) On application, by or on behalf of the Minister, to a Judge of the Supreme Court or of a District Court, or to the Master in Lunacy, or any stipendiary or police magistrate, a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Judge, Master, or magistrate may appoint another guardian, or may make an order under section one. Removal of guardian.

1B. Any person may enter into a recognizance, with or without sureties, before a stipendiary or police magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months. Voluntary recognizances.

An application to enter into a recognizance under this section shall be in the form of Schedule One.

A magistrate, before a recognizance is taken before him under this section or under section one, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule Two.

1C. The hearing of any application under either of the three last preceding sections may, at the request of the alleged inebriate, or where the application is made by him, be in private. Hearing may be in private.

1D. If, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any justice that the person bound thereby has failed to observe any of the conditions of the recognizance, the justice before whom such proof is given, may forfeit the recognizance. Forfeiture of recognisances.

4. The following sections (which may be referred to as sections 2A and 2B respectively) are inserted next after section two of the Principal Act:— New sections.

2A. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section one, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary. Institutions for inebriates committed under s. 1.

Such officers shall be appointed in the same manner as officers in hospitals for the insane.

The establishing of any such institution, and a description of the land included within the limits thereof, shall be notified in the Gazette.

(2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General. Control of such institutions.

Incorporation of sections of Lunacy Act.

(3) The enactments of the Lunacy Act, 1898, mentioned in Schedule three to this Act, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein.

In so applying such enactment—

"hospital" or "hospital for the insane" shall be read as and mean an institution established under this section;

"insane patient," or "patient," shall be read as and mean an inebriate in any such institution;

"this Act" shall be taken to refer to the Inebriates Act, 1900, as amended by the Inebriates (Amendment) Act, 1909.

Penalty for interfering with such institutions.

2B. Whosoever without lawful authority—

(a) is found within the boundaries of an institution established under the last preceding section; or

(b) in any manner communicates or attempts to communicate with any inebriate therein,

shall be liable to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding three months, or to both penalty and imprisonment.

New sections.

5. Section three of the Principal Act is repealed, and the following sections (which may be referred to as sections 3, 3A, 3B, 3C, 3D, 3E, and 3F respectively) are inserted in its place:—

Inebriates convicted of certain offences.

3. (1) Where a person is convicted before a Stipendiary or Police Magistrate, or on indictment,—

(a) of an offence of which drunkenness is an ingredient; or

(b) of assaulting women, cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

and on inquiry it appears that the offender is an inebriate, the court may either sentence the offender according to law, or—

(c) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months,—

(i) he will be of good behaviour;

(ii) he will not take or use any intoxicating liquor or intoxicating or narcotic drugs;

(iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Inspector-General of Police may appoint, such report being made either personally or by letter, unless the Minister directs that the report be made personally, in which case it must be made in that mode only;

(iv) he will not do or omit to do any act whereby the recognizance would become forfeited; or

(d)

(d) order the said offender to be placed for a period of twelve months in a State institution established under section 3B: Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section one.

(2) 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.

(3) 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 in a hospital, or private house, under the supervision of the police.

Forfeiture of recognizances.

3A. If, during the period specified in any such recognizance, the offender so discharged—

(a) is proved to any justice to have contravened any of the conditions of the recognizance; or

(b) is charged by a member of the police force with getting his livelihood by dishonest means, and being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the justice before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address; or

(d) is convicted of any offence against the Vagrancy Act, 1902,

the justice before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 3B for the remainder of the period mentioned in the recognisance.

Institutions for inebriates committed under s. 3.

3B. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section three, been ordered to be placed in a State institution, or who, in pursuance of this Act, have been transferred to any such institution.

(2) The Governor may appoint a visiting justice, who shall exercise in respect of a State institution the same powers and jurisdiction as are conferred on a visiting justice in respect of a prison under the Prisons Act, 1899.

(3) The Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.

(4)

Appointment of keepers.

(4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Comptroller-General of Prisons, subject to the approbation of the Governor.

Release on license.

3C. The Governor may release on license any person detained in a State institution, and may revoke such license.

The conditions of the license shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such license shall be revoked by a justice on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the license; or the license may be revoked by the Governor at his discretion.

Where a license is revoked as aforesaid, the person released on license may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

Committal on second offence.

3D. Where a person has, after the commencement of this Act, been discharged from a State institution, or released on license, or discharged under section three on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section three, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years.

Form of recognizance.

3E. A recognizance taken under this Act shall be in the form of Schedule Four.

Release on certain conditions.

3F. A Judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such conditions (if any) as he may impose.

Amendment of s. 4.

6. Section four of the Principal Act is amended—

(a) by inserting after "magistrate" the words "or a court making an order in respect of an inebriate";

(b) by inserting after "recovered" the words "from the inebriate";

(c) by adding at the end of the section the words "at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or when the inebriate is detained in a State institution, at the suit of the Minister."

Amendment of s. 10.

7. Section ten of the Principal Act is amended by inserting after "an order under," wherever that expression occurs, the words "section one."

8.

8. Section thirteen of the same Act is amended by omitting paragraphs (c) and (d). Amendment of s. 13.

9. Section fourteen of the Principal Act is amended— Amendment of s. 14.

(a) in paragraph (b) by inserting at the end of that paragraph the words "and providing for the proper and suitable employment of persons detained in such institutions";

(b) in paragraph (d) by omitting "and" at the end of the paragraph;

(c) by inserting after the said paragraph a new paragraph as follows:—

(*d*1) providing for the release of inebriates from State institutions on license, and for the retaking of inebriates who break the conditions of any such license, and for returning them to such institutions; and

10. The following sections (which may be referred to as sections 14A, 14B, and 14C respectively), are inserted next after section fourteen of the Principal Act:— New sections.

14A. (1) There shall be a supervising board for inebriates (in this Act referred to as the "supervising board") consisting of the Chief Medical Officer of the Government, the Inspector-General of the Insane, and the Comptroller-General of Prisons. Supervising board.

(2) The supervising board—

(a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution;

(b) May, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

14B. (1) The Minister may, on the recommendation of the supervising board, direct the removal of any inebriate from any one State institution to another State institution. Removal of inebriates from State institutions.

(2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.

(3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed.

Proceeding for acts done in carrying out provisions of Act.

14c. (1) No suit or action shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care.

(2) No such suit or action as aforesaid shall be maintainable unless it is commenced within three months after the alleged cause of action, or, in the case of a suit or action by a person detained in an institution or placed under the care and control of some person in pursuance of this Act, within three months or, by special leave of the court, within six months after his discharge from such institution or after his release from such care or control.

(3) Proceedings in such suit or action as aforesaid may, on summary application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the court may think fit, unless the court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

Amendment of s. 16.

11. Section sixteen of the Principal Act is amended in definition of "inebriate" by omitting "alcoholic liquors" and inserting the words "intoxicating liquor; by adding the following at the end of the section:—

"Justice" means justice of the peace.

"Minister" means the Minister of the Crown for the time being charged with the administration of this Act.

"Narcotic drug" does not include tobacco, cigars, or cigarettes.

"State institution" means institution established by the Government as aforesaid.

New Schedules.

12. The following Schedules are added at the end of the Principal Act:—

Schedule One.

SCHEDULE ONE.

I, , of , hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months.

(Signature of applicant.)

Witness—

The day of , 19 .

Schedule Two.

SCHEDULE TWO.

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Stipendiary (or Police) Magistrate,

The day of , 19 .

SCHEDULE

SCHEDULE THREE.

Schedule Three.

Enactments of the Lunacy Act, 1898, *applied to certain institutions.*

Section 15—Amendment of orders and certificates.
Section 27—Register of patients.
Section 28—Medical journal.
Section 29—Entries of deaths, discharges, &c.
Section 30—Notice of deaths.
Section 78—Visits of Inspector-General.
Section 79—Inquiries by Inspector-General
Section 81—Annual Report by Inspector-General.
Section 139—Relative may agree for maintenance of patient.
Section 142—Order upon relations of patient for his support.
Section 143—Application for maintenance supported by affidavit
Section 144—Proceedings on complaint under section 142.
Section 145—Arrears of maintenance
Section 146—Procedure if amount unpaid.
Section 147—The foregoing of arrears.
Section 171—Superintendent may plead general issue, &c.
Section 173—Illtreatment of insane.
Section 174—Penalty on escape.
Section 176—Visit by Inspector-General and official visitors.
Section 177—Letters of patients.

SCHEDULE FOUR.

Schedule Four.

New South Wales, to wit. }

Be it remembered that on the day of 19 , of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of pounds sterling to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance].

Taken and acknowledged the day and year first abovementioned at , in the said State, before me—

Stipendiary (*or* Police) Magistrate.

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

CHELMSFORD,
Governor.

State Government House,
Sydney, 9th September, 1909.

INEBRIATES (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 18th August, 1909.

Page 2, clause 3, line 25. *After* "1C" *insert* "**and**"
Page 2, clause 3, line 25. *Omit* "and 1E"
Page 3, clause 3, line 1. *After* "application" *insert* "**by or on behalf of the Minister**"
Page 3, clause 3, line 3. *Omit* "made by the Minister"
Page 3, clause 3, line 19. *Omit* "two" *insert* "**three**"
Page 3, clause 3, subclause 1E. *Omit* subclause 1E.
Page 3, clause 4, line 31. *Omit* "three" *insert* "**two**"
Page 3, clause 4, line 43. *Omit* "therein" *insert* "**within the limits thereof**"
Page 4, clause 5, line 21. *Omit* "and"
Page 4, clause 5, line 21. *After* "3E" *insert* "**and 3F**"
Page 4, clause 5, line 25. *After* "of" *insert* "**assaulting women**"
Page 4, clause 5, line 41. *Omit* "of Justice"
Page 6, clause 5. At end of clause *add* new subclause 3F.
Page 7, clause 10, line 20. *Omit* "Chief Government Medical Officer" *insert* "**Chief Medical Officer of the Government**"
Page 8, clause 11, line 19. *After* "alcoholic" *insert* "**liquors**"
Page 8, clause 11, line 20. *Omit* "word" *insert* "**words**"
Page 8, clause 11, line 20. *After* "intoxicating" *insert* "**liquor**"
Page 8, clause 11. *After* line 22 *insert* "'**Minister**' **means the Minister of the Crown for the time being charged with the administration of this Act**"

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 6 *August,* 1909, A.M.

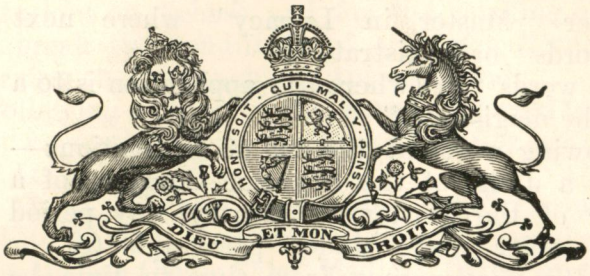
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 18*th August,* 1909.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

* *

Act No. , 1909.

An Act to amend the Inebriates Act, 1900; and for other purposes.

BE it enacted by the King'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. This Act shall be construed as one with the Inebriates Act, 1900 (herein referred to as the Principal Act), and may be cited as the "Inebriates (Amendment) Act, 1909." **Short title.**

2. Section one of the Principal Act is amended— **Amendment of s. 1 Principal Act.**

(a) by inserting next before paragraph (d) the following new paragraph—

(*c*1) that the inebriate enter into a recognizance, with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months; or

NOTE.—The words to be *omitted* are *ruled through ;* those to be *inserted* are printed in **black letter.**

(b) by inserting in paragraph (d) after "placed" the words "for any period mentioned in the order not exceeding twenty-eight days"; and by omitting the words "for any period not exceeding twenty-eight days";

5 (c) by inserting in paragraph (e) after "institution" the words "or a State institution established under section 2A."

(d) by inserting at the end of paragraph (f) the words "or of a guardian who is willing to act in that capacity";

(e) Paragraph (h) of section one of the Principal Act is amended—

10 (i) by omitting the words within brackets "where the application is to a Judge or the Master in Lunacy";

(ii) by inserting after "Master in Lunacy" where next occurring, the words "or magistrate";

(iii) by omitting the words "or (where the application is to a

15 magistrate) by the magistrate."

(f) by adding the following words at the end of the section:—

"On the order of a Judge of the Supreme Court or of a District Court, or of the Master in Lunacy, any period mentioned in an order made under paragraph (e) or

20 paragraph (f) of this section may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order."

3. The following sections (which may be referred to as sections **1A, 1B, 1C, and 1D,** ~~and 1E,~~ respectively), are inserted next after section one of the Principal Act:— New sections.

25

1A. (1) Where an inebriate is placed as aforesaid under the charge and care of a guardian, the guardian— Powers and duties of guardian.

(a) shall prescribe for the inebriate a place of residence in New

30 South Wales, either in the house of the inebriate or in that of the guardian;

(b) shall provide for the inebriate such medical attendance as may be necessary;

(c) may deprive the inebriate of intoxicating liquor and intoxi-

35 cating or narcotic drugs, and prevent him from obtaining them;

(d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person;

(e) may require the inebriate to submit to the attendance of such

40 nurses or attendants as the guardian thinks necessary;

(f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) of this section who supplies the inebriate with any intoxicating liquor or

45 intoxicating or narcotic drug shall be liable to a penalty not exceeding twenty pounds.

(2)

(2) On application, **by or on behalf of the Minister,** to a Judge of the Supreme Court or of a District Court, or to the Master in Lunacy, or any stipendiary or police magistrate, ~~made by the Minister,~~ a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Judge, Master, or magistrate may appoint another guardian, or may make an order under section one. Removal of guardian.

1B. Any person may enter into a recognizance, with or without sureties, before a stipendiary or police magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months. Voluntary recognizances.

An application to enter into a recognizance under this section shall be in the form of Schedule One.

A magistrate, before a recognizance is taken before him under this section or under section one, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule Two.

1C. The hearing of any application under either of the ~~two~~ **three** last preceding sections may, at the request of the alleged inebriate, or where the application is made by him, be in private. Hearing may be in private.

1D. If, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any justice that the person bound thereby has failed to observe any of the conditions of the recognizance, the justice before whom such proof is given, may forfeit the recognizance. Forfeiture of recognisances.

1E. A judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such ~~conditions (if any) as he may impose.~~ ~~Release on certain conditions.~~

4. The following sections (which may be referred to as sections 2A and 2B respectively) are inserted next after section ~~three~~ **two** of the Principal Act:— New sections.

2A. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section one, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary. Institutions for inebriates committed under s. 1.

Such officers shall be appointed in the same manner as officers in hospitals for the insane.

The establishing of any such institution, and a description of the land included ~~therein~~ **within the limits thereof,** shall be notified in the Gazette.

(2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General. Control of such institutions.

(3)

(3) The enactments of the Lunacy Act, 1898, mentioned in Schedule three to this Act, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein. Incorporation of sections of Lunacy Act.

In so applying such enactment—

5 "hospital" or "hospital for the insane" shall be read as and mean an institution established under this section;

"insane patient," or "patient," shall be read as and mean an inebriate in any such institution;

"this Act" shall be taken to refer to the Inebriates Act, 1900,
10 as amended by the Inebriates (Amendment) Act, 1909.

2B. Whosoever without lawful authority— Penalty for interfering with such institutions.

(a) is found within the boundaries of an institution established under the last preceding section; or

(b) in any manner communicates or attempts to communicate
15 with any inebriate therein,

shall be liable to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding three months, or to both penalty and imprisonment.

5. Section three of the Principal Act is repealed, and the New sections.
20 following sections (which may be referred to as sections 3, 3A, 3B, 3C, 3D, ~~and~~ 3E, and 3F respectively) are inserted in its place:—

3 (1) Where a person is convicted before a Stipendiary or Police Magistrate, or on indictment,— Inebriates convicted of certain offences.

(a) of an offence of which drunkenness is an ingredient; or

25 (b) of assaulting women, cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

and on inquiry it appears that the offender is an inebriate, the court may either sentence the offender according to law, or—

30 (c) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months,—

(i) he will be of good behaviour;

(ii) he will not take or use any intoxicating liquor or
35 intoxicating or narcotic drugs;

(iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Inspector-General of Police may appoint, such
40 report being made either personally or by letter, unless the Minister ~~of Justice~~ directs that the report be made personally, in which case it must be made in that mode only;

(iv) he will not do or omit to do any act whereby the
45 recognizance would become forfeited; or

(d)

(d) order the said offender to be placed for a period of twelve months in a State institution established under section 3B: Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section one.

(2) 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.

(3) 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 in a hospital, or private house, under the supervision of the police.

Forfeiture of recognizances.

3A. If, during the period specified in any such recognizance, the offender so discharged—

(a) is proved to any justice to have contravened any of the conditions of the recognizance; or

(b) is charged by a member of the police force with getting his livelihood by dishonest means, and being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the justice before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address; or

(d) is convicted of any offence against the Vagrancy Act, 1902.

the justice before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 3B for the remainder of the period mentioned in the recognisance.

Institutions for inebriates committed under s. 3.

3B. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section three, been ordered to be placed in a State institution, or who, in pursuance of this Act, have been transferred to any such institution.

(2) The Governor may appoint a visiting justice, who shall exercise in respect of a State institution the same powers and jurisdiction as are conferred on a visiting justice in respect of a prison under the Prisons Act, 1899.

(3) The Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.

(4)

(4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Comptroller-General of Prisons, subject to the approbation of the Governor. Appointment of keepers.

3C. The Governor may release on license any person detained in a State institution, and may revoke such license. Release on license.

The conditions of the license shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such license shall be revoked by a justice on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the license; or the license may be revoked by the Governor at his discretion.

Where a license is revoked as aforesaid, the person released on license may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

3D. Where a person has, after the commencement of this Act, been discharged from a State institution, or released on license, or discharged under section three on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section three, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years. Committal on second offence.

3E. A recognizance taken under this Act shall be in the form of Schedule Four. Form of recognizance.

3F. A Judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such conditions (if any) as he may impose. Release on certain conditions.

6. Section four of the Principal Act is amended— Amendment of s. 4.

(a) by inserting after "magistrate" the words "or a court making an order in respect of an inebriate";

(b) by inserting after "recovered" the words "from the inebriate";

(c) by adding at the end of the section the words "at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or when the inebriate is detained in a State institution, at the suit of the Minister."

7. Section ten of the Principal Act is amended by inserting after "an order under," wherever that expression occurs, the words "section one." Amendment of s. 10.

8.

8. Section thirteen of the same Act is amended by omitting paragraphs (c) and (d). Amendment of s 13.

9. Section fourteen of the Principal Act is amended— Amendment of s. 14.

(a) in paragraph (b) by inserting at the end of that paragraph the words "and providing for the proper and suitable employment of persons detained in such institutions";

(b) in paragraph (d) by omitting "and" at the end of the paragraph;

(c) by inserting after the said paragraph a new paragraph as follows:—

(*d*1) providing for the release of inebriates from State institutions on license, and for the retaking of inebriates who break the conditions of any such license, and for returning them to such institutions; and

10. The following sections (which may be referred to as sections 14A, 14B, and 14C respectively), are inserted next after section fourteen of the Principal Act:— New sections.

14A. (1) There shall be a supervising board for inebriates (in this Act referred to as the "supervising board") consisting of the ~~Chief Government Medical Officer~~ **Chief Medical Officer of the Government,** the Inspector-General of the Insane, and the Comptroller-General of Prisons. Supervising board.

(2) The supervising board—

(a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution;

(b) May, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

Removal of inebriates from State institutions.

14B. (1) The Minister may, on the recommendation of the supervising board, direct the removal of any inebriate from any one State institution to another State institution.

(2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.

(3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed,

14c. (1) No suit or action shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care. Proceeding for acts done in carrying out provisions of Act.

(2) No such suit or action as aforesaid shall be maintainable unless it is commenced within three months after the alleged cause of action, or, in the case of a suit or action by a person detained in an institution or placed under the care and control of some person in pursuance of this Act, within three months or, by special leave of the court, within six months after his discharge from such institution or after his release from such care or control.

(3) Proceedings in such suit or action as aforesaid may, on summary application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the court may think fit, unless the court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

11. Section sixteen of the Principal Act is amended in definition of "inebriate" by omitting "alcoholic **liquors**" and inserting the ~~word~~ **words** "intoxicating **liquor**"; by adding the following at the end of the section:— Amendment of s. 16

"Justice" means justice of the peace.

"Minister" means the Minister of the Crown for the time-being charged with the administration of this Act.

"Narcotic drug" does not include tobacco, cigars, or cigarettes.

"State institution" means institution established by the Government as aforesaid.

12. The following Schedules are added at the end of the Principal Act:— New Schedules.

Schedule One.

SCHEDULE ONE.

I, , of , hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months.

(Signature of applicant.)

Witness—

The day of , 19 .

Schedule Two.

SCHEDULE TWO.

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Stipendiary (or Police) Magistrate,

The day of , 19 .

SCHEDULE

SCHEDULE THREE.

Schedule Three.

Enactments of the Lunacy Act, 1898, *applied to certain institutions.*

Section 15—Amendment of orders and certificates.
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Section 146—Procedure if amount unpaid.
Section 147—The foregoing of arrears.
Section 171—Superintendent may plead general issue, &c.
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Section 174—Penalty on escape.
Section 176—Visit by Inspector-General and official visitors.
Section 177—Letters of patients.

SCHEDULE FOUR.

Schedule Four.

New South Wales, to wit. }

Be it remembered that on the day of 19 , of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of pounds sterling to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance].

Taken and acknowledged the day and year first abovementioned at , in the said State, before me—

Stipendiary (*or* Police) Magistrate.

Sydney : William Applegate Gullick, Government Printer.—1909.

[9*d*.]

430—B

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 6 August, 1909, A.M.

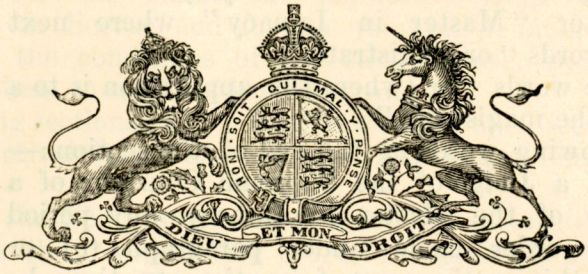
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, August, 1909.

Clerk of the Parliaments.

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

* *

Act No. , 1909.

An Act to amend the Inebriates Act, 1900; and for other purposes.

BE it enacted by the King'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. This Act shall be construed as one with the Inebriates Act, 1900 (herein referred to as the Principal Act), and may be cited as the "Inebriates (Amendment) Act, 1909." Short title.

2. Section one of the Principal Act is amended— Amendment of s. 1 Principal Act.

(a) by inserting next before paragraph (d) the following new paragraph—

(*c*1) that the inebriate enter into a recognizance, with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months; or

NOTE.—The words to be *omitted* are *ruled through ;* those to be *inserted* are printed in **black letter.**

(b) by inserting in paragraph (d) after "placed" the words "for any period mentioned in the order not exceeding twenty-eight days"; and by omitting the words "for any period not exceeding twenty-eight days";

(c) by inserting in paragraph (e) after "institution" the words "or a State institution established under section 2A."

(d) by inserting at the end of paragraph (f) the words "or of a guardian who is willing to act in that capacity";

(e) Paragraph (h) of section one of the Principal Act is amended—

(i) by omitting the words within brackets "where the application is to a Judge or the Master in Lunacy";

(ii) by inserting after "Master in Lunacy" where next occurring, the words "or magistrate";

(iii) by omitting the words "or (where the application is to a magistrate) by the magistrate."

(f) by adding the following words at the end of the section:—

"On the order of a Judge of the Supreme Court or of a District Court, or of the Master in Lunacy, any period mentioned in an order made under paragraph (e) or paragraph (f) of this section may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order."

3. The following sections (which may be referred to as sections **1A, 1B, 1C, and 1D,** ~~and 1E,~~ respectively), are inserted next after section one of the Principal Act:— New sections.

1A. (1) Where an inebriate is placed as aforesaid under the charge and care of a guardian, the guardian— Powers and duties of guardian.

(a) shall prescribe for the inebriate a place of residence in New South Wales, either in the house of the inebriate or in that of the guardian;

(b) shall provide for the inebriate such medical attendance as may be necessary;

(c) may deprive the inebriate of intoxicating liquor and intoxicating or narcotic drugs, and prevent him from obtaining them;

(d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person;

(e) may require the inebriate to submit to the attendance of such nurses or attendants as the guardian thinks necessary;

(f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) of this section who supplies the inebriate with any intoxicating liquor or intoxicating or narcotic drug shall be liable to a penalty not exceeding twenty pounds.

(2)

(2) On application, **by or on behalf of the Minister,** to a Judge of the Supreme Court or of a District Court, or to the Master in Lunacy, or any stipendiary or police magistrate, ~~made by the Minister,~~ a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Judge, Master, or magistrate may appoint another guardian, or may make an order under section one. Removal of guardian.

1B. Any person may enter into a recognizance, with or without sureties, before a stipendiary or police magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months. Voluntary recognizances.

An application to enter into a recognizance under this section shall be in the form of Schedule One.

A magistrate, before a recognizance is taken before him under this section or under section one, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule Two.

1C. The hearing of any application under either of the ~~two~~ **three** last preceding sections may, at the request of the alleged inebriate, or where the application is made by him, be in private. Hearing may be in private.

1D. If, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any justice that the person bound thereby has failed to observe any of the conditions of the recognizance, the justice before whom such proof is given, may forfeit the recognizance. Forfeiture of recognisances.

1E. A judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such ~~conditions (if any) as he may impose.~~ ~~Release on certain conditions.~~

4. The following sections (which may be referred to as sections 2A and 2B respectively) are inserted next after section ~~three~~ **two** of the Principal Act:— New sections.

2A. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section one, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary. Institutions for inebriates committed under s. 1.

Such officers shall be appointed in the same manner as officers in hospitals for the insane.

The establishing of any such institution, and a description of the land included ~~therein~~ **within the limits thereof,** shall be notified in the Gazette.

(2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General. Control of such institutions.

(3)

(3) The enactments of the Lunacy Act, 1898, mentioned in Schedule three to this Act, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein. Incorporation of sections of Lunacy Act.

In so applying such enactment—

5 "hospital" or "hospital for the insane" shall be read as and mean an institution established under this section;

"insane patient," or "patient," shall be read as and mean an inebriate in any such institution;

"this Act" shall be taken to refer to the Inebriates Act, 1900,
10 as amended by the Inebriates (Amendment) Act, 1909.

2B. Whosoever without lawful authority— Penalty for interfering with such institutions.

(a) is found within the boundaries of an institution established under the last preceding section; or

(b) in any manner communicates or attempts to communicate
15 with any inebriate therein,

shall be liable to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding three months, or to both penalty and imprisonment.

5. Section three of the Principal Act is repealed, and the New sections.
20 following sections (which may be referred to as sections 3, 3A, 3B, 3C, 3D, ~~and~~ 3E, **and 3F** respectively) are inserted in its place:—

3 (1) Where a person is convicted before a Stipendiary or Police Magistrate, or on indictment,— Inebriates convicted of certain offences.

(a) of an offence of which drunkenness is an ingredient; or

25 (b) of **assaulting women,** cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

and on inquiry it appears that the offender is an inebriate, the court may either sentence the offender according to law, or—

30 (c) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months,—

(i) he will be of good behaviour;

(ii) he will not take or use any intoxicating liquor or
35 intoxicating or narcotic drugs;

(iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Inspector-General of Police may appoint, such
40 report being made either personally or by letter, unless the Minister ~~of Justice~~ directs that the report be made personally, in which case it must be made in that mode only;

(iv) he will not do or omit to do any act whereby the
45 recognizance would become forfeited; or

(d)

(d) order the said offender to be placed for a period of twelve months in a State institution established under section 3B: Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section one.

(2) 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.

(3) 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 in a hospital, or private house, under the supervision of the police.

Forfeiture of recognizances.

3A. If, during the period specified in any such recognizance, the offender so discharged—

(a) is proved to any justice to have contravened any of the conditions of the recognizance; or

(b) is charged by a member of the police force with getting his livelihood by dishonest means, and being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the justice before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address; or

(d) is convicted of any offence against the Vagrancy Act, 1902.

the justice before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 3B for the remainder of the period mentioned in the recognisance.

Institutions for inebriates committed under s. 3.

3B. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section three, been ordered to be placed in a State institution, or who, in pursuance of this Act, have been transferred to any such institution.

(2) The Governor may appoint a visiting justice, who shall exercise in respect of a State institution the same powers and jurisdiction as are conferred on a visiting justice in respect of a prison under the Prisons Act, 1899.

(3) The Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.

(4)

(4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Comptroller-General of Prisons, subject to the approbation of the Governor. Appointment of keepers.

3C. The Governor may release on license any person detained in a State institution, and may revoke such license. Release on license.

The conditions of the license shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such license shall be revoked by a justice on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the license; or the license may be revoked by the Governor at his discretion.

Where a license is revoked as aforesaid, the person released on license may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

3D. Where a person has, after the commencement of this Act, been discharged from a State institution, or released on license, or discharged under section three on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section three, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years. Committal on second offence.

3E. A recognizance taken under this Act shall be in the form of Schedule Four. Form of recognizance.

3F. A Judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such conditions (if any) as he may impose. Release on certain conditions.

6. Section four of the Principal Act is amended— Amendment of s. 4.

(a) by inserting after "magistrate" the words "or a court making an order in respect of an inebriate";

(b) by inserting after "recovered" the words "from the inebriate";

(c) by adding at the end of the section the words "at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or when the inebriate is detained in a State institution, at the suit of the Minister."

7. Section ten of the Principal Act is amended by inserting after "an order under," wherever that expression occurs, the words "section one." Amendment of s. 10.

8.

8. Section thirteen of the same Act is amended by omitting paragraphs (c) and (d). Amendment of s. 13.

9. Section fourteen of the Principal Act is amended— Amendment of s. 14.

(a) in paragraph (b) by inserting at the end of that paragraph the words "and providing for the proper and suitable employment of persons detained in such institutions";

(b) in paragraph (d) by omitting "and" at the end of the paragraph;

(c) by inserting after the said paragraph a new paragraph as follows:—

(*d*1) providing for the release of inebriates from State institutions on license, and for the retaking of inebriates who break the conditions of any such license, and for returning them to such institutions; and

10. The following sections (which may be referred to as sections 14A, 14B, and 14C respectively), are inserted next after section fourteen of the Principal Act:— New sections.

14A. (1) There shall be a supervising board for inebriates (in this Act referred to as the "supervising board") consisting of the ~~Chief Government Medical Officer~~ **Chief Medical Officer of the Government,** the Inspector-General of the Insane, and the Comptroller-General of Prisons. Supervising board.

(2) The supervising board—

(a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution;

(b) May, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

Removal of inebriates from State institutions.

14B. (1) The Minister may, on the recommendation of the supervising board, direct the removal of any inebriate from any one State institution to another State institution.

(2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.

(3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed.

14c. (1) No suit or action shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care. Proceeding for acts done in carrying out provisions of Act.

(2) No such suit or action as aforesaid shall be maintainable unless it is commenced within three months after the alleged cause of action, or, in the case of a suit or action by a person detained in an institution or placed under the care and control of some person in pursuance of this Act, within three months or, by special leave of the court, within six months after his discharge from such institution or after his release from such care or control.

(3) Proceedings in such suit or action as aforesaid may, on summary application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the court may think fit, unless the court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

11. Section sixteen of the Principal Act is amended in definition of "inebriate" by omitting "alcoholic **liquors**" and inserting the ~~word~~ **words** "intoxicating **liquor**"; by adding the following at the end of the section:— Amendment of s. 16

"Justice" means justice of the peace.

"Minister" means the Minister of the Crown for the time-being charged with the administration of this Act.

"Narcotic drug" does not include tobacco, cigars, or cigarettes. New Schedules.

"State institution" means institution established by the Government as aforesaid.

12. The following Schedules are added at the end of the Principal Act:— Schedule One.

SCHEDULE ONE.

I, , of , hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months.

(Signature of applicant.)

Witness—

The day of , 19 .

Schedule Two.

SCHEDULE TWO.

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Stipendiary (or Police) Magistrate,

The day of , 19 .

SCHEDULE

SCHEDULE THREE.

Schedule Three.

Enactments of the Lunacy Act, 1898, *applied to certain institutions.*

Section 15—Amendment of orders and certificates.
Section 27—Register of patients.
Section 28—Medical journal.
Section 29—Entries of deaths, discharges, &c.
Section 30—Notice of deaths.
Section 78—Visits of Inspector-General.
Section 79—Inquiries by Inspector-General.
Section 81—Annual Report by Inspector-General.
Section 139—Relative may agree for maintenance of patient.
Section 142—Order upon relations of patient for his support.
Section 143—Application for maintenance supported by affidavit.
Section 144—Proceedings on complaint under section 142.
Section 145—Arrears of maintenance.
Section 146—Procedure if amount unpaid.
Section 147—The foregoing of arrears.
Section 171—Superintendent may plead general issue, &c.
Section 173—Illtreatment of insane.
Section 174—Penalty on escape.
Section 176—Visit by Inspector-General and official visitors.
Section 177—Letters of patients.

SCHEDULE FOUR.

Schedule Four

New South Wales, to wit. }

Be it remembered that on the day of 19 , of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of pounds sterling to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance].

Taken and acknowledged the day and year first abovementioned at , in the said State, before me—

Stipendiary (*or* Police) Magistrate.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 6 *August,* 1909, A.M.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.

ANNO NONO

EDWARDI VII REGIS.

* *

Act No. , 1909.

An Act to amend the Inebriates Act, 1900; and for other purposes.

BE it enacted by the King'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.** This Act shall be construed as one with the Inebriates Act, 1900 (herein referred to as the Principal Act), and may be cited as the "Inebriates (Amendment) Act, 1909." Short title.

2. Section one of the Principal Act is amended— Amendment of s. 1 Principal Act.

(a) by inserting next before paragraph (d) the following new

10 paragraph—

(*c*1) that the inebriate enter into a recognizance, with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months; or

(b) by inserting in paragraph (d) after "placed" the words "for any period mentioned in the order not exceeding twenty-eight days"; and by omitting the words "for any period not exceeding twenty-eight days";

5 (c) by inserting in paragraph (e) after "institution" the words "or a State institution established under section 2A."

(d) by inserting at the end of paragraph (f) the words "or of a guardian who is willing to act in that capacity";

(e) Paragraph (h) of section one of the Principal Act is amended—

10 (i) by omitting the words within brackets "where the application is to a Judge or the Master in Lunacy";

(ii) by inserting after "Master in Lunacy" where next occurring, the words "or magistrate";

(iii) by omitting the words "or (where the application is to a

15 magistrate) by the magistrate."

(f) by adding the following words at the end of the section:—

"On the order of a Judge of the Supreme Court or of a District Court, or of the Master in Lunacy, any period mentioned in an order made under paragraph (e) or

20 paragraph (f) of this section may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order."

3. The following sections (which may be referred to as sections 1A, 1B, 1C, 1D, and 1E, respectively), are inserted next after section one of the Principal Act:— New sections.

25

1A. (1) Where an inebriate is placed as aforesaid under the charge and care of a guardian, the guardian— Powers and duties of guardian.

(a) shall prescribe for the inebriate a place of residence in New

30 South Wales, either in the house of the inebriate or in that of the guardian;

(b) shall provide for the inebriate such medical attendance as may be necessary;

(c) may deprive the inebriate of intoxicating liquor and intoxi-

35 cating or narcotic drugs, and prevent him from obtaining them;

(d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person;

(e) may require the inebriate to submit to the attendance of such

40 nurses or attendants as the guardian thinks necessary;

(f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) of this section who supplies the inebriate with any intoxicating liquor or

45 intoxicating or narcotic drug shall be liable to a penalty not exceeding twenty pounds.

(2)

(2) On application to a Judge of the Supreme Court or of a District Court, or to the Master in Lunacy, or any stipendiary or police magistrate, made by the Minister, a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Judge, Master, or magistrate may appoint another guardian, or may make an order under section one. Removal of guardian.

1B. Any person may enter into a recognizance, with or without sureties, before a stipendiary or police magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months. Voluntary recognizances.

An application to enter into a recognizance under this section shall be in the form of Schedule One.

A magistrate, before a recognizance is taken before him under this section or under section one, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule Two.

1C. The hearing of any application under either of the two last preceding sections may, at the request of the alleged inebriate, or where the application is made by him, be in private.

1D. If, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any justice that the person bound thereby has failed to observe any of the conditions of the recognizance, the justice before whom such proof is given, may forfeit the recognizance. Forfeiture of recognisances.

1E. A judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such conditions (if any) as he may impose.

4. The following sections (which may be referred to as sections 2A and 2B respectively) are inserted next after section three of the Principal Act:— New sections.

2A. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section one, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary. Institutions for inebriates committed under s. 1.

Such officers shall be appointed in the same manner as officers in hospitals for the insane.

The establishing of any such institution, and a description of the land included therein shall be notified in the Gazette.

(2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General. Control of such institutions.

(3)

(3) The enactments of the Lunacy Act, 1898, mentioned in Schedule three to this Act, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein. Incorporation of sections of Lunacy Act.

In so applying such enactment—

5 "hospital" or "hospital for the insane" shall be read as and mean an institution established under this section;

"insane patient," or "patient," shall be read as and mean an inebriate in any such institution;

"this Act" shall be taken to refer to the Inebriates Act, 1900,
10 as amended by the Inebriates (Amendment) Act, 1909.

2B. Whosoever without lawful authority— Penalty for interfering with such institutions.

(a) is found within the boundaries of an institution established under the last preceding section; or

(b) in any manner communicates or attempts to communicate
15 with any inebriate therein,

shall be liable to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding three months, or to both penalty and imprisonment.

5. Section three of the Principal Act is repealed, and the New sections.
20 following sections (which may be referred to as sections 3, 3A, 3B, 3C, 3D, and 3E respectively) are inserted in its place:—

3 (1) Where a person is convicted before a Stipendiary or Police Magistrate, or on indictment,— Inebriates convicted of certain offences.

(a) of an offence of which drunkenness is an ingredient; or

25 (b) of cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

and on inquiry it appears that the offender is an inebriate, the court may either sentence the offender according to law, or—

30 (c) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months,—

(i) he will be of good behaviour;

(ii) he will not take or use any intoxicating liquor or
35 intoxicating or narcotic drugs;

(iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Inspector-General of Police may appoint, such
40 report being made either personally or by letter, unless the Minister of Justice directs that the report be made personally, in which case it must be made in that mode only;

(iv) he will not do or omit to do any act whereby the
45 recognizance would become forfeited; or

(d)

(d) order the said offender to be placed for a period of twelve months in a State institution established under section 3B: Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section one.

(2) 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.

(3) 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 in a hospital, or private house, under the supervision of the police.

Forfeiture of recognizances.

3A. If, during the period specified in any such recognizance, the offender so discharged—

(a) is proved to any justice to have contravened any of the conditions of the recognizance; or

(b) is charged by a member of the police force with getting his livelihood by dishonest means, and being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the justice before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address; or

(d) is convicted of any offence against the Vagrancy Act, 1902.

the justice before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 3B for the remainder of the period mentioned in the recognisance.

Institutions for inebriates committed under s. 3.

3B. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section three, been ordered to be placed in a State institution, or who, in pursuance of this Act, have been transferred to any such institution.

(2) The Governor may appoint a visiting justice, who shall exercise in respect of a State institution the same powers and jurisdiction as are conferred on a visiting justice in respect of a prison under the Prisons Act, 1899.

(3) The Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.

(4)

(4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Comptroller-General of Prisons, subject to the approbation of the Governor. Appointment of keepers.

3C. The Governor may release on license any person detained in a State institution, and may revoke such license. Release on license.

The conditions of the license shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such license shall be revoked by a justice on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the license; or the license may be revoked by the Governor at his discretion.

Where a license is revoked as aforesaid, the person released on license may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

3D. Where a person has, after the commencement of this Act, been discharged from a State institution, or released on license, or discharged under section three on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section three, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years. Committal on second offence.

3E. A recognizance taken under this Act shall be in the form of Schedule Four. Form of recognizance.

6. Section four of the Principal Act is amended— Amendment of s. 4.

(a) by inserting after "magistrate" the words "or a court making an order in respect of an inebriate";

(b) by inserting after "recovered" the words "from the inebriate";

(c) by adding at the end of the section the words "at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or when the inebriate is detained in a State institution, at the suit of the Minister."

7. Section ten of the Principal Act is amended by inserting after "an order under," wherever that expression occurs, the words "section one." Amendment of s. 10.

8. Section thirteen of the same Act is amended by omitting paragraphs (c) and (d). Amendment of s. 13.

9. Section fourteen of the Principal Act is amended— Amendment of s. 14.

(a) in paragraph (b) by inserting at the end of that paragraph the words "and providing for the proper and suitable employment of persons detained in such institutions";

(b) in paragraph (d) by omitting "and" at the end of the paragraph;

(c) by inserting after the said paragraph a new paragraph as follows:—

(*d*1) providing for the release of inebriates from State institutions on license, and for the retaking of inebriates who break the conditions of any such license, and for returning them to such institutions; and

10. The following sections (which may be referred to as sections 14A, 14B, and 14C respectively), are inserted next after section fourteen of the Principal Act:— New sections.

14A. (1) There shall be a supervising board for inebriates (in this Act referred to as the "supervising board") consisting of the Chief Government Medical Officer, the Inspector-General of the Insane, and the Comptroller-General of Prisons. Supervising board.

(2) The supervising board—

(a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution;

(b) May, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

14B. (1) The Minister may, on the recommendation of the supervising board, direct the removal of any inebriate from any one State institution to another State institution. Removal of inebriates from State institutions.

(2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.

(3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed.

14c. (1) No suit or action shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care. Proceeding for acts done in carrying out provisions of Act.

(2) No such suit or action as aforesaid shall be maintainable unless it is commenced within three months after the alleged cause of action, or, in the case of a suit or action by a person detained in an institution or placed under the care and control of some person in pursuance of this Act, within three months or, by special leave of the court, within six months after his discharge from such institution or after his release from such care or control.

(3) Proceedings in such suit or action as aforesaid may, on summary application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the court may think fit, unless the court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

11. Section sixteen of the Principal Act is amended in definition of "inebriate" by omitting "alcoholic' and inserting the word "intoxicating"; by adding the following at the end of the section :— Amendment of s. 16.

"Justice" means justice of the peace.

"Narcotic drug" does not include tobacco, cigars or cigarettes.

"State institution" means institution established by the Government as aforesaid.

12. The following Schedules are added at the end of the Principal Act :— New Schedules.

SCHEDULE ONE. Schedule One.

I, , of , hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months.

(Signature of applicant.)

Witness—

The day of , 19 .

SCHEDULE TWO. Schedule Two.

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Stipendiary (or Police) Magistrate,

The day of , 19 .

SCHEDULE

SCHEDULE THREE.

Schedule Three.

Enactments of the Lunacy Act, 1898, *applied to certain institutions.*

Section 15—Amendment of orders and certificates.
Section 27—Register of patients.
Section 28—Medical journal.
Section 29—Entries of deaths, discharges, &c.
Section 30—Notice of deaths.
Section 78—Visits of Inspector-General.
Section 79—Inquiries by Inspector-General.
Section 81—Annual Report by Inspector-General.
Section 139—Relative may agree for maintenance of patient.
Section 142—Order upon relations of patient for his support.
Section 143—Application for maintenance supported by affidavit.
Section 144—Proceedings on complaint under section 142.
Section 145—Arrears of maintenance.
Section 146—Procedure if amount unpaid.
Section 147—The foregoing of arrears.
Section 171—Superintendent may plead general issue, &c.
Section 173—Illtreatment of insane.
Section 174—Penalty on escape.
Section 176—Visit by Inspector-General and official visitors.
Section 177—Letters of patients.

SCHEDULE FOUR.

Schedule Four.

New South Wales, to wit. }

Be it remembered that on the day of 19 , of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of pounds sterling to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance].

Taken and acknowledged the day and year first abovementioned at , in the said State, before me—

Stipendiary (*or* Police) Magistrate.

Sydney : William Applegate Gullick, Government Printer.—1909.

[9*d*.]

430—B

INEBRIATES ACT, 1900.

(*Amendments proposed by Bill of* 1909, *as amended in Committee, 4th August.*)

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;

(*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—

(c 1) that the inebriate enter into a recognisance, with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months; or

(*a*) that the inebriate be placed **for any period mentioned in the order not exceeding twenty-eight days** 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, **or a State institution established under section 2A,** 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, **or of a guardian who is willing to act in that capacity;**

* * * * * * *

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

On the order of a Judge of the Supreme Court or of a District Court, or of the Master in Lunacy, any period mentioned in an order made under paragraph (e) or paragraph (f) of this section may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order.

New sections.

1A. (1) Where an inebriate is placed as aforesaid under the care and charge of a guardian, the guardian—

(a) shall prescribe for the inebriate a place of residence in New South Wales, either in the house of the inebriate or in that of the guardian;

(b) shall provide for the inebriate such medical attendance as may be necessary;

(c) may deprive the inebriate of intoxicating liquor and intoxicating or narcotic drugs, and prevent him from obtaining them;

(d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person;

(e) may require the inebriate to submit to the attendance of such nurses or attendants as the guardian thinks necessary;

(f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) of this section who supplies the inebriate with any intoxicating liquor or intoxicating or narcotic drug shall be liable to a penalty not exceeding pounds.

(2) On application to a Judge of the Supreme Court or of a District Court, or to the Master in Lunacy, or any stipendiary or police magistrate, made by the Minister, a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Judge, Master, or magistrate may appoint another guardian, or may make an order under section one.

1B. Any person may enter into a recognizance, with or without sureties, before a stipendiary or police magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months.

An application to enter into a recognizance under this section shall be in the form of Schedule One.

A magistrate, before a recognizance is taken before him under this section or under section one, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule Two.

1C. The hearing of any application under either of the two last preceding sections may, at the request of the alleged inebriate, or where the application is made by him, be in private.

1D. If, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any justice that the person bound thereby has failed to observe any of the conditions of the recognizance, the justice before whom such proof is given may forfeit the recognizance.

1E. A judge of the Supreme Court or of a District Court may order that any person detained in an institution be released on such conditions (if any) as he may impose.

2A. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section one, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary.

Such officers shall be appointed in the same manner as officers in hospitals for the insane.

The establishing of any such institution, and a description of the land included therein shall be notified in the Gazette.

(2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Inspector of Inebriates, who shall be the Inspector-General of the Insane, or during his absence from the State or his inability to act from illness or other cause, the Deputy Inspector-General.

(3) The enactments of the Lunacy Act, 1898, mentioned in Schedule Three to this Act, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein.

In so applying such enactments—

"hospital" or "hospital for the insane" shall be read as and mean an institution established under this section;

"insane patient," or "patient," shall be read as and mean an inebriate in any such institution.

"this Act" shall be taken to refer to the Inebriates Act, 1900, as amended by the Inebriates (Amendment) Act, 1909.

2B. Whosoever without lawful authority—

(a) is found within the boundaries of an institution established under the last preceding section; or

(b)

(b) in any manner communicates or attempts to communicate with any inebriate therein,

shall be liable to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding three months, or to both penalty and imprisonment.

3. (1) Where a person is convicted before a stipendiary or police magistrate, or on indictment,—

(a) of an offence of which drunkenness is an ingredient; or

(b) of cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

and on inquiry it appears that the offender is an inebriate, the court may either sentence the offender according to law, or—

(c) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months,—

(i) he will be of good behaviour;

(ii) he will not take or use any intoxicating liquor or intoxicating or narcotic drugs;

(iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Inspector-General of Police may appoint, such report being made either personally or by letter, unless the Minister of Justice directs that the report be made personally, in which case it must be made in that mode only;

(iv) he will not do or omit to do any act whereby the recognizance would become forfeited; or

(d) order the said offender to be placed for a period of twelve months in a State institution established under section 3B.

Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section one.

(2) 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.

(3) 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 in a hospital, or private house, under the supervision of the police.

3A. If, during the period specified in any such recognizance, the offender so discharged—

(a) is proved to any justice to have contravened any of the conditions of the recognizance; or

(b)

(b) is charged by a member of the police force with getting his livelihood by dishonest means, and being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the justice before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address; or

(d) is convicted of any offence against the Vagrancy Act, 1902, the justice before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 3B for the remainder of the period mentioned in the recognisance.

3B. (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section three, been ordered to be placed in a State institution, or who, in pursuance of this Act, have been transferred to any such institution.

(2) The Governor may appoint a visiting justice, who shall exercise in respect of a State Institution the same powers and jurisdiction as are conferred on a visiting justice in respect of a prison under the Prisons Act, 1899.

(3) The Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.

(4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Comptroller-General of Prisons, subject to the approbation of the Governor.

3C. The Governor may release on license any person detained in a State institution, and may revoke such license.

The conditions of the license shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such license shall be revoked by a justice on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the license; or the license may be revoked by the Governor at his discretion.

Where a license is revoked as aforesaid, the person released on license may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

3D. Where a person has, after the commencement of this Act, been discharged from a State institution, or released on license, or discharged under section three on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section three, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years.

3E. A recognizance taken under this Act shall be in the form of Schedule Four.

4. The Judge, Master in Lunacy, or magistrate, or a court making an order in respect of an inebriate, 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 from the inebriate in any court of competent jurisdiction at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or, when the inebriate is detained in a State institution, at suit of the Minister.

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 section one of 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 section one of this Act to compel the inebriate to comply with the directions of such order.

13. The Judges of the Supreme Court, or any three of them, 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.

14. The Governor may license institutions for the reception, control, and treatment of 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, **and providing for the proper and suitable employment of persons detained in such institutions;**

(*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~~

(d 1) providing for the release of inebriates from State institutions on license, and for the retaking of inebriates who break the conditions of any such license, and for returning them to such institutions; and

(*e*) for carrying out the provisions of this Act;

and may in those 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.

New Sections.

14A. (1) There shall be a supervising board for inebriates (in this Act referred to as the "supervising board") consisting of the Chief Government Medical Officer, the Inspector-General of the Insane, and the Comptroller-General of Prisons.

(2) The supervising board—

(a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution;

(b) may, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

14B. (1) The Minister may, on the recommendation of the supervising board direct the removal of any inebriate from any one State institution to another State institution.

(2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.

(3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed.

14c. (1) No suit or action shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care.

(2) No such suit or action as aforesaid shall be maintainable unless it is commenced within three months after the alleged cause of action, or, in the case of a suit or action by a person detained in an institution or placed under the care and control of some person in pursuance of this Act, within three months or, by special leave of the court, within six months after his discharge from such institution or after his release from such care and control.

(3) Proceedings in such suit or action as aforesaid may, on summary application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the court may think fit, unless the court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

16. For the purposes of this Act—

* * * * * *

"Inebriate" means a person who habitually uses ~~alcoholic~~ intoxicating liquors or intoxicating or narcotic drugs to excess.

"Justice" means justice of the peace.

"Narcotic drug" does not include tobacco, cigars, or cigarettes.

"State institution" means institution established by the Government as aforesaid.

New Schedules.

SCHEDULE ONE.

I, , of , hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of months.

(Signature of applicant.)

Witness—

The day of , 19 .

SCHEDULE.

SCHEDULE TWO.

This is to certify that came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Stipendiary (or Police) Magistrate.

The day of 19 .

SCHEDULE THREE.

Enactments of the Lunacy Act, 1898, applied to certain institutions.

Section 15—Amendment of orders and certificates.
Section 27—Register of patients.
Section 28—Medical journal.
Section 29—Entries of deaths, discharges, &c.
Section 30—Notice of deaths.
Section 78—Visits of Inspector-General.
Section 79—Inquiries by Inspector-General
Section 81—Annual Report by Inspector-General.
Section 139—Relative may agree for maintenance of patient.
Section 142—Order upon relations of patient for his support.
Section 143—Application for maintenance supported by affidavit.
Section 144—Proceedings on complaint under section 142.
Section 145—Arrears of maintenance.
Section 146—Procedure if amount unpaid.
Section 147—The foregoing of arrears.
Section 171—Superintendent may plead general issue, &c.
Section 173—Ill-treatment of insane.
Section 174—Penalty on escape.
Section 176—Visit by Inspector-General and official visitors.
Section 177—Letters of patients.

SCHEDULE FOUR.

New South Wales, to wit.

Be it remembered that on the day of 19 , of (and of) personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself) to owe to our Sovereign Lord the King the sum of pounds sterling to be made and levied of their several (or his) goods and chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the said shall, during a period of months from the date of the presents, fail to [here set out conditions of recognizance].

Taken and acknowledged the day and year first abovementioned at , in the said State, before me—

Stipendiary (or Police) Magistrate.

Sydney: William Applegate Gullick, Government Printer.—1909.