

Mr. Shera.

INEBRIATES' HOMES.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Better Provision for the Treatment of Inebriates. Title.

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

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1. The Short Title of this Act is "Inebriates' Homes Act, 1892." Short Title.

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

"Inebriate" means a person convicted in any competent Court of the offence of drunkenness in a public place, or a person against whom a prohibition order has been obtained under the licensing law for the time being in force in New Zealand, or a person committed as an inebriate by any Resident Magistrate according to the provisions of this Act: Interpretation.

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"Inebriates' home" means and includes not only all houses, buildings, enclosures, and places hereby or hereunder declared to be or constituted inebriates' homes, but also the grounds, gardens, and surroundings attached thereto occupied by servants, officers, or superintendents of any such inebriates' home:

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"Regulations" mean regulations made under this Act, or declared to be in force by virtue hereof:

"This Act" includes regulations made under this Act or declared to be in force by virtue hereof.

Governor may proclaim place for inebriates' home.

3. The Governor may from time to time, by Proclamation in the *Gazette*— 5

(1.) Declare any house, building, enclosure, or place which has been appropriated for the purpose to be an inebriates' home, and from and after the gazetting of any such Proclamation, or from any later time specified in the Proclamation, such house, building, enclosure, or place shall be deemed to be an inebriates' home: 10

(2.) Declare that any inebriates' home shall no longer be an inebriates' home whenever the same has become unfit for the purpose, or unnecessary, or for any other reason ought to cease to be an inebriates' home: and upon the gazetting of such Proclamation, or from and after any later date fixed in such Proclamation for the purpose, such inebriates' home shall cease to be an inebriates' home. 15

Appointment of staff.

4. The Governor from time to time, as occasion may require, shall appoint to every inebriates' home a superintendent, a matron, a duly-qualified medical practitioner, and such subordinate officers as may be necessary. 20

Holding of office.

5. Every person appointed to any office under this Act shall hold his office during the pleasure of the Governor, subject to *three* months' notice, and shall be paid such salary as the Governor shall direct out of moneys appropriated for the purpose by the General Assembly. 25

Governor may make regulations.

6. The Governor may from time to time by Proclamation make such regulations as to him shall seem fit touching—

(1.) The duties of the officers of inebriates' homes; 30

(2.) The diet, instruction, treatment, hours of labour, mode of employment, separation, management, discipline, and custody of inebriates;

(3.) Any other purpose or object for which by this Act it is provided regulations, either general or special, may be made; 35

(4.) And generally may prescribe all such regulations as may be necessary for the good management and government of such inebriates' homes.

Application of regulations and Proclamations.

7. (1.) All or any such regulations may be made to apply generally to all inebriates' homes, or to any one or more inebriates' homes specified in any such Proclamation as the Governor may think fit; and the Governor may from time to time alter or revoke any such regulations as aforesaid, or any rules, regulations, orders, or directions in force in any inebriates' home, and make others in lieu thereof respectively. No regulations shall be valid which are inconsistent with this Act or any provision thereof. 40 45

(2.) Such regulations shall come into force upon their publication in the *Gazette*, or on such day subsequent to such publication as by the said rules may be appointed in that behalf, and shall be laid before the General Assembly within *twenty* days of such publication if the General Assembly is then sitting, and if not then sitting then 50

within twenty days after the next ensuing session. If an address is presented to the Governor by either House of the General Assembly within the said session, praying that any rule so made may be annulled, the Governor may thereupon by Order in Council annul the same.

5 8. In every inebriates' home containing female inebriates as well as males, the women shall be domiciled in separate buildings, or separate parts of the same buildings, in such manner, in so far as practicable, as to prevent their seeing, conversing, or holding any intercourse with the men. Male and female wards to be separate.

10 9. From and after the passing of this Act no person shall be imprisoned for being drunk in a public place nor for being a habitual drunkard. Section nineteen of "The Police Offences Act, 1884," to wit— Repeal of section 19, "Police Offences Act, 1884."

 "19. Every person found drunk in any public place—

15 "On a first conviction, shall be liable to a penalty of not more than *twenty* shillings, and, in default of payment thereof, may be imprisoned for any period not exceeding forty-eight hours;

20 "On a second conviction within a period of six months, shall be liable to a penalty not exceeding *three* pounds, and in default may be imprisoned for any period not exceeding *seven* days;

25 "On a third conviction within such period of *six* months, shall be liable to be imprisoned for any period not exceeding *fourteen* days, or, at the discretion of the convicting Justice, to a penalty not exceeding *five* pounds, and *fourteen* days' imprisonment in case of default; and

30 "On any subsequent conviction within such period of *six* months, shall be deemed to be a habitual drunkard, and shall be liable to be imprisoned for any period not exceeding *three* months"

—is hereby repealed.

35 10. Every inebriate shall be liable to be apprehended by any constable without warrant, and brought before a Justice of the Peace, who may commit such inebriate to the nearest inebriates' home for one day, or inflict a fine not exceeding *twenty* shillings and costs; and order such inebriate to pay the expenses of removal and maintenance during the period for which he shall be committed. Inebriates may be apprehended without warrant.

40 11. On a second conviction within a period of six months, such inebriate shall be liable to be sent to the inebriates' home for any period not exceeding *six* months and not less than *fourteen* days. On a third conviction within such period of *six* months, shall be liable to be sent to the inebriates' home for a period not less than *four* months and not greater than *twelve* months. In every case the Justice committing the inebriate may order the inebriate to pay the costs of maintenance. Penalties for second offence.

45 12. The "near relative" within the meaning of "The Destitute Persons Act, 1877," father, stepfather, grandfather, mother, stepmother, grandmother, children other than stepchildren, and brother Definition of "near relative" and liability of same.

50 of any inebriate committed to an inebriates' home shall be liable for the costs of maintenance of any inebriate, and proceedings for the recovery of any such costs may be taken in manner provided by "The

Destitute Persons Act, 1877," for the recovery of the expense of maintaining destitute persons.

If inebriate without means to pay for expense of maintenance deemed liable to perform work.

13. If any inebriate committed to any inebriates' home shall be without means or property sufficient to pay for the expense of his maintenance in any inebriates' home, such inebriate shall be liable to perform such work or labour while detained in any such inebriates' home as shall from time to time be prescribed by regulations duly made in that behalf. In every case the medical officer attached to any such home shall certify that the inebriate is physically and mentally fit to perform such work before the inebriate shall be ordered to engage thereat. 5 10

Repeal of section 21, "Police Offences Act, 1884."

14. The words "In default of payment of such expenses and cost of maintenance such person may be imprisoned for any term not exceeding three months," contained in section twenty-one of "The Police Offences Act, 1884," are hereby repealed. 15

Appointment and duties of Visiting Justices of the Peace.

15. For each inebriates' home in the colony the Governor shall from time to time nominate two or more Justices to be visitors of such inebriates' home, and the Justices so appointed shall have the powers and duties following:—

- (1.) From time to time, at intervals not greater than fifteen days, to visit and inspect such inebriates' home, examine into the state of the buildings, and consider what alterations or repairs may be necessary, strict regard being had to the requisitions of this Act with respect to the separation of inebriates: 20 25
- (2.) Examine into the conduct of the respective officers, and the treatment and conduct of the inebriates, the means of setting them to work, the amount of their earnings, and the expenses attending the inebriates' home:
- (3.) Inquire into all abuses or alleged abuses within the inebriates' home; and shall, within the powers of their commission as Justices, take cognisance of matters of pressing necessity, and regulate the same: 30
- (4.) Once at least in every quarter make a report to the Minister of Justice upon all matters provided for in this section. 35

Appointment of two official visitors.

16. There shall also be appointed two persons, one male and one female, as official visitors, who shall at all times have a right of access to any inebriates' home, and inspect the same, and report to the Minister of Justice upon any matter connected with such inebriates' home which they or either of them may think fit. Every such report shall be published in a daily newspaper within the colony within seven days after it has been received by the Minister, unless in the opinion of such Minister it would be detrimental to the public interest that it should be so published: Provided that the names of inebriates shall not be published in any such report. 40 45

If death occur in home inquest to be held.

17. An inquest shall be held on the body of any person who may die in any inebriates' home; but no officer of any such inebriates' home, nor any person confined therein, nor any person engaged in any sort of trade or dealing with the inebriates' home, shall be a juror at such inquest. 50

How inebriate dealt with on refusal to work.

18. If any inebriate shall refuse to perform any work which he may be lawfully ordered to perform within any inebriates' home, the

Visiting Justices may order such inebriate to do such work; and, in the event of a second refusal, such Justices may by warrant order the offender to be imprisoned in any gaol for any period not exceeding *four* days. At the expiration of any such period of imprisonment the
 5 offender shall be returned to the inebriates' home.

19. All offences in any inebriates' home shall be heard and determined in the manner provided by "The Justices of the Peace Act, 1882."

Offences in inebriates' home to be dealt with under "Justices of the Peace Act, 1882."

20. Any person against whom a prohibition order has been
 10 obtained within the meaning of "The Licensing Act, 1881," section one hundred and sixty-seven, to wit—

Prohibition orders.

15 "167. When it shall be made to appear in open Court that any person, by excessive drinking of liquor, misspends, wastes, or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Justices presiding in such Court shall, by writing under the hands of any two such Justices, forbid any licensed person to sell to him or her any liquor for the space of one year, and such Justices, or any other two Justices, may, at the same time
 20 or any other time, in like manner, forbid the selling of any such liquor to the said drunkard by any such licensed persons of any other city, town, or district to which the drunkard shall or may be likely to resort for the same"

—may at the time of making such order be ordered by the Justices
 25 making the order to be sent to an inebriates' home for any period not exceeding twelve months.

21. When it shall be made to appear by evidence on oath to any Resident Magistrate that any person, by excessive drinking of liquor, misspends, wastes, or lessens his or her estate, or greatly injures his or
 30 her health, or endangers or interrupts the peace and happiness of his or her family, such Resident Magistrate may, by writing under his hand, commit such person to an inebriates' home for any period not exceeding twelve months. Such evidence may be by affidavit, in the discretion of such Resident Magistrate: Provided that the person
 35 complained against shall have the right to cross-examine the deponent if he makes a request that the deponent should be personally present for such purpose. Applications under this section need not be made or determined in open Court.

Resident Magistrate may commit person to home.

22. In addition to the duties charged in the Third Schedule
 40 of "The Stamp Act, 1882," the following duties shall also be charged; and the same shall be deemed to be incorporated therein, and form part of the said duties specified in the said Schedule, and as if this Act was incorporated with "The Stamp Act, 1882," and the Schedule hereto was part of the Schedule therein; and all moneys to arise for
 45 Her Majesty from the duties specified in the said Schedule, as follows, shall be expended towards the support and maintenance of the inebriates' homes.

Additional charge to be made under "Stamp Act, 1882."

23. It shall be the duty of any person or persons issuing tickets
 50 to have the same properly stamped by adhesive or impressed stamps, and the same shall not be twice used, but after being once used the said stamps on the said tickets shall be cancelled in manner set out in section one hundred and forty-eight of "The Stamp Act, 1882," and

Stamping of tickets.

no person shall be allowed admission without a ticket to any such opera, circus, theatre, or place of public amusement as mentioned in the said Schedule.

Penalties.

24. Any person or persons acting contrary to the *last-preceding* section, or any part thereof, shall be liable to the same penalties as set out in section one hundred and forty-nine of "The Stamp Act, 1882," and as if that section was part of this Act.

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Schedule.

SCHEDULE.

Nature of Instrument.	Amount of Duty.	Persons primarily liable.
<i>Tickets.</i> —All tickets, passes, writings, or papers entitling the holder thereof, or any other person or persons, to admission to any opera, circus, theatre, or other place of public amusement (the amusement whereof is provided by visitors to New Zealand who have not been resident in this colony for six months).	One half-penny for each shilling or part of each shilling of the price thereof.	The party issuing the ticket.

By Authority: GEORGE DIDSBUY, Government Printer, Wellington.—1892.