CONVICTED INEBRIATES ACT, 1913-1934.

BEING

THE CONVICTED INEBRIATES ACT, 1913, No. 1120 OF 1913
[ASSENTED TO 11TH DECEMBER, 1913.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1934, No. 2168 OF 1934
[ASSENTED TO 15TH NOVEMBER, 1934.]

An Act to make further provision for the control and care of inebriates.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title. Cf. U.K., 61 & 62, Vict., c. 60.

1. This Act may be cited as the "Convicted Inebriates Act, 1913-1934."

Interpretation.

2. In this Act—

"inebriate" means a person declared under this Act to be an inebriate:

"institution" means any institution proclaimed under section 3:

"justice" means justice of the peace for the said State:

"Minister" means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor:

"prescribed" means prescribed by this Act or by regulation made under this Act:

"this Act" includes regulations and proclamations made under this Act.

Power to establish institutions.

3. The Governor may, by proclamation published in the *Government Gazette,* declare that any gaol or other place therein specified shall be an institution for the reception, detention, control, care, and treatment of inebriates.

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s. 2. The administration of this Act was by proclamation committed to the Chief Secretary: *Gazette* 5th February, 1914, p. 319.

s. 3. By proclamation, *Gazette* 26th February, 1914, p. 515, the public gaols at Adelaide and Gladstone were declared to be institutions for the reception, detention, control, care, and treatment of inebriates. At 22nd March, 1937, no other proclamations were in force under section 3.

4. (1) Upon the conviction of any person of an offence of which drunkenness is a necessary part or condition, if such person has been so convicted at least three times within the preceding twelve months, and the first mentioned conviction is before a special magistrate or two or more justices, such magistrate or justices may, in his or their discretion, and either of his or their own motion or on the application of any member of the police force, declare such person an inebriate.

Power to declare convicted person an inebriate.
Cf. 927, 1907, s. 3.
Cf. 954, 1908, s. 8.
Cf. U.K., 61 & 62, Vict., c. 60, s. 2.

(2) This section shall apply whether the previous convictions or any of them, took place within or without the said State, and whether before or after the passing of this Act.

5. (1) For the purposes of this Act a previous conviction against any person may be proved by producing a copy of the record of such conviction certified as mentioned in sub-section (2) hereof, and giving proof of the identity of such person with the person appearing in such record to have been convicted.

Proof of previous conviction.
Cf. 927, 1907, s. 4.

(2) The copy of the record shall be certified under the hand of the clerk of the court, or other officer purporting to have the custody of the records of the court, by which the conviction was made.

(3) The copy of the record shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed such copy.

(4) The mode of proving a previous conviction authorised by this section shall be in addition to, and not in exclusion of, any other mode of proving such conviction.

(5) In this section the expression "court" includes special magistrate or justice or justices.

6. (1) When any person is declared an inebriate such person shall be placed in such institution as the Minister directs for detention and treatment during His Majesty's pleasure: Provided that—

Inebriate to be detained during pleasure.
Cf. ibid., s. 5.
Cf. 954, 1908, s. 8, (3).

I. The magistrate or justices making the declaration, or the Minister, may direct that until he is placed in an institution such person shall be detained in some place specified by the magistrate or justices or Minister (as the case may be):

II. If he or they is or are of opinion that such person is physically unfit to travel to an institution, the magistrate or justices, or the Minister, may direct

that he be placed and detained for immediate medical treatment for such time as the magistrate or justices, or the Minister, thinks fit, not exceeding twenty-eight days, in a specified gaol or hospital, and if in a hospital to be under the supervision of the police; and from time to time any special magistrate or two justices, or the Minister, may make an order continuing the detention in the same or any other specified gaol or hospital:

III. The Minister may, from time to time, direct that an inebriate detained in an institution be removed to another institution specified by the Minister.

(2) Any direction or order under this section shall have effect according to the tenor thereof, and shall be sufficient warrant for the removal and detention of the person therein mentioned as directed or ordered.

Payment of expenses of care and maintenance.
954, 1908, s. 9.
Cf. U.K., 61 & 62, Vict., c. 60, s. 12.

7. (1) Any special magistrate or justices on declaring a person an inebriate may at the same time, or any special magistrate or justices may by a subsequent order, direct that the expenses of the detention, control, care, maintenance, and treatment of such inebriate, or any part of such expenses, be paid by him or out of any of his property, and fix the amounts to be so paid.

Amended by S.L.R. Act, 1934.

(2) The expenses so directed to be paid may be recovered by action or by proceedings in a summary manner.

Inebriate to work at some trade.
Cf. 927, 1907, s. 6.

8. (1) Every person detained as an inebriate shall, subject to the regulations, be required to work at some trade or avocation, and shall be offered such facilities as are practicable for selling or otherwise disposing of the products of his labour.

(2) The manner of dealing with the proceeds arising from the sale or disposal of such products shall be as prescribed: Provided that the inebriate shall receive not less than one-half of the net proceeds.

Release on licence.
Cf. W.A., 47, 1912, s. 12; N.S.W. 24, 1912, s. 14.

9. (1) The Governor may release on licence any inebriate detained in an institution.

(2) The conditions of the licence shall be that the licensee, for a period therein specified, not exceeding twelve months—

(*a*) shall be of good behaviour,

(*b*) shall abstain from taking or using any alcoholic liquor or intoxicating drug, unless, in case of his illness, it is prescribed for him by a legally qualified medical practitioner, who has certified in writing that no effective substitute for such liquor or drug is available, and

(*c*) shall do, or abstain from doing, any other matters or things prescribed.

(3) Any such licence may be revoked by the Governor at his discretion, or, on proof in a summary manner before a special magistrate or two justices that the licensee has been guilty of a breach of any condition of the licence, by such magistrate or justices.

(4) When a licence is revoked as aforesaid, the licensee may, without any further or other authority than this Act, be arrested by any member of the police force and be returned to the institution in which he was detained before his release or to such other institution as is directed by the Minister, and may be detained as if he had not been released as aforesaid.

When a person ceases to be an "inebriate."

10. When an inebriate—

(*a*) is released by the Governor unconditionally, or

(*b*) having been released by the Governor on licence, such licence has been in force for a period of twelve months,

he shall cease to be an inebriate within the meaning of this Act; but if, within the period of twelve months thereafter, he is again convicted of any offence of which drunkenness is a necessary part or condition, he may be again declared an inebriate by the court, magistrate, or justice by whom he is so convicted, and all the provisions of this Act as to inebriates shall again apply to him accordingly.

Males and females to be kept apart. 927, 1907, s. 10.

11. No female shall be allowed to enter the part of any institution set apart for male inebriates, nor shall any male be allowed to enter the part of any institution set apart for female inebriates, except in accordance with the regulations.

Alcoholic liquor, &c. prohibited. Ibid., s. 11. Cf. 954, 1908, s. 18, III.

12. (1) No person shall bring into any institution any alcoholic liquor or intoxicating drug for the use of any inebriate, nor shall any inebriate be allowed any such liquor or drug: Provided that in case of the illness of an inebriate any such liquor or drug may be given to and used by such

inebriate if the medical officer of the institution has certified that no effective substitute for such liquor or drug is available.

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding one hundred pounds.

Institution to be a prison within the meaning of Prison Act. 954, 1908, s. 13.

13. (*a*) Every institution shall be, and

(*b*) every other place where an inebriate is detained under this Act shall, with respect to such inebriate, be

a prison within the meaning of the "Prison Act, 1869," and any Act amending or substituted for that Act.

Regulations.

14. (1) The Governor may make—

I. regulations prescribing, subject to section 9, the conditions to be observed by inebriates released on licence:

II. all such regulations as may be necessary or convenient for the good order, discipline, and health of inebriates, and for the control and management of institutions and other places where they are detained, and in particular may make regulations—

(*a*) prescribing the means to be adopted for the care, control, and treatment of such inebriates:

(*b*) prescribing the mode of sale and disposal of the products of the labour of such inebriates:

(*c*) prescribing, subject to subsection (2) of section 8, how the proceeds of such sale are to be disposed of:

III. all such other regulations as may be necessary or convenient for giving effect to this Act or more effectively carrying out its objects.

(2) All regulations—

(*a*) shall be published in the *Government Gazette:*

(*b*) from the date of such publication, or from a later date fixed by the order making the same, shall (subject to subsection (3) hereof) be of the same effect as if they were contained in this Act; and

s. 13. The Prison Act, 1869, has been repealed and superseded by the Prisons Act, 1936.

(*c*) shall be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session of Parliament.

(3) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same session or Parliament as that in which the regulation is laid before such House.

(4) When a resolution has been passed as mentioned in subsection (3) hereof, notice of such resolution shall forthwith be published in the *Government Gazette*.

Resolution to be notified in *Gazette*.

15. All proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings for offences.

Substituted by S.L.R. Act, 1934.

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Ss. 16 and 17 repealed by S.L.R. Act, 1934.

Regulations.

The following regulations were in force under this Act on 22nd March, 1937:—

Gazette—16th July, 1914, p. 117.
2nd March, 1916, p. 413.
16th June, 1921, p. 1270.
17th July, 1924, p. 112.
3rd September, 1925, p. 572.
11th August, 1927, p. 348.
17th October, 1929, p. 891.
31st October, 1929, p. 1010.

CONVICTS' PROPERTY

see Criminal Law Consolidation.