

New Zealand.

## INEBRIATES INSTITUTIONS.

1908, No. 85.

AN ACT to consolidate certain Enactments of the General Assembly relating to Inebriates Institutions.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Inebriates Institutions Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All Orders in Council, institutions, appointments, regulations, orders, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. In this Act, if not inconsistent with the context,—

"Drugs" means opium, morphia, chloral, cocaine, or any other drug capable of producing mental aberration: Interpretation.  
1898, No. 8, sec. 2

"Inebriate" means any person who, not being amenable to any jurisdiction in lunacy, is, notwithstanding, by reason of the habitual excessive use of intoxicating liquor or of drugs, at times dangerous to himself or to others, or incapable of managing himself and his affairs:

“Institution” means a house or building proclaimed under this Act for the reception, control, care, and curative treatment of inebriates :

“Intoxicating liquor” means wines, spirits, beer, porter, ale, cider, perry, or any other spirituous or fermented fluid capable of producing intoxication.

#### *Institutions.*

Governor in Council may proclaim institution for inebriates.

1898, No. 8, sec. 3

1903, No. 7, sec. 2

1898, No. 8, sec. 3

Appointment of Superintendent and officers.

Ibid, sec. 4

Regulations for management of inebriates institutions.

Ibid, sec. 5

1903, No. 7, sec. 5

Inebriates may apply for admission.

1898, No. 8, sec. 6

Inebriates may be summoned to appear before Judge of Supreme or District Court of Magistrate.

Ibid, sec. 7

3. (1.) The Governor in Council may from time to time, by Order in Council gazetted, direct that any establishment, or any part of any establishment, or any other building the property of the Crown, named in such Order shall be an institution under this Act.

(2.) The Governor may from time to time, by Order in Council gazetted, direct that any institution, whether established before or after the coming into operation of this Act, shall be for the reception of curable inebriates only..

(3.) The Governor may from time to time alter or revoke any such Order.

4. The Governor may from time to time appoint for every institution a Superintendent, and such other officers as he thinks necessary.

5. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations for the management, supervision, and inspection of institutions, and for the care and treatment and release of, and for the discipline and conduct to be observed by, patients and residents therein, and for the fees payable by patients and residents therein, and for the admission and treatment of inebriates who are unable to pay fees.

(2.) Such regulations may provide for the separation of the institution into two divisions, with a different scale of accommodation and of fees to be paid by inebriates in each division.

(3.) Any such regulations may provide for the separate treatment of curable and non-curable inebriates, and may apply only to any specified institution or generally, as the Governor in Council thinks fit.

(4.) Such regulations may provide generally for the better carrying-out of the purposes of this Act as it affects institutions and the inebriates, officers, and residents therein.

6. Any person desirous of being committed to an institution may make application to any Judge of the Supreme or District Court, or to a Magistrate, who, if satisfied that the applicant has habitually used excessive quantities of intoxicating liquor or of drugs, and that he is at the time of his application sober, and that he fully understands the nature of his application, may make, in the form in the Second Schedule hereto or to the like effect, a commitment order for such person to be conveyed to an institution named in the order, there to be delivered to the Superintendent or other proper officer thereof, and to be received and detained therein for curative treatment for any term not exceeding twelve months.

7. (1.) Upon the application in the form or to the effect in the Third Schedule hereto of the husband or wife, or any relation or friend, of any person addicted to the habitual excessive use of intoxicating liquor or of drugs, any Judge of the Supreme or District Court, or any Magistrate, may, upon proof to him of the reasonableness of the application, summon

such person to appear before him at his Chambers on a day named to show cause why such person should not be committed to an institution.

(2.) Such summons may be in the form or to the effect in the Fourth Schedule.

8. (1.) Upon the hearing of such summons, in the presence or the absence of the person summoned, the Judge or Magistrate may dismiss the summons with or without costs, or may, by commitment order in the form or to the effect in the Fifth Schedule hereto, direct that such person be apprehended and conveyed to an institution named in the order, there to be delivered to the Superintendent or other proper officer thereof, and to be received and detained therein for curative treatment for any term not exceeding twelve months.

Inebriates may be committed.

1898, No. 8, sec. 8  
1903, No. 7, sec. 3

(2.) The commitment order shall not be made unless—

(a.) It appears that by reason of the excessive use by him of intoxicating liquor or of drugs the person summoned is unable to control himself and incapable of managing his affairs, or is dangerous to himself or to others, or is suffering under or recovering from delirium tremens or chronic alcoholism, or is in imminent danger of death from the continuous use of such liquor or drugs; and also

(b.) Two medical practitioners certify, by statutory declaration in the form or to the effect in the Sixth Schedule hereto, that such person requires curative treatment in an institution, and that in their opinion there is a reasonable prospect of his permanent recovery.

(3.) The commitment order may be made with or without costs as the Judge or Magistrate thinks fit.

9. (1.) Upon proof being made to any Magistrate that any person is addicted to the habitual excessive use of intoxicating liquor or of drugs, such Magistrate shall summon such person to appear before him on a day named, or, if such person is present on the occasion when such proof is made, may thereupon call upon him to show cause why he should not be committed to an institution.

Compulsory committal.

1898, No. 8, sec. 9

(2.) Such summons may be in the form or to the effect in the Fourth Schedule hereto:

Provided that in cases where a prohibition order has been issued against any person under "The Licensing Act, 1908," such Magistrate may thereupon, without any further proof, make a commitment order committing such person to an institution for any period not exceeding twelve months.

10. (1.) Every commitment order made under this Act, until and unless the same is rescinded by a Judge of the Supreme Court or a District Court, or a Magistrate, shall be a sufficient authority to all persons acting under and in conformity to such order.

Duration and effect of orders.

Ibid, sec. 10

(2.) Any such Judge or Magistrate may, upon application in Chambers by or on behalf of the person named in such order, rescind the order if he sees fit to do so.

(3.) When disposing of any such application the Judge or Magistrate may do so with or without costs as he thinks fit.

11. (1.) Any person received into an institution by virtue of a commitment order made under this Act shall be detained until the expiration of the time named in such order, or until the rescind-

During continuance of order escaped inebriates may be retaken.

Ibid, sec. 11

ing order is served on the Superintendent or other proper officer thereof.

(2.) If such person escapes during the currency of the commitment order, he may by virtue of such order be re taken at any time during its currency by any officer or servant belonging to such institution, or by any constable, or by any person authorised in writing in that behalf by the Superintendent or other manager of the institution, and be conveyed to such institution and received and detained therein until the expiration or rescission of the order.

Rate of payment.  
1898, No. 8, sec. 12

12. (1.) The Judge or Magistrate making a commitment order shall in such order fix the sum to be paid by the inebriate for the expenses of his conveyance to the institution, and shall also fix the fees for maintenance and treatment to be paid by the inebriate in accordance with the regulations under this Act.

(2.) If the regulations provide for a higher and lower scale of accommodation, with corresponding scales of fees, and the inebriate is willing and able to pay for the higher, the Judge or Magistrate may fix the higher accordingly, but in every other case he shall fix the lower scale.

(3.) All fees payable pursuant to any such order shall be deemed to be money owing to the Crown, and may be recovered accordingly.

Superintendent  
may take  
security for  
maintenance  
of inebriate.  
Ibid, sec. 13

13. In any case where a relation or friend of the inebriate is willing to enter into a security for the due payment by the inebriate of the whole or of any part of the aforesaid fees, the Superintendent may accept such security as he deems advisable, and enforce the same by action in which the Superintendent shall be plaintiff.

Second or  
subsequent  
orders may be  
made.  
Ibid, sec. 14

14. (1.) Where, in the opinion of the Superintendent or of any Judge of the Supreme or District Court, or a Magistrate, it is necessary or desirable for the curative treatment or care of an inebriate that a second or other subsequent commitment order should be made, the Judge or Magistrate may make the same, either before or after the determination of the period of detention under any previous order.

(2.) Such second or subsequent order shall be made upon the like evidence as in the case of the original order, and no recital of an original or any other order shall be necessary.

(3.) Every such second or subsequent order shall be in the same form or to the like effect, and shall be dealt with in the same manner, and shall confer the same powers, as an original commitment order under this Act.

Removal of  
inebriates.  
1903, No. 7, sec. 4

15. (1.) The Minister of Internal Affairs may, by writing under his hand, order the removal of any inebriate from any institution to any other institution.

(2.) Such order shall be sufficient authority for the removal of such inebriate, and also for his reception into the institution to which he is ordered to be removed.

Penalties for  
improper treatment  
of inebriate or  
supplying  
intoxicating liquor,  
&c.  
1898, No. 8, sec. 15

16. If any person ill-treats or, being an officer, servant, or other person employed in or about an institution, wilfully neglects any inebriate detained therein, or if any person induces or knowingly assists an inebriate so detained to escape therefrom, or if any person without the authority of the Superintendent brings into an institution, or without the authority of the Superintendent, except in case of urgent necessity, gives or supplies to any person detained therein any intoxicating liquor or any drug, the person so offending shall, on conviction before a Magistrate, be liable to a

fine not exceeding twenty pounds, or, at the discretion of the convicting Magistrate, to be imprisoned for any period not exceeding three months with or without hard labour.

17. (1.) If any inebriate who, in the opinion of the medical officer, is *compos mentis*, while detained in any institution, neglects or wilfully refuses to conform to the regulations for the time being in force therein, or is wilfully guilty of any violent, unruly, or destructive conduct, either while detained in the institution or in attempting to escape therefrom, he shall, on conviction before a Magistrate, be liable to a fine not exceeding five pounds, or, at the discretion of the convicting Magistrate, to be detained for a period not exceeding one fortnight in the institution after the expiration of the original term of his detention, for the same purposes and on the same conditions as those on which he was originally detained, and shall also be liable to make good or pay for any damage which he may have caused to property or furniture.

Penalty on inebriate  
misconducting  
himself.  
1898, No. 8, sec. 16

(2.) In reckoning the period of his detention, whether original or under this section, the time during which such person has been absent from the institution without leave of the Superintendent shall be excluded from computation.

(3.) Where any person so detained is convicted a second time under this section the Magistrate may commit him to prison for any period not exceeding twelve months.

Punishment of  
unruly inmates.  
1902, No. 47, sec. 2

18. If any person thinks himself aggrieved by any conviction or order of a Magistrate under this Act he may appeal therefrom, subject to the conditions and provisions with regard to appeal contained in "The Justices of the Peace Act, 1908."

Appeals.  
1898, No. 8. sec. 17

### Miscellaneous.

19. (1.) Any action against any person for anything done in pursuance or execution or intended execution of this Act shall be commenced within two years after the thing done, and not otherwise.

Limitation of  
actions.  
Ibid, sec. 18

(2.) Notice in writing of every such action, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the action.

## SCHEDULES.

### FIRST SCHEDULE.

#### ENACTMENTS CONSOLIDATED.

- 1898, No. 8.—"The Inebriates Institutions Act, 1898."  
1902, No. 47.—"The Inebriates Institutions Amendment Act, 1902."  
1903, No. 7.—"The Inebriates Institutions Amendment Act, 1903."

Section 6.  
1898, No. 8, First  
Schedule.

## SECOND SCHEDULE.

### COMMITMENT ORDER UPON INEBRIATE'S OWN APPLICATION.

"*The Inebriates Institutions Act, 1908.*"

To E. F., and all constables, and to the Superintendent or other proper officer of the institution for inebriates at

WHEREAS on the            day of           , 19   , A. B., of           , came before me, C. D., a Judge of the            Court at            [or a Stipendiary Magistrate], and applied to be committed under the provisions of "The Inebriates Institutions Act, 1908," to the institution situated at           : And whereas it appears to me that the said A. B. has habitually used intoxicating liquor [or drugs] in excess, and that he [or she] was sober at the time of his [or her] application aforesaid, and that he [or she] fully understands the nature of his [or her] application and the consequences thereof:

Now I, the said C. D., a Judge of the            Court at            [or a Stipendiary Magistrate as aforesaid], do, in pursuance of "The Inebriates Institutions Act, 1908," and by the authority on me thereby conferred, hereby order that you, the said           , and all constables to whom this warrant is shown, apprehend the said A. B. and convey him [or her] to the said institution and deliver him [or her] to the said Superintendent or other proper officer thereof; and that you the said Superintendent or other proper officer receive him [or her] into your custody in the said institution, and him [or her] there safely keep and submit to curative treatment for the term of            months or until he [or she] is sooner discharged according to law; and I hereby by this order direct that the said A. B. shall pay to E. F. the sum of £            for the expenses of his [or her] conveyance to the said institution, and to the Superintendent the sum of £            for every month of his [or her] stay therein, and a proportionate part of such sum for any fraction of a month, being the amount of the fees in that behalf ordered to be paid by the regulations made under the said Act. And for these things shall be a sufficient warrant.

Given under my hand this            day of           , 19   .

C. D.,  
Judge of the            Court at  
[or Stipendiary Magistrate].

Section 7.  
Ibid, Second  
Schedule.

## THIRD SCHEDULE.

### APPLICATION FOR SUMMONS.

"*The Inebriates Institutions Act, 1908.*"

In the matter of C. D., of           , in New Zealand, and "The Inebriates Institutions Act, 1908."

To           , Judge of the            Court at            [or E. F., Stipendiary Magistrate].  
I, A. B., of           , in New Zealand [Occupation], being [father, brother, relation, or friend, as the case may be] of the above-named C. D., do hereby solemnly and sincerely declare and state that the said            is addicted to the habitual excessive use of intoxicating liquor [or of drugs]; and I do hereby apply for a summons against the said           , requiring him [or her] to appear before you at a time therein to be named, calling upon him [or her] to show cause why he [or she] should not be committed, under the provisions of "The Inebriates Institutions Act, 1908," to the institution for inebriates at           , for the reasons hereunder stated.

Grounds of application: [Here state grounds of application].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly intituled "The Justices of the Peace Act, 1908."

Declared before me at           , in New Zealand, this            day of           , 19   .

A. B.  
J.P. [or as the case may be].

## FOURTH SCHEDULE.

## SUMMONS.

“*The Inebriates Institutions Act, 1908.*”

In the matter of an application of A. B., of \_\_\_\_\_, in New Zealand [*Here state relationship of A. B. to the patient, as in the application*] of C. D., charged with the habitual excessive use of intoxicating liquor [*or of drugs*].

To C. D., of \_\_\_\_\_, in New Zealand.

You are hereby required to appear before the Judge of the \_\_\_\_\_ Court at \_\_\_\_\_, at his Chambers, in the \_\_\_\_\_ Courthouse, \_\_\_\_\_ Street [*or E. F., Stipendiary Magistrate, at his Chambers, at the place appointed for the holding of Magistrates' Courts at \_\_\_\_\_*], on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to show cause why you should not be committed under the provisions of “*The Inebriates Institutions Act, 1908,*” to an institution for inebriates, as being addicted to the habitual excessive use of intoxicating liquor [*or of drugs*].

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Judge of the \_\_\_\_\_ Court at \_\_\_\_\_  
[*or Stipendiary Magistrate*].

Sections 7, 9.  
1898, No. 8, Third  
Schedule.

## FIFTH SCHEDULE.

## COMMITMENT ORDER UPON APPLICATION OF RELATION OR FRIEND OF INEBRIATE.

Section 8.  
Ibid, Fifth Schedule.

“*The Inebriates Institutions Act, 1908.*”

To L. M., and all constables, and to the Superintendent or other proper officer of the institution for inebriates at \_\_\_\_\_

WHEREAS, upon the application to me, \_\_\_\_\_, a Judge of the \_\_\_\_\_ Court at \_\_\_\_\_ [*or Stipendiary Magistrate*], \_\_\_\_\_, of \_\_\_\_\_, being a relation or friend of A. B., of \_\_\_\_\_, a person addicted to the habitual excessive use of intoxicating liquor [*or of drugs*], and upon proof to me by the said applicant of the reasonableness of his application, I did summon the said A. B. to appear before me on the \_\_\_\_\_ day of \_\_\_\_\_, at my Chambers [*or at the Courthouse in the \_\_\_\_\_*], to show cause why he [*or she*] should not be committed to an institution: And whereas the said A. B. appeared [*or failed to appear*] at the time and place specified in the said summons: And whereas upon the hearing of such summons in the presence of the said A. B. [*or in the absence of the said A. B., and upon proof of the service upon him (or her) of the said summons*] it appears to me that by reason of the excessive use of intoxicating liquor [*or of drugs*] the said A. B. is unable to control himself [*or herself*], and is incapable of managing his [*or her*] affairs [*or is dangerous to himself (or herself) or to others, or is suffering from delirium tremens or chronic alcoholism, or is recovering from delirium tremens or chronic alcoholism, or is in immediate danger of death from the continuous use of intoxicating liquor (or of drugs)*]: And whereas \_\_\_\_\_ and \_\_\_\_\_, being two medical practitioners, have certified by a statutory declaration in writing that the said A. B. requires curative treatment in an institution, and that in their opinion there is a reasonable prospect of his [*or her*] permanent cure:

Now I, the said \_\_\_\_\_, Judge of \_\_\_\_\_ Court [*or Stipendiary Magistrate*], do, in pursuance of “*The Inebriates Institutions Act, 1908,*” and by the authority on me thereby conferred, hereby order that you, the said \_\_\_\_\_, and all constables to whom this warrant is shown, apprehend the said A. B., and convey him [*or her*] to the institution for inebriates at \_\_\_\_\_, and deliver him [*or her*] to the said Superintendent or other proper officer thereof; and that you the said Superintendent or other proper officer receive the said A. B. into your custody in the said institution, and him [*or her*] there safely keep and submit to curative treatment for the term of \_\_\_\_\_ months or until he [*or she*] is sooner discharged according to law. And I hereby by this order direct that the said \_\_\_\_\_ shall pay to \_\_\_\_\_ the sum of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence for the expenses of his [*or her*] conveyance to the said institution, and to the said Superintendent the sum of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence

for every month of his [or her] stay therein, and a proportionate part of such sum for any fraction of a month, being the amount of the fees in that behalf ordered to be paid by the regulations made under the said Act. And for these this shall be a sufficient warrant.

Given under my hand this                      day of                      , 19                      .

E. F.,

Judge of the                      Court at  
[or Stipendiary Magistrate].

Section 8.  
1898, No. 8, Fourth  
Schedule.

#### SIXTH SCHEDULE.

##### DECLARATION OF MEDICAL PRACTITIONER.

“*The Inebriates Institutions Act, 1908.*”

I, M. N., of                      , in New Zealand, do solemnly and sincerely declare: (1) That I am a legally qualified medical practitioner; (2) that I have seen and examined C. D., of                      , who is at present suffering from the habitual excessive use of intoxicating liquor [or of drugs]; (3) that I am of opinion that the said C. D. requires curative treatment in an institution for inebriates under “*The Inebriates Institutions Act, 1908,*” and that there is a reasonable prospect of his [or her] permanent cure.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly intituled “*The Justices of the Peace Act, 1908.*”

Declared before me at                      , in New Zealand, this                      day of                      , 19                      .  
M. N.  
J.P. [or as the case may be].