

80  
D.W.

## REFORMATORY INSTITUTIONS BILL.

### MEMORANDUM.

By the Habitual Drunkards Act, 1906 (now incorporated in the Police Offences Act, 1908, sections 34-39), provision was made whereby habitual drunkards, after being convicted for drunkenness three times within nine months, might be ordered by a Magistrate to be detained for reformatory or curative treatment in institutions under private management, and specially authorised by the Governor for this purpose. Under this Act the Pakatoa Home has been established by the Salvation Army.

By the Inebriates Institutions Act, 1898 (now the Inebriates Institutions Act, 1908), provision was made for the establishment and management by the State of institutions in which habitual drunkards might be detained either on their own application or by the order of a Magistrate without their own consent. There are no longer any institutions under this Act.

This Bill does not affect the last-mentioned Act or deal with any institutions under State management. It repeals the above-mentioned sections of the Police Offences Act, and makes further provisions in the same matter.

Private establishments may, as hitherto, be licensed as Inebriates Homes, and habitual inebriates (including persons addicted to the excessive use of drugs) may be ordered to be detained therein in the following ways:—

1. On the application of the inebriate himself:
2. On his summary conviction before a Magistrate of drunkenness and certain other offences connected with drunkenness:
3. By the order of a Magistrate on the complaint of a relative of the inebriate, supported by the statutory declaration of two medical practitioners:
4. By a Judge of the Supreme Court on the conviction of an inebriate in that Court of any offence which has been committed under the influence of drink, or of which drunkenness was a contributing cause.

The period of detention varies from six months to two years. Provision is made for the transfer, discharge, and release on probation of persons so detained.

The requirement of three convictions in nine months before a person can be treated as an habitual inebriate is abolished in accordance with the recommendation of the Departmental Committee which has recently reported on the matter to the Imperial Government. (Report of the Committee on the Inebriates Acts, 1908, Cd. 4439.) This limitation on the powers of committal to an institution has been proved by English experience to be unnecessary and mischievous.

The Bill also provides for the establishment of Reformatory Homes to which women or girls may be committed for certain specified offences instead of being imprisoned, or after the expiry of a term of imprisonment. No similar provisions now exist.

The English law as to the detention of habitual drunkards is to be found in the Habitual Drunkards Act, 1879, and the Inebriates Act, 1898. The former Act deals with the detention of persons in private "retreats" on their own application; the latter provides for their detention by compulsory orders of a Magistrate or Judge in a "State inebriate reformatory" (as under our Inebriates Institutions Act) or in a "certified inebriate reformatory" (as under this Bill).

JOHN W. SALMOND,  
Counsel to the Law Drafting Office.

Hon. Dr. Findlay.

## REFORMATORY INSTITUTIONS.

### ANALYSIS.

- Title.
1. Short Title and commencement.
  2. Interpretation.
- Certified Institutions under this Act.*
3. Certified Inebriates Homes and Reformatory Homes.
  4. An institution under the control of a Hospital and Charitable Aid Board or a private hospital may be certified as an institution under this Act.
  5. Institutions under Lunatics Act not to be institutions under this Act.
  6. Existing institutions.
- Orders for Detention in an Inebriates Home.*
7. Voluntary applications for detention in Inebriates Home.
  8. On summary conviction for certain offences Magistrate may order defendant to be detained in Inebriates Home.
  9. Magistrate may order detention in Inebriates Home on application of relative.
  10. On conviction in Supreme Court for certain offences Judge may order detention of defendant in Inebriates Home.
- Orders for Detention in a Reformatory Home.*
11. On summary conviction of woman or girl for certain offences Magistrate may order detention in Reformatory Home.
  12. On conviction in Supreme Court of woman or girl for certain offences Judge may order detention in Reformatory Home.
- Reception, Transfer, and Discharge.*
13. Issue of warrant of arrest of persons ordered to be detained in institution.
  14. Enforcement of order of detention when term of imprisonment inflicted.
  15. Payment out of public revenues of expenses of conveyance to institution, &c.
  16. Pending reception into institution in terms of order, person may be kept in prison or other place.
  17. Inmate unlawfully absent from institution may be arrested without warrant.
  18. Discharge, transfer, or release on probation of inmates of reformatory institutions.
  19. Mode of computing period of detention.
  20. Removal of inmate to hospital in case of illness.
  21. No obligation apart from contract to receive into institution.
  22. Procedure where admission to institution refused.
  23. Discharge of inmates of institutions.
- Offences.*
24. Unlawful detention in reformatory institution.
  25. Escaping from institution an offence.
  26. Breach of regulations.
  27. Penalty for improper conduct.
  28. Supplying liquor to inmate of Inebriates Home an offence.
  29. Offences by officers and servants of institutions.
- Procedure.*
30. Provisions in Justices of the Peace Act as to appeals to apply to orders for detention under this Act.
  31. Person not entitled by reason of this Act to be tried on indictment instead of summarily.
  32. Notice of order of detention to be given.
  33. Certificate of order of detention to be evidence thereof.
  34. Immaterial errors not to invalidate orders, &c.
  35. Not necessary in proceedings to formally charge person with being an habitual inebriate, &c.
  36. Justices not to have jurisdiction under this Act.
- Miscellaneous.*
37. Public Trustee may be appointed administrator or interim curator of estate of inmate.
  38. Cost of maintenance of inmate to constitute a debt due by him.
  39. Regulations.
  40. Protection of persons acting in good faith
  41. Repeals and savings.
- Schedules.

## A BILL INTITULED

Title.	AN ACT to make Provision for the Establishment and Control of Reformatory Institutions for the Reception and Detention of Habitual Inebriates and of Fallen Women.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. This Act may be cited as the Reformatory Institutions Act, 1909, and shall come into operation on the first day of January, nineteen hundred and ten.	10
Interpretation.	2. In this Act, unless a contrary intention appears,— “Habitual inebriate” means a person who habitually takes or uses in excess alcoholic liquor or any intoxicating, stimulating, narcotic, or sedative drug or drugs, and while under the influence thereof, or in consequence of the effects thereof, is habitually or at times dangerous to himself or others, or a cause of harm, suffering, or serious annoyance to his family or others, or incapable of managing himself or his affairs, or likely to suffer serious injury to his health : “ Inmate of an institution ” means any person in respect of whom an order is in force under this Act for his detention in an institution, whether he is for the time being in the institution or elsewhere : “ Institution ” means a certified Inebriates Home under this Act, or a certified Reformatory Home under this Act : “ Managers ” means, with respect to any institution, the person or persons, society, or body corporate having the possession and control of the institution : “ Superintendent ” means, with respect to any institution, the chief resident officer of that institution : “ Voluntary inmate of an institution ” means a person who has been ordered on his own application, under section seven of this Act, to be detained in that institution as an habitual inebriate.	35
	<i>Certified Institutions under this Act.</i>	
Certified Inebriates Homes and Reformatory Homes.	3. (1.) The Governor, on the application of any person or society (whether incorporated or not) desirous of establishing or maintaining an Inebriates Home or a Reformatory Home under this Act, may by warrant gazetted, if satisfied as to the fitness of the Home and of the person or society proposing to establish or maintain it, certify it as an Inebriates Home or as a Reformatory Home, as the case may be, under this Act, and thereupon, and at all times thereafter while the warrant is in force, the Home so certified shall be a certified Inebriates Home or a certified Reformatory Home, as the case may be, under this Act accordingly. (2.) The Governor may at any time, by warrant under his hand, revoke any warrant issued under this Act in respect of an institution, and thereupon the institution shall cease to be an institution under this Act as from the date mentioned in that behalf in the warrant of revocation.	50

4. (1.) An institution under the control of a Hospital and Charitable Aid Board under the Hospitals and Charitable Institutions Act, 1908, may, if used or intended to be used for the reception of inebriates, or as a reformatory institution for women or girls, be certified under this Act as an Inebriates Home or a Reformatory Home, as the case may be, and shall thereupon become an institution under this Act as well as under the Hospitals and Charitable Institutions Act, 1908.

An institution under the control of a Hospital and Charitable Aid Board or a private hospital may be certified as an institution under this Act.

(2.) A private hospital in respect of which a license is in force under the Hospitals and Charitable Institutions Act, 1908, may, if used or intended to be used for the reception of inebriates, be certified under this Act as an Inebriates Home, and shall thereupon become subject both to this Act and to the said Hospitals and Charitable Institutions Act accordingly.

(3.) If and so far as in respect of any such institution or private hospital there is any conflict between this Act or any regulations made thereunder and the Hospitals and Charitable Institutions Act, 1909, or any regulations or by-laws made thereunder, the provisions of this Act and of the regulations made thereunder shall prevail.

5. No institution in respect of which a license is in force under the Lunatics Act, 1908, for the reception and detention of lunatics therein shall be certified as an institution under this Act.

Institutions under Lunatics Act not to be institutions under this Act.

6. Every place in which at the commencement of this Act habitual drunkards may be lawfully received and detained by virtue of any warrant issued by the Governor under section thirty-seven of the Police Offences Act, 1908, or section four of the Habitual Drunkards Act, 1906, shall be deemed to be a certified Inebriates Home under this Act; and all the provisions of this Act shall apply thereto and to all persons received and detained therein, whether before or after the commencement of this Act, accordingly, and every such warrant shall be deemed to have been issued under this Act.

Existing institutions.

#### *Orders for Detention in an Inebriates Home.*

7. (1.) Any habitual inebriate desirous of being received into a certified Inebriates Home may make application in person to a Magistrate for an order under this section.

Voluntary applications for detention in Inebriates Home.

(2.) Every such application shall be in writing in the form numbered (1) in the *First* Schedule hereto or to the like effect, and shall state the time during which the applicant undertakes to remain in the institution, being not less than six months or more than two years.

(3.) The signature of the applicant shall be attested by the Magistrate to whom the application is made.

(4.) The application shall be heard and determined by the Magistrate in private.

(5.) If the Magistrate is satisfied, whether by the admission of the applicant or by any other evidence, whether legally admissible in a Court of law or not, that the applicant is an habitual inebriate, and that he fully understands the nature and effect of his application, and that the Superintendent of the institution named in the application is willing to receive the applicant, the Magistrate may (if he thinks fit) make an order, in the form numbered (2) in the *First* Schedule hereto or to the like effect, for the detention of the applicant in that institution for the period mentioned in the application, or for any lesser period not being less than six months.

(6.) No Court fees shall be payable in respect of any proceedings under this section.

On summary conviction for certain offences Magistrate may order defendant to be detained in Inebriates Home.

8. If, on the trial and summary conviction before a Magistrate of any person for any of the offences mentioned in the *Second* Schedule to this Act, it appears to the Magistrate (whether by the admission of the defendant or by the evidence at the trial, or by any testimony specially called in that behalf at any time before sentence has been passed) that the defendant is an habitual inebriate, the Magistrate may, if he thinks fit, as part of the conviction, and either in addition to or in lieu of any term of imprisonment or other punishment to which the defendant is liable, order that the defendant shall be detained in a certified Inebriates Home for any period not being less than one year or more than two years. 5 10

Magistrate may order detention in Inebriates Home on application of relative.

9. (1.) On the complaint on oath of a relative (as herein defined) of any person that such person is an habitual inebriate, a Magistrate may issue his summons to that person to show cause why an order should not be made for his detention in a certified Inebriates Home. 15

(2.) If by reason of special circumstances the Magistrate thinks fit he may, on such complaint as aforesaid, instead of issuing a summons, or after the issue thereof, issue his warrant for the arrest of the alleged inebriate. 20

(3.) On the hearing of the complaint, the alleged inebriate being then present before him, the Magistrate may, if he thinks fit, and if he is satisfied of the truth of the complaint, and that the detention of the alleged inebriate is expedient in his own interest or in that of his relatives, make an order, in the form numbered (3) in the *First* Schedule hereto or to the like effect, for the detention of the alleged inebriate in any certified Inebriates Home for any period not being less than ~~one year~~ six months or more than two years. 25 30

(4.) No order shall be made under this section unless two registered medical practitioners certify, by their testimony given before the Magistrate, or by statutory declaration made in the form numbered (4) in the *First* Schedule hereto or to the like effect, that they have examined the person against whom the order is sought, and that they believe him to be an habitual inebriate whose detention as such is expedient in his own interest or in that of his relatives : 35

Provided that if the alleged inebriate refuses to submit himself for medical examination, or obstructs or delays the same, the Magistrate may dispense with the requirements of this subsection and make an order for detention accordingly. 40

(5.) The term "relative" in this section means husband, wife, father, *grandfather*, stepfather, mother, *grandmother*, stepmother, brother, or sister of the whole or half blood, son, *grandson*, daughter, *granddaughter*, stepson, or stepdaughter. 45

(6.) When any person has been detained in an institution under this section, no further order for his detention shall be made under this section, by the same or any other Magistrate, within a period of six months after his discharge from custody under the first order.

(7.) Subject to the provisions of this Act, all the provisions of the Justices of the Peace Act, 1908, with respect to complaints and orders shall, so far as applicable, apply to complaints and orders under this section, but no order for the payment of costs shall be made against the defendant. 50

(8.) No stamp duty shall be chargeable on any statutory declaration required under this section, and no Court fees shall be payable in respect of any proceedings under this section. 55

*New subclause.*

(9.) Any complaint under this section may be heard and determined by the Magistrate in private. 60

10. (1.) If on the trial and conviction of any person in the Supreme Court for any offence punishable by imprisonment it appears to the Judge before whom the trial takes place (whether by the admission of the defendant, or by the evidence at the trial, or by any testimony specially called in that behalf at any time before sentence has been passed) that the offence was committed under the influence of alcohol, or that drunkenness was a contributing cause of the offence, and (in either case) that the defendant is an habitual inebriate, the Judge may, if he thinks fit, in addition to or in lieu of any term of imprisonment or other punishment to which the defendant is liable, and as part of the sentence of the Court, order the defendant to be detained in a certified Inebriates Home for any period not less than one year or more than two years.

On conviction in Supreme Court for certain offences Judge may order detention of defendant in Inebriates Home.

(2.) This section shall extend and apply to any case in which a person has been committed to the Supreme Court for sentence on a plea of guilty, in the same manner as if he had been there tried and convicted on indictment.

*Orders for Detention in a Reformatory Home.*

11. On the trial and summary conviction before a Magistrate of any woman or girl who is or appears to be over the age of fourteen years of any offence mentioned in the *Third* Schedule hereto the Magistrate may, if he thinks fit,—

On summary conviction of woman or girl for certain offences Magistrate may order detention in Reformatory Home.

(a.) With the consent of the defendant; or

(b.) Without her consent, if he is satisfied (whether by the admission of the defendant, or by the evidence at the trial, or by any testimony specially called in that behalf at any time before sentence is passed) that the defendant is a common prostitute or habitually leads an immoral life,— order, as part of the conviction, and either in addition to or in lieu of any term of imprisonment or other punishment to which the defendant is liable, that she shall be detained in a certified Reformatory Home for any period not exceeding twelve months;

*New.*

and in determining in what certified Reformatory Home she is to be so detained the Magistrate shall take into consideration, together with all other circumstances that seem to him relevant, her age, religion, previous conduct and character, the nature of her offence, and the suitability of the proposed Home for her reformation.

12. If any woman or girl who is or appears to be over the age of fourteen years is convicted in the Supreme Court of any indictable offence mentioned in the *Third* Schedule hereto, or is committed to the Supreme Court for sentence on a plea of guilty to any such offence, the Judge before whom the defendant is so convicted or brought for sentence may, if he thinks fit,—

On conviction in Supreme Court of woman or girl for certain offences Judge may order detention in Reformatory Home

(a.) With the consent of the defendant; or

(b.) Without her consent, if he is satisfied (whether by the admission of the defendant, or by the evidence at the trial, or by any testimony specially called in that behalf at any time before sentence has been passed) that the defendant is a common prostitute or habitually leads an immoral life,—

order, as part of the sentence of the Court, and either in addition to or in lieu of any term of imprisonment or other punishment to which the defendant may be liable, that she shall be detained in a certified Reformatory Home for any period not exceeding one year;

*New.*

and in determining in what certified Reformatory Home she is to be so detained the Judge shall take into consideration, together with all other circumstances that seem to him relevant, her age, religion, previous conduct and character, the nature of her offence, and the suitability of the proposed Home for her reformation.

*Reception, Transfer, and Discharge.*

Issue of warrant of arrest of persons ordered to be detained in institution.

13. When an order is made under this Act for the detention of any person in an institution without any prior term of imprisonment, the Judge or Magistrate by whom the order is made shall issue a warrant under his hand in the form numbered (5) in the *First* Schedule hereto or to the like effect, and any constable or any person to whom the warrant is so addressed may thereupon arrest the person so ordered to be detained, and take him to the institution, there to be detained according to the order. 5

Enforcement of order of detention when term of imprisonment inflicted.

14. When an order is made under this Act for the detention of any person in an institution, and at the same time, or at any time thereafter while he remains an inmate of the institution, he is sentenced to imprisonment for any offence, he shall on the expiry of the period of his sentence, or on his earlier discharge from custody under that sentence, be taken by any constable or by any officer of the prison in which he has been so imprisoned to the institution in which he is ordered to be detained, and he shall be there detained in accordance with the order. 10 15

Payment out of public revenues of expenses of conveyance to institution, &c.

15. (1.) The expenses incurred by any constable, or by any officer or servant of any institution, or by any officer of a prison in conveying or returning any person to an institution in which he is ordered to be confined, or to which he has been transferred in pursuance of this Act, shall be deemed to be moneys expended in the conveyance to prison of a person sentenced to imprisonment, and shall be payable out of the public revenues accordingly. 20 25

(2.) All sums so paid out of the public revenues on account of the conveyance or return of any person to an institution shall constitute a debt due by that person to the Crown, and shall be recoverable by action accordingly in any Court of competent jurisdiction.

(3.) On the hearing of an application or complaint under section *seven* or section *nine* of this Act the Magistrate may, if he thinks fit, make it the condition of the granting of an order of detention that the applicant or complainant shall deposit, with such person as the Magistrate directs, such sum as the Magistrate thinks sufficient for the conveyance to the institution of the person ordered to be detained therein, and the sum so deposited, or such part thereof as may be necessary, shall be expended accordingly, and the residue, if any, shall be repaid to the person by whom the deposit was made. 30 35

Pending reception into institution in terms of order, person may be kept in prison or other place.

16. After the making of an order for the detention of any person under this Act, and pending the reception of that person into an institution in pursuance of the order, the Magistrate or Judge by whom the order is made, or the Minister of Justice, may give such directions as he thinks fit touching the custody of that person, and may, except in the case of an applicant under section *seven* of this Act, direct him to be kept in any prison or other place of confinement, but no person shall be detained in custody under the authority of this section for a longer continuous period than *fourteen* days. 40 45

Inmate unlawfully absent from institution may be arrested without warrant.

17. An inmate of an institution may at any time while he is absent from the institution without lawful justification, whether by reason of his escape from lawful custody or by reason of any other circumstance, be arrested without warrant by any constable or by any officer or servant employed in or about the institution, and may thereupon be taken to the institution or otherwise dealt with according to law. 50

Discharge, transfer, or release on probation of inmates of reformatory institutions.

18. (1.) The Minister of Justice may at any time, by order under his hand,— 55

(a.) Discharge any person detained or ordered to be detained in an institution under this Act :

(b.) Transfer any such person from one institution to any other institution of the like kind (but in the case of a voluntary inmate only with his own consent in writing) :

(c.) Release on probation, and on such terms, ~~for such period,~~ and for such reasons as he thinks fit, any person so detained or ordered to be detained :

(d.) Revoke at any time, and notwithstanding the terms thereof, any such order of release on probation, and order the return of the person so released to the same or (save in the case of a voluntary inmate) any other institution of the like kind, for the portion then unexpired of the period of his detention.

(2.) When any person has been transferred from one institution to another under this section, he shall be detained in the institution to which he has been so transferred until the expiry of the period of detention mentioned in the original order of detention, unless he is sooner released or transferred in due course of law.

(3.) Any person ordered to be transferred from one institution to another shall be deemed to remain an inmate of the former of those institutions until he has been received into the latter, and may be taken in custody to the latter institution by any constable or by any officer or servant of either of those institutions.

(4.) When an order of release on probation has been revoked ~~or has expired,~~ any constable or any officer or servant of the institution may arrest the person so released, and take him back to the institution or to any other institution specified in that behalf in the order of revocation, there to remain in confinement until the expiration of the period of his detention.

19. (1.) The period of the detention of any person in an institution under any order made by a Magistrate or Judge shall be computed as from the date of the first reception of that person into an institution in pursuance of that order or in pursuance of any order of transfer made by the Minister of Justice.

Mode of computing period of detention.

(2.) Any period during which a person has been absent from an institution on probation or by virtue of an order made under section *twenty* of this Act shall be computed as part of the period of his detention.

(3.) No period during which a person has been imprisoned in any prison, or has been absent from the institution after the ~~expiration or determination of any period of~~ *revocation of an order for release on probation*, or after his escape from the institution shall be computed as part of the period of his detention.

(4.) Save as in this section provided, the period of detention of any person shall be computed continuously as from the date of his actual reception into the institution.

20. (1.) In the case of the illness of any inmate of an institution he may, with the consent of a Magistrate or of the Minister of Justice, be removed by the managers or superintendent of the institution to any hospital or other institution under the Hospitals and Charitable Institutions Act, 1908.

Removal of inmate to hospital in case of illness.

(2.) Any person so removed shall be deemed to remain in lawful custody under the order by which he was detained in the institution under this Act, and he may at any time be returned to that insti-



tution by the managers or superintendent thereof, or by any officer of the hospital or other institution to which he has been so removed.

No obligation apart from contract to receive into institution.

21. Save by virtue of a contract made in that behalf, the managers or superintendent of an institution shall be under no obligation to receive into the institution any person ordered to be detained therein, or to permit the return to the institution of any person who has been released on probation or has been imprisoned. 5

Procedure where admission to institution refused.

22. If an order is made for the detention of any person in an institution, and that person is refused admission to the institution, the Minister of Justice shall thereupon, by order under his hand, either discharge or transfer that person in accordance with the provisions of section *eighteen* of this Act. 10

Discharge of inmates of institutions.

23. (1.) The superintendent of an institution may at any time and for any reason discharge a voluntary inmate of the institution before the expiry of the period for which he was ordered to be detained. 15

(2.) No inmate of an institution, other than a voluntary inmate, shall after his reception therein be discharged therefrom except on the expiration of the period for which he was ordered to be detained, or in pursuance of an order of discharge or transfer made by the Minister of Justice. 20

(3.) If any inmate of an institution is, after his reception therein, discharged therefrom otherwise than in due course of law, every officer or servant of the institution who procured, aided, permitted, or took part in the discharge, shall be severally guilty of an offence punishable on summary conviction by a fine ~~of~~ *not exceeding twenty pounds*. 25

(4.) For the purposes of this section an inmate of an institution shall be deemed to be discharged if he is permitted to be absent therefrom for more than twenty-four hours at any one time otherwise than in pursuance of the provisions of this Act. 30

#### Offences.

Unlawful detention in reformatory institution.

24. (1.) Every person commits an offence who wilfully detains any other person, or wilfully aids, abets, or procures the detention of any other person, in an institution under this Act otherwise than in due course of law, or for a longer period than is authorised by law. 35

(2.) Every such offence shall be punishable on indictment by imprisonment with or without hard labour for a period not exceeding one year, or by a fine not exceeding *two* hundred pounds.

Escaping from institution an offence.

25. Every inmate of an institution who escapes or attempts to escape therefrom, or from lawful custody as such inmate, or who wilfully refuses or neglects to return to the institution after the expiration or determination of any period of lawful absence therefrom, shall be guilty of an offence punishable on summary conviction by imprisonment for a *period not exceeding three months*. 40 45

Breach of regulations.

26. Every inmate of an institution, and every officer, servant, or other person employed in or about an institution, who wilfully commits a breach of any regulation made under this Act in respect of the breach of which any penalty by way of fine or imprisonment is prescribed by regulations shall be guilty of an offence punishable on summary conviction by the penalty so prescribed. 50

Penalty for improper conduct.

27. If any inmate of an institution is wilfully guilty of any violent, unruly, insubordinate, destructive, indecent, offensive, or insulting conduct, he shall be liable, on summary conviction before a Magistrate, to imprisonment for a *period not exceeding three months*. 55

28. Every person, other than a registered medical practitioner, who, save in pursuance of the written authority of a registered medical practitioner, procures or attempts to procure any intoxicating liquor, or any stimulating, narcotic, or sedative drug for, or sends, takes, or delivers, or attempts to send, take, or deliver, any such liquor or drug to any person whom he knows to be an inmate of a certified Inebriates Home (whether that inmate is detained in the institution or is absent therefrom on probation or otherwise howsoever) commits an offence, and is liable on summary conviction to a fine of *not exceeding twenty pounds*.

Supplying liquor to inmate of Inebriates Home an offence.

29. Every person commits an offence and is liable on summary conviction to a fine of *not exceeding twenty pounds* who—

Offences by officers and servants of institutions.

- (a.) Ill-treats or (being an officer, servant, or other person employed in or about an institution) wilfully neglects any inmate of an institution; or
- (b.) Induces or knowingly assists any inmate of an institution to escape therefrom or from lawful custody.

*Procedure.*

30. All the provisions of the Justices of the Peace Act, 1908, as to appeals from convictions or orders shall apply, with the necessary modifications, to any order for detention made by a Magistrate under this Act (other than an order made under section *seven* hereof against any person on his own application) in the same manner as if detention in an institution under this Act was imprisonment within the meaning of the said Justices of the Peace Act.

Provisions in Justices of the Peace Act as to appeals to apply to orders for detention under this Act.

31. No person charged before a Magistrate with any offence punishable on summary conviction shall be entitled to be tried on indictment by reason merely of the fact that he is liable under this Act to be detained in an institution.

Person not entitled by reason of this Act to be tried on indictment instead of summarily.

32. When an order is made by a Magistrate or Judge under this Act for the detention of any person in an institution, a minute of the order under the hand of the Magistrate or of the Registrar or Deputy Registrar of the Supreme Court, as the case may be, shall be forthwith sent by him, by post or otherwise,—

Notice of order of detention to be given.

- (a.) To the Minister of Justice at Wellington;
- (b.) To the superintendent of the institution; and
- (c.) Where the person so ordered to be detained has at the same time been sentenced to any term of imprisonment, to the Gaoler of the prison in which he is to be so imprisoned.

33. In any proceedings, civil or criminal, a certificate in writing setting out the substance of any order made under this Act, signed by any Magistrate by whom the order has been made, or by any Registrar, clerk, or officer having the custody of the record of the order, shall be sufficient evidence thereof on proof of the signature and official character of the person by whom the certificate is signed.

Certificate of order of detention to be evidence thereof.

34. No order, warrant, or other document made or issued in respect of any institution under this Act shall be invalidated by any misnomer or erroneous description of the institution, or of any person ordered to be confined, or by any other error or defect of form.

Immaterial errors not to invalidate orders, &c.

Not necessary in proceedings to formally charge person with being an habitual inebriate, &c.

35. For the purposes of any order to be made under this Act for the detention of any person in an institution, on the trial and conviction of that person for an offence it shall not be necessary that the defendant should be formally charged in the information or indictment or otherwise with being an habitual inebriate, or a common prostitute, or with habitually leading an immoral life, or with any other fact or circumstance necessary to give the Judge or Magistrate jurisdiction under this Act. 5

Justices not to have jurisdiction under this Act.

36. Justices of the Peace shall not be capable of exercising any of the powers conferred by this Act upon a Magistrate. 10

*Miscellaneous.*

Public Trustee may be appointed administrator or interim curator of estate of inmate.

37. When an order has been made against any person (whether before or after the commencement of this Act) for his detention in an institution, the Public Trustee may be appointed as the administrator or interim curator of his estate, in accordance with Part III of the Prisons Act, 1908, and all the provisions of sections fifty-five to seventy-five of that Act shall, so long as the order of detention remains in force, apply to that person accordingly in the same manner in which those provisions apply to persons imprisoned. 15

Cost of maintenance of inmate to constitute a debt due by him.

38. (1.) The cost of the maintenance of any person in any institution in which he is detained under this Act shall, to the extent and in the cases (if any) prescribed by regulations, constitute a debt owing by that person and accruing due from week to week, and shall be recoverable by action in any Court of competent jurisdiction at the suit in his own name of the superintendent or managers of the institution at the time of action brought: 20

Provided that the Magistrate or Judge by whom the order is made, or the Minister of Justice in making an order of transfer, may in and by the order exempt, wholly or partially, the person so ordered to be detained or transferred from the requirements of this section. 30

(2.) Nothing in this section shall affect any contract made by any person in respect of the maintenance of himself or any other person in an institution under this Act.

(3.) If the Public Trustee is appointed under this Act as the administrator or interim curator of the estate of any inmate of an institution, he shall pay from time to time out of the estate all sums payable by that inmate in respect of his maintenance (whether by virtue of this section or of any contract), so far as such payment can, in the opinion of the Public Trustee, be made without inflicting undue hardship on the family of that inmate. 35 40

Regulations.

39. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations—

- (a.) Prescribing the conditions on which institutions may be certified under this Act as Inebriates Homes or Reformatory Homes: 45
- (b.) Regulating the establishment, management, maintenance, and inspection of institutions:
- (c.) Regulating and prescribing the appointment and duties of officers and servants of institutions:
- (d.) Regulating the classification, treatment, control, and discipline of persons detained in institutions: 50
- (e.) Prescribing compulsory employment for persons detained in institutions:

(f.) Prescribing the sums to be paid by inmates of institutions in respect of their maintenance therein, and the cases in which such sums are payable :

5 (g.) Prescribing penalties by way of fine or imprisonment for the breach of any such regulation, but so that the fine so prescribed shall not exceed *twenty* pounds or the term of imprisonment exceed *one* month.

10 (2.) Regulations so made may apply either to all institutions under this Act, or to institutions of any specified class, or to any individual institution.

40. No action shall lie against any person for anything done in good faith and with reasonable care in pursuance or intended pursuance of this Act, or of any order, warrant, or regulation made or issued or purporting to be made or issued under this Act. Protection of persons acting in good faith.

15 41. Sections thirty-four to thirty-nine of the Police Offences Act, 1908 (relating to habitual drunkards), are hereby repealed, but every order made under section thirty-five of that Act or under section three of the Habitual Drunkards Act, 1906, and in force at the commencement of this Act, shall remain in force for the residue Repeals and savings.

20 of the period for which it was made, and shall be subject to the provisions of this Act in the same manner as if made thereunder in respect of a certified Inebriates Home.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

(1.) APPLICATION FOR RECEPTION INTO CERTIFIED INEBRIATES HOME.

*The Reformatory Institutions Act, 1909.*

To C. D., Esq., Stipendiary Magistrate.

I, A. B., [*Occupation and address*], hereby make application for an order under section *seven* of the Reformatory Institutions Act, 1909, for my detention as an habitual inebriate in the certified Inebriates Home situate at \_\_\_\_\_, and known as [*Name of institution*]; and I undertake to remain therein for \_\_\_\_\_, or for such lesser period as may be specified in the order, or until such time as I am otherwise lawfully discharged in accordance with the provisions of the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signed by the said A. B. this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, in the presence of—  
A. B.  
C. D.,  
Stipendiary Magistrate.

(2.) ORDER FOR DETENTION IN CERTIFIED INEBRIATES HOME UPON APPLICATION OF HABITUAL INEBRIATE.

*The Reformatory Institutions Act, 1909.*

WHEREAS on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, A. B., [*Occupation and address*], personally appeared before me, a Stipendiary Magistrate, and made application under the provisions of section *seven* of the Reformatory Institutions Act, 1909, for his detention as an habitual inebriate in the certified Inebriates Home situate at \_\_\_\_\_, and known as [*Name of institution*]: And whereas I am satisfied that the said A. B. is an habitual inebriate within the meaning of the said Act, and that he fully understands the nature and effect of his application: And whereas the Superintendent of that certified Inebriates Home is willing to receive the said A. B. as an inmate of that institution:

Now, therefore, I do order that the said A. B. be detained as an habitual inebriate in the certified Inebriates Home situate at \_\_\_\_\_, and known as [Name of institution], for the period of \_\_\_\_\_

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
C. D.,  
Stipendiary Magistrate.

(3.) ORDER FOR DETENTION IN CERTIFIED INEBRIATES HOME UPON COMPLAINT OF RELATIVE.

*The Reformatory Institutions Act, 1909.*

WHEREAS on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, E. F., [Occupation and address], being a relative of A. B., [Occupation and address], appeared before me, a Stipendiary Magistrate, and complained on oath that the said A. B. is an habitual inebriate: And whereas G. H. and I. J., registered medical practitioners, have certified to me that they have examined the said A. B., and that they believe him to be an habitual inebriate whose detention as such is expedient [or And whereas the said A. B. has refused to submit himself for medical examination (or as the case may be), and I have dispensed with such examination accordingly]: And whereas I am satisfied that the said A. B. is an habitual inebriate as aforesaid, and that it is expedient that he should be detained in a certified Inebriates Home:

Now, therefore, I do order that the said A. B. be detained as an habitual inebriate in the certified Inebriates Home situate at \_\_\_\_\_, and known as [Name of institution], for the period of \_\_\_\_\_

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
C. D.,  
Stipendiary Magistrate.

(4.) DECLARATION OF MEDICAL PRACTITIONER AS TO HABITUAL INEBRIATE.

*The Reformatory Institutions Act, 1909.*

I, G. H., of \_\_\_\_\_, in the Dominion of New Zealand, medical practitioner, do solemnly and sincerely declare,—

(1.) That I am a duly registered medical practitioner.

(2.) That I have examined A. B., [Occupation and address], and believe him to be an habitual inebriate within the meaning of the Reformatory Institutions Act, 1909, and that his detention as such in a certified Inebriates Home is expedient in his own interest [or in that of his relatives].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1908.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me—  
G. H.  
K. L.,  
Justice of the Peace [or as the case may be].

(5.) WARRANT FOR ARREST OF A PERSON ORDERED TO BE DETAINED IN A REFORMATORY INSTITUTION.

*The Reformatory Institutions Act, 1909.*

To M. N., constable, and to all other constables in New Zealand [or (and) to any other person or persons named or described in the warrant].

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, an order was made by me under the Reformatory Institutions Act, 1909, for the detention of A. B., [Occupation and address], in the certified Inebriates Home [or certified Reformatory Home] situate at \_\_\_\_\_, and known as [Name of institution], for the period of \_\_\_\_\_

: This is to command you to apprehend the said A. B., and to take him [or her] to the said institution, there to be detained in accordance with the said order.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
C. D.,  
Stipendiary Magistrate [or Judge of the Supreme Court].

---

SECOND SCHEDULE.

OFFENCES TO WHICH SECTION 8 OF THIS ACT APPLIES.

1. DRUNKENNESS, or any offence of which drunkenness forms a necessary element.
2. Any offence against Part VI of the Licensing Act, 1908, by any person in respect of whom a prohibition order is in force.
3. Attempting to commit suicide.
4. Any offence against sections 41, 42, or 49 of the Police Offences Act, 1908.

---

THIRD SCHEDULE.

OFFENCES TO WHICH SECTION 11 OF THIS ACT APPLIES.

1. An offence against sections 33, 41, 42, or 49 of the Police Offences Act, 1908.
2. Attempting to commit suicide.
3. Drunkenness, or any offence of which drunkenness is a necessary element
4. An offence against section 194 of the Crimes Act, 1908.

---

By Authority: JOHN MACKAY, Government Printer, Wellington.—1909.