



ANNO DECIMO

ELIZABETHAE II REGINAE

A.D. 1961

No. 48 of 1961

An Act to make provision for the treatment, care, control and rehabilitation of persons who are addicted to the consumption or use of alcoholic or intoxicating liquors or certain drugs to excess; to repeal the Inebriates Act, 1908-1934 and the Convicted Inebriates Act, 1913-1934, and for other purposes.

[Assented to 16th November, 1961.]

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

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Alcohol and Drug Addicts (Treatment) Act, 1961".

Commencement and arrangement.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) This Act is arranged as follows :—

PART I.—Preliminary, sections 1-4.

PART II.—Administrative provisions, sections 5-12.

PART III.—Provisions relating to admission, custody, control, leave and discharge of patients, sections 13-29.

PART IV.—Miscellaneous provisions, sections 30-34.

PART V.—Provisions relating to offences, sections 35-38.

PART VI.—Supplementary provisions, sections 39-42.

Schedule—Acts repealed.

3. The Acts specified in the schedule to this Act are repealed ^{Repeals} to the extent specified in the third column of that schedule.

4. In this Act, unless the context otherwise requires— ^{Interpretation.}

“addict” means a person addicted to the consumption or use of alcoholic or intoxicating liquors or specified drugs to excess and who is thereby at times—

(a) dangerous to himself or others ; or

(b) incapable of managing himself or his affairs :

“alcoholic centre” means a centre which pursuant to section 5 of this Act is an alcoholics centre for the purposes of this Act :

“centre” means a place designed for the admission and treatment of addicts :

“court” means the Supreme Court or a judge or a court of summary jurisdiction as defined in the Justices Act, 1921-1960 :

“Director” means the person for the time being holding the office of Director of Alcoholics Centres :

“patient” means a person admitted to an alcoholics centre for treatment, and not discharged therefrom :

“relative” in relation to a person, means the father, mother, stepfather, stepmother, spouse, a grandparent, brother, sister, stepbrother, or stepsister of that person or a brother or sister of a parent of that person, and where the person is under the age of twenty-one years, includes the legal guardian of that person :

“specified drug” means—

(a) a drug or substance to which the Dangerous Drugs Act, 1934-1955, applies ; or

(b) a drug or substance which has been declared by proclamation to be a specified drug for the purposes of this Act and has not ceased to be a specified drug ;

“treatment” includes care, control and rehabilitation.

PART II.

PART II.

ADMINISTRATIVE PROVISIONS.

Power of Governor to establish and constitute alcoholics centres and to declare specified drugs.

5. (1) The Governor may, on the recommendation of the Minister, establish such centres as he thinks fit.

(2) A centre or part of a centre so established may by proclamation be constituted an alcoholics centre and upon being so constituted shall, subject to subsection (3) of this section, be an alcoholics centre for the purposes of this Act.

(3) The Governor may, by proclamation, declare that an alcoholics centre or part of an alcoholics centre so constituted shall, on a day specified in the proclamation, cease to be an alcoholics centre or part of the alcoholics centre and on and after that day the centre or part shall cease to be an alcoholics centre or part of such centre for the purposes of this Act.

(4) The Governor may, by proclamation, declare any drug or other substance to be a specified drug for the purposes of this Act.

(5) The Governor may, by proclamation, declare that any drug or substance that has been so declared to be a specified drug shall cease to be a specified drug and on or after the date of publication of the proclamation in the *Government Gazette*, that drug or substance shall cease to be a specified drug.

Appointment of Director and officers.

6. (1) The Governor may appoint—

(a) such persons as he thinks fit to be Director of Alcoholics centres and Deputy Director of Alcoholics centres ; and

(b) such other officers (including probation officers) and servants as are necessary for the purposes of this Act.

(2) The offices of Director of Alcoholics Centres and Deputy Director of Alcoholics Centres may, if the Governor thinks fit, be held in conjunction with any other offices in the Public Service of the State.

(3) The provisions of the Public Service Act, 1936-1959, shall, except as otherwise provided by or under that Act, apply to and in respect of, all appointments under this Section.

Cf. 2805, 1936 s. 7 (2).

Powers and functions of Director and Deputy.
Cf. 2230, 1935 s. 8.

7. (1) Subject to this Act, the Director—

(a) shall have the general care, control, management and supervision of all alcoholics centres ; and

- (b) shall have and exercise all such other powers and perform such duties as are conferred or imposed upon him by or under this Act.
- (2) The Director—
- (a) may make such enquiries as he thinks fit with respect to the care, treatment or health of the patients in any alcoholics centre, or with respect to any matter affecting the social or physical welfare or the comfort or discipline of the patients or the persons employed in any alcoholics centre, or with respect to any other matter ; and
- (b) for the purpose of any such enquiry may visit and inspect any centre and may ask questions of the superintendent thereof or any other person employed therein or any patient admitted thereto.
- (3) The Director—
- (a) shall annually make and furnish the Minister with a report on his administration under this Act, the state and condition of the several alcoholics centres the care of the patients therein, such matters as the Minister may require and such matters as in his opinion are deserving of notice ; and
- (b) shall furnish the Minister with such other reports and documents relating to the administration of this Act as the Minister requires of him.
- (4) On receipt of each annual report, the Minister shall cause a copy thereof to be laid before both Houses of Parliament as early as practicable.
- (5) The Director shall be responsible to the Minister for the discharge and exercise of his duties and powers.
- (6) The Deputy Director of Alcoholics Centres shall exercise and perform such of the powers, authorities, duties and functions of the Director as the Director may direct, either generally or in a special case.
- (7) When the Director is absent from duty by reason of illness or any other cause, or during any vacancy in the office of the Director, the person, if any, for the time being holding the office of Deputy Director of Alcoholics Centres may exercise and perform all the powers, authorities, duties and functions conferred or imposed upon the Director by this Act.
- (8) Where the Deputy Director of Alcoholics Centres exercises or performs any of the powers, authorities, duties or functions of the Director under this Act, references in the Act to the

Cf. 2230, 1935
s. 10.

Cf. 2230, 1935
s. 11.

Cf. 44, 1956,
s. 3.

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Director shall with respect to such exercise or performance be read as references to the Deputy Director.

Superinten-
dent.
Cf. 2305, 1936,
s. 18.

8. (1) For each alcoholics centre there shall be a superintendent who shall be responsible to the Director for the discharge of his duties and the exercise of his powers under this Act.

(2) The superintendent of an alcoholics centre shall have the control and management thereof in all matters connected with its internal affairs and discipline and shall be responsible for carrying out the duties imposed on him by or under this Act, and for the observance of the provisions of this Act with respect to all matters occurring within the centre.

(3) The superintendent shall give effect to any direction given by the Director under this Act.

Records.

9. The superintendent of an alcoholics centre shall keep or cause to be kept in such manner as is prescribed such records with respect to each patient and with respect to the administration of the centre as are prescribed.

Notice of
admission, etc.
of patients to
be transmitted
to Director.
Cf. 2230, 1935
s. 60.

10. The superintendent of an alcoholics centre shall, as soon as practicable after the admission, discharge, removal, unauthorized absence, escape, or recapture of any patient, transmit a notice in writing of the admission, discharge, removal, escape or recapture to the Director.

Official
visitors.
Cf. 2305, 1936
s. 21.

11. (1) For each alcoholics centre the Governor may appoint two official visitors one of whom must be a special magistrate and the other a legally qualified medical practitioner, not being the medical officer of the centre.

(2) An official visitor shall be appointed for a term of one year, but may, from time to time, at the expiration of his term of office be reappointed for a further term of one year.

(3) An official visitor shall discharge and exercise all such powers and duties as are conferred or imposed on him by or under this Act, and shall report to the Minister at such times, in such manner, and on such matters as the Minister from time to time directs.

Visitor's
book.
Cf. 2230, 1935,
s. 69; 31,
1939, s. 3 (3)
(5).

12. (1) There shall be kept in every alcoholics centre a copy of this Act and the regulations thereunder, as amended from time to time, together with a book which shall be known as the visitor's book.

(2) It shall be the duty of the Director and each official visitor at the time of any visit by each of them to enter in the visitor's book the result of any inspection or inquiry carried out by him with such observations, if any, as he thinks proper and such observations, if any, as he thinks fit respecting the state of mind or body of any patient in the centre.

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PART III.

PROVISIONS RELATING TO ADMISSION, CUSTODY,
CONTROL, LEAVE AND DISCHARGE OF PATIENTS.

Admission of
patients on
application.
Cf. 954, 1908,
s. 5; 2230,
1935, ss. 35
37.

13. (1) Any person may be received into and detained in an alcoholics centre upon the application in writing in the prescribed form of—

- (a) the person himself ; or
- (b) any relative of the person ; or
- (c) an adult probation officer appointed under this Act ; or
- (d) a member of the police force.

(2) The application must be supported by certificates of two legally qualified medical practitioners (none of them being the applicant) given not more than two weeks prior to the lodging of the application with the superintendent or other officer in charge of the centre and certifying that having examined the person the practitioners have formed the opinion that the person is an addict.

(3) A person received into an alcoholics centre under this section shall be admitted as a patient for observation and treatment, and shall without delay be examined by the medical officer of the centre.

(4) The patient shall, subject to this Act, remain in the centre for such period, not exceeding six months, as the superintendent or other officer in charge of the centre determines on the recommendation of the medical officer or the classification committee of the centre.

Persons
convicted of
certain
offences may
be released
upon
recognizance
or committed
to alcoholics
centre.
Cf. 1120, 1913.
s. 4.

14. (1) Where a person is convicted by a court of any offence—

- (a) of which drunkenness or the state or condition of being under the influence of any alcoholic or intoxicating liquor or a drug is a necessary part or condition ; or
- (b) which, in the opinion of the court, was committed by the person while in a state or condition of drunkenness or under the influence of any alcoholic or intoxicating liquor or a drug,

and the court is satisfied by evidence on oath that that person is an addict, the court may, by order, in lieu of or in addition to any sentence it may impose on such conviction, release the

person upon his entering into a recognizance, with or without sureties, to ensure his appearance before the court for sentence unless he presents himself for, and undergoes, treatment at an alcoholics centre for such period, not less than six months, as the court may order, and for such period, not exceeding three years, as the court may order, remains under the supervision of a probation officer appointed under this Act and abstains from consuming or using any alcoholic or intoxicating liquor or any specified drug.

(2) Where—

- (a) a person is convicted by a court of an offence of a kind mentioned in subsection (1) of this section ; and
- (b) the court is satisfied that the person, within a period of twelve months immediately preceding that conviction, had been convicted of two or more offences of such a kind and is an addict—

the court may by order, in lieu of or in addition to any sentence it may otherwise impose, either commit the person to an alcoholics centre for treatment for such period not less than six months nor more than two years as the court may order, or release him upon his entering into a recognizance as provided in subsection (1) of this section.

(3) This section shall apply whether the previous convictions or any of them took place within the State or outside the State and whether those convictions or any of them took place before or after the commencement of this Act.

(4) Where, after the commencement of this Act, a person is convicted by a court of any offence which, in the opinion of the court, was committed by him while in a state or condition of drunkenness or under the influence of any alcoholic or intoxicating liquor or a drug (not being an offence of a kind referred to in paragraph (a) of subsection (1) of this section), the court may make an endorsement, or may direct that an endorsement be made, on the record of the conviction to the effect that the offence had been committed by him while under such influence.

(5) An endorsement made pursuant to subsection (4) of this section or pursuant to a direction of a court given under that subsection shall not be admissible in evidence in any proceedings except for the purposes of this Act and, when admissible, may be proved in accordance with the provisions of section 42 or section 43, as the case requires, of the Evidence Act, 1929-1960, as if the endorsement were a conviction and, when so proved, shall be conclusive proof that the offence to which the endorsement relates had been committed by the person referred to in subsection (4) of this section while he was in such state or condition or under such influence as is stated in the endorsement.

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Period of
admission
person
committed.

15. (1) A person who is committed by a court to an alcoholics centre pursuant to section 14 of this Act shall be placed in such alcoholics centre as the court directs and when so placed shall be admitted to that centre for treatment for the period for which he was so committed.

Cf. 954, 1908
s. 11.

(2) A court or a magistrate may give such directions as the court or magistrate thinks fit as to the control and detention of a person so committed until his admission to the centre for treatment.

(3) Before committing a person to an alcoholics centre or releasing a person upon his entering into a recognizance as provided by section 14 of this Act, the court may cause such enquiries as it thinks fit to be made of the Director or the superintendent of that centre as to whether there is sufficient accommodation at that centre for that person.

Cf. 954, 1908,
s. 12; 1120,
1913, s. 6 (2).

(4) An order or direction of a court or magistrate made under this Act shall be sufficient authority for the carrying out by any person of such order or direction and for the doing of anything necessary for or incidental to the carrying out of such order or direction.

Admission of
person
released upon
recognizance.

16. A person who is released by a court upon a recognizance pursuant to subsection (1) or (2) of section 14 of this Act shall, if the court so orders, be escorted by a member of the police force or a person authorized in that behalf by the Director to such alcoholics centre as the court directs and shall be admitted to the centre for treatment for such period as is ordered by the court.

Patient to
comply with
rules of
centre.

17. A person admitted to an alcoholics centre shall, until his discharge therefrom in accordance with this Act be deemed to be in lawful custody so long as he is kept at the centre pursuant to this Act or is in the custody of any person under whose care or charge he is placed by or with the authority of the Director or the superintendent of the centre and shall comply with and observe all the rules of discipline and regulations applicable to patients and obey all directions given to patients generally or to him specifically by, or with the authority of, the Director or the superintendent.

Person
escaping from
custody may
be retaken.
Cf. 954, 1908,
s. 15.

18. (1) Any person—

(a) who, being a patient, escapes or, without authority from the Director or the superintendent of the centre, is absent from the alcoholics centre to which he was admitted ; or

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(b) who escapes from the custody of any person under whose care or charge he has been placed pursuant to any order made or direction or permission given under this Act,

may, without further or other authority than this Act, be retaken by the superintendent of the centre or any other officer thereof or any member of the police force or by any person authorized in that behalf by the Director or the superintendent and returned to the centre or to his former custody, as the case may be.

(2) The time between the person's escape or unauthorized absence and his return, whether upon arrest or otherwise, shall not be regarded as part of the period for which he was admitted or committed to any alcoholics centre.

19. (1) It shall be the duty of all members of the police force to assist the person under whose care or charge a person has been placed pursuant to any order or direction made or given under this Act to enforce or ensure compliance with such order or direction and otherwise to assist in enforcing and ensuring the observance of the provisions of this Act.

Police to assist in enforcing Act.
Cf. 954, 1908, s. 16.

(2) For the purposes of this section any order or direction made or given by the superintendent of an alcoholics centre to an officer of that centre under whose care or charge a patient has for the time being been placed shall be deemed to be an order or direction made or given under this Act.

20. (1) Where the superintendent or other officer in charge of an alcoholics centre is satisfied that a patient is in need of medical, dental, or other treatment which cannot be provided at the centre, he may cause the patient to be removed to any hospital or other institution for such treatment.

Removal of patient to hospital.

(2) A patient shall be deemed to be in lawful custody while being escorted to or from and detained for treatment at such hospital or institution pursuant to this section, and may at any time be escorted to or from the centre or such hospital or institution by the superintendent or any officer of the centre or by any officer of the hospital or institution.

21. (1) The Director may cause a patient to be transferred from one alcoholics centre to another for the purposes of treatment.

Transfer of patient from one alcoholics centre to another.

(2) Upon such transfer the patient shall be admitted to the other centre for treatment and the patient shall remain a patient of that other centre and, subject to this Act, shall be

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held there for the unexpired portion of the period for which he was admitted to the centre from which he was transferred.

Power to
bring patients
before courts.
Cf. 2306, 1936,
s. 34.

22. (1) When a patient is charged with an offence the Director or any judge or any justice may, by order in writing direct the superintendent of the alcoholics centre or the person under whose care or charge the patient has for the time being been placed under this Act, to bring the patient before any court or such judge or justice, or before such judge or justice as may be present, to be dealt with according to law.

(2) Such superintendent or person shall obey the order and bring the patient accordingly.

(3) After the patient has been so dealt with he shall be restored to his former custody, without any further process or authority, and without prejudice to any cause or matter for which he was in such custody.

Transfer of
prisoners to
alcoholics
centre.

23. (1) The Minister may at any time, by order under his hand—

(a) transfer to an alcoholics centre for treatment any prisoner who is detained in a prison under sentence of imprisonment for a term whereof not more than two years remains unexpired and, in the Minister's opinion, is an addict; and

(b) on the recommendation of the Director, for any sufficient cause retransfer such person to a prison.

(2) Upon such transfer the prisoner shall be admitted to the centre for treatment.

(3) The period during which such prisoner remains in the centre after being so admitted shall be deemed to be a period of detention under the sentence of imprisonment.

Unruly patient
may be
transferred to
prison.

24. (1) Where a person is committed to an alcoholics centre by a court for a period and in the opinion of the Director that person does not, or is unlikely to, respond to treatment or repeatedly contravenes or disobeys any rules of discipline or any regulations in relation to the centre or any directions which he is required to obey under this Act, the Minister may, by writing under his hand, order the transfer of that person to any prison under the control of the Comptroller of Prisons to be kept there for the unexpired portion of that period.

(2) The order shall be sufficient authority for the superintendent of the alcoholics centre to discharge the person from that centre and for all members of the police force and other

persons entrusted with the conveyance of the persons to keep and convey him to such prison and for the Comptroller or any person in charge of the prison to receive and detain the person and the order shall have and be given effect as if it were an order of a court.

25. (1) Subject to this Act, a patient admitted to an alcoholics centre pursuant to section 13 of this Act, shall be discharged from that centre or from any other centre to which he had been transferred under this Act—

Discharge of
patients
admitted
under s. 13.

- (a) at the end of the period for which he had been so admitted, or, if that period had been extended for a further period, at the end of that further period ;
- (b) with the consent of the Director, at any time if the superintendent of the centre of which the patient is an inmate is of the opinion that—
 - (i) he had been admitted by mistake or as a result of any false representation ; or
 - (ii) there is no sufficient cause for further treating him at the centre ; or
- (c) on the written order of the Director.

(2) The Director may of his own authority or upon the recommendation of the superintendent or an official visitor order the discharge of a patient admitted to an alcoholics centre pursuant to section 13 of this Act who—

- (a) does not respond to treatment ; or
- (b) fails or refuses to observe any of the rules of discipline relating to the centre or to obey any direction given to patients generally or to him specifically by, or with the authority of, the superintendent.

(3) Where it appears to the superintendent that the treatment of a patient admitted to an alcoholics centre pursuant to section 13 of this Act should be continued beyond the period for which he had been so admitted the superintendent may, with the patient's consent or, if the patient had been so admitted pursuant to an application made by a relative of that patient or some other person, with the written consent of that relative or person or with the patient's consent, extend that period for a further period not exceeding six months.

(4) A patient admitted to an alcoholics centre upon the application of a person mentioned in paragraph (b), (c), or (d) of subsection (1) of section 13 of this Act shall be forthwith discharged from that centre or from any other centre to which he had been transferred under this Act if a special magistrate—

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(a) upon the application in writing of that patient or of some other person on his behalf; and

(b) after inquiring into the application and into the circumstances of his admission or detention in that centre,

considers that he is not an addict and orders his immediate discharge.

(5) The superintendent of an alcoholics centre shall provide such facilities as are necessary to enable a patient to make an application under this Act for his discharge from a centre and to appear before a special magistrate, court or judge, as the case may be, in connection therewith.

(6) Where—

(a) a special magistrate dismisses an application made by or on behalf of a patient under subsection (4) of this section; or

(b) a court or judge dismisses an application made by or on behalf of a patient under subsection (1) of section 26 of this Act,

no further application shall be made under that subsection by or on behalf of that patient within a period of six months after the date of such dismissal.

Discharge of
persons
admitted
under ss. 15
and 16.

26. (1) Except as otherwise provided by this Act, a person admitted to an alcoholics centre pursuant to section 15 or section 16 of this Act shall be discharged from that centre or from any other centre to which he had been transferred under this Act at the end of the period for which he had been committed by the court or required to undergo treatment at the centre under the conditions of his release, as the case may be, or, if that period had been extended for a further period, at the end of that further period, unless the court or any judge, upon application made by the person or on his behalf by a relative of that person, orders his earlier discharge, in which case he shall be discharged in accordance with that order.

(2) Where, upon application by the superintendent of an alcoholics centre to which a person had been admitted pursuant to section 15 or section 16 of this Act or to which a person so admitted had been transferred for treatment pursuant to this Act, the court which committed that person or released the person upon a recognizance, or any judge, is satisfied that the treatment of that person should be continued beyond the period for which he had been so committed or required to undergo treatment under the conditions of his release, the court or judge may from time to time by order extend that period for a further period not exceeding twelve months in each case.

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27. (1) In the case of a patient who has been admitted to an alcoholics centre under section 13 of this Act, the superintendent of that centre or of any other alcoholics centre to which the patient has been transferred under this Act may, unless the Director otherwise orders, place the patient under the care and charge of a probation officer or other person approved by the Director and by writing under his hand grant permission to such patient to be absent from the centre upon trial leave or parole for such period as the superintendent thinks fit and may from time to time without the return of the patient to the centre by writing under his hand renew the leave or parole.

Power to place patients under care of another person and to grant trial leave.
Cf. 2230, 1935, s. 76.

(2) In the case of a patient who has been admitted to an alcoholics centre under section 15 or section 16 of this Act, the superintendent of that centre or of any other alcoholics centre to which the patient has been transferred under this Act may, with the consent in writing of the Director, place the patient under the care and charge of a probation officer or other person approved by the Director and, by writing under his hand, grant permission to such patient to be absent from the centre upon trial leave or parole for such period as the superintendent thinks fit, and with such consent may, from time to time, without the return of the patient to the centre, by writing under his hand, renew the leave or parole.

(3) The Director may of his own authority by writing under his hand grant permission to any patient to be absent from any alcoholics centre upon trial leave or parole for such period as the Director thinks fit.

(4) Any permission granted under this section shall be subject to such conditions as are specified in writing by the Director or by the superintendent on the directions of the Director.

(5) If any patient commits any offence within or outside an alcoholics centre during the unexpired portion of the period for which he had been admitted or committed to an alcoholics centre and is convicted of that offence, whether before or after that period expires, the court by which he is convicted may order that he be returned to that centre for treatment and be kept there for such period as the court thinks fit in addition to any other sentence imposed on him by the court.

(6) Where a patient is placed under the care and charge of a person in accordance with this Act, the superintendent of the centre of which the patient was last an inmate shall issue to the patient and to that person an authority in writing in the prescribed form.

28. (1) Any permission or authority granted under section 27 of this Act may at any time, during the period in respect of

Cancellation of leave.
Cf. 2230, 1935, s. 77.

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which it was granted, be cancelled by the person who granted it, or his successor in office.

(2) Where, upon cancellation of any permission or authority granted under this Act or upon the expiration of any period in respect of which such permission or authority was granted the patient fails to return to the centre, he may be taken and returned to the centre by the superintendent of the centre or any other officer thereof or any member of the police force or by any person authorized in that behalf by the Director or the superintendent, or by any person under whose care and charge the patient had been placed for that period.

Period of
patient's
absence on
leave to form
part of period
of treatment.

29. The period of absence of a patient from an alcoholics centre shall, if such absence was pursuant to any permission or authority granted under this Act, be deemed to form part of the period for which he was admitted to the centre for treatment and, in the case of a person committed to the centre under section 14 of this Act, shall be deemed to form part of the period for which he was so committed.

PART IV.

PART IV.

MISCELLANEOUS PROVISIONS.

30. An inquest shall be held on the body of every patient who dies within an alcoholics centre.

Inquests on patients.
Cf. 2305, 1936,
s. 45.

31. Where a patient dies in any alcoholics centre the superintendent of the centre shall, in addition to any notice required by the law for the time being in force as to the registration of deaths, as soon as practicable after the death—

Notice of death to be transmitted to Director.
Cf. 2230, 1935,
s. 61.

- (a) send to the Director a notice, signed by the superintendent, of the death and the apparent cause of the death together with the names of any persons who were present or in attendance on the patient at the time of his death ; and
- (b) send a copy of the notice to such person, if any, as appears from the records kept at the centre to be the spouse or other relative of the patient.

32. (1) The superintendent of an alcoholics centre may assign to any patient such duties within the centre, as, in the opinion of the superintendent, the patient is capable of performing, and may grant to any patient such privileges and indulgences as are prescribed.

Superintendent may assign duties and grant privileges to patients.

(2) Subject to the regulations, a patient may be required to work at some trade or avocation and any products of such work shall be sold or disposed of in accordance with the regulations.

33. (1) Unless otherwise provided by or under this Act, each patient shall, for the period during which he is an inmate of an alcoholics centre, be entitled to receive a gratuity at such rate not exceeding four shillings per day as is prescribed.

Gratuities to patients.

(2) For the purposes of this section a patient shall be deemed not to be an inmate of an alcoholics centre for any period during which he is absent from the centre, whether his absence is authorized under this Act or not.

34. (1) All patients admitted to an alcoholics centre shall be classified by the classification committee of the centre.

Classification committee.

(2) The classification committee of an alcoholics centre shall consist of—

- (a) the Director or the Deputy Director of alcoholics centres ;

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- (b) the person for the time being discharging the duties of the superintendent of the centre ;
- (c) the person for the time being discharging the duties of the medical officer of the centre ; and
- (d) one other person appointed by the Director.

(3) The person referred to in paragraph (d) of subsection (2) of this section shall be a member of the committee for such term as the Director fixes when making the appointment unless his appointment is sooner terminated by the Director by notice in writing sent to the person.

(4) At any meeting of the classification committee—

- (a) the Director or Deputy Director or such other member of the classification committee as is nominated by the Director or Deputy Director shall be the chairman ; and
- (b) the chairman for the time being and any two other members shall form a quorum.

(5) The classification committee of an alcoholics centre shall have such functions and duties as are prescribed.

PART V.

PART V.

PROVISIONS RELATING TO OFFENCES.

35. (1) A person shall not supply any alcoholic or intoxicating liquor or any specified drug to—

Supply of alcoholic liquor, etc., prohibited.
Cf. 1120, 1913.
s. 12.

- (a) any patient ;
- (b) any person committed by a court to any alcoholic centre for treatment ; or
- (c) any person released by a court upon his entering into a recognizance under section 14 of this Act.

Penalty : One hundred pounds.

(2) A person shall not be convicted of an offence against this section if he proves to the satisfaction of the court before which he is tried for the offence—

- (a) that he did not know that he was supplying the liquor or drug to a patient or to a person so committed or released, as the case may be ; or
- (b) that the liquor or drug was supplied by him on the advice or authority of a legally qualified medical practitioner.

36. (1) The superintendent of an alcoholics centre or any officer or servant of such centre shall not strike, wound, illtreat or wilfully neglect any person admitted to that centre for treatment.

Neglect or ill treatment of patients.
Cf. 2230, 1935.
s. 160.

Penalty : Fifty pounds.

(2) A person under whose care or charge another person has been placed under this Act shall not strike, wound, illtreat or wilfully neglect such other person.

Penalty : Fifty pounds.

(3) Nothing in this section shall prejudice or affect the civil or criminal responsibility or liability of the offender under any other Act or at common law.

37. (1) A patient in an alcoholics centre who—

- (a) disobeys a direction of the superintendent, medical officer or other officer of the centre ;
- (b) fails or refuses to comply with or observe any rule of discipline or regulation applicable to patients in the centre ;
- (c) behaves in an indecent or a disorderly or offensive manner ;

Offences committed by patients.
Cf. 2305, 1936.
ss. 46, 47.

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- (d) uses offensive, indecent or profane language ;
 - (e) enters or attempts to enter any part of the centre in contravention of any rule or any direction given by or with the authority of the superintendent ;
 - (f) without lawful excuse has in his possession any property that does not belong to him ;
 - (g) commits any assault ; or
 - (h) wilfully damages or destroys any property of the Crown or belonging to any other person,
- commits an offence.

(2) The Director or the official visitor for the centre who is a special magistrate, may inquire into the commission of any such offence by a patient and if it is proved to his satisfaction that the offence was committed by the patient, the Director or official visitor, as the case may be, may make any one or more of the following orders :—

- (a) that any privileges and indulgences granted to the patient be withdrawn for a period not exceeding four weeks ;
- (b) that the patient be segregated from other patients for a period not exceeding four weeks ;
- (c) that the patient pay to the owner of any property damaged by the patient such sum by way of compensation as the Director or official visitor, as the case may be, thinks proper ;
- (d) that the patient forfeit an amount not exceeding five pounds out of any past or future gratuity payable to him.

(3) The Director or official visitor may, in lieu of making an order under subsection (2) of this section, caution the patient.

(4) The Director or official visitor may, in conducting an inquiry under subsection (2) of this section, take evidence on oath or affirmation.

(5) For the purpose of conducting an inquiry under subsection (2) of this section, sections 23 to 28 (inclusive) of the Justices Act, 1921-1960, shall apply as if the inquiry were the hearing of a complaint and as if the Director were a justice.

Orders under
s. 37 and
debiting of
forfeiture and
compensation.
Cf. 22, 1954,
s. 9.

38. (1) It shall be the duty of the superintendent of an alcoholics centre to take such steps as are necessary and practicable to give effect to orders made under section 37 of this Act in relation to patients in that centre.

(2) The amount of any gratuity ordered to be forfeited or of any compensation ordered to be paid under section 37 of this Act may be debited by the superintendent of the alcoholics centre of which the patient is an inmate against any gratuity which had been credited to the patient at the time of the making of the order or which may subsequently be credited to the patient, and where a person is entitled to any compensation the superintendent may pay any compensation so debited to the person entitled.

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SUPPLEMENTARY PROVISIONS.

Rules of
Supreme
Court.

39. (1) Rules of court may, from time to time, be made under the Supreme Court Act, 1935-1960—

- (a) for regulating the form and mode of proceedings before courts and persons acting judicially under this Act ;
- (b) regulating the practice and procedure in relation to such proceedings ;
- (c) prescribing the forms to be used in relation to such proceedings ; and
- (d) for carrying out and giving effect to the provisions of this Act so far as they relate to the powers or duties of courts and persons acting judicially under this Act.

(2) The provisions of section 72 of the Supreme Court Act, 1935-1960, so far as they are applicable, shall apply to all rules made by virtue of the powers conferred by this section.

Regulations.

40. The Governor may make regulations—

- (a) prescribing all matters necessary or convenient to be prescribed for the administration of this Act, and for carrying out or giving effect to the objects of this Act ;
- (b) regulating the establishment of centres under this Act and the constitution, management, maintenance and administration of alcoholics centres ;
- (c) regulating and prescribing the powers, duties and functions of the Director and of officers and servants of alcoholics centres, including probation officers ;
- (d) regulating and prescribing the powers, duties and functions of official visitors and of each class of official visitor ;
- (e) with respect to the appointment of officers and servants of alcoholics centres and probation officers for the purposes of this Act ;
- (f) prescribing rules of discipline to be observed by patients and by officers and servants of alcoholics centres ;
- (g) prescribing terms and conditions under which patients may be granted permission to be absent from alcoholics centres upon trial leave or parole or for the purpose of receiving medical or dental treatment or for any other purpose ;

- (h) with respect to the regulation, control, admission and removal of persons visiting alcoholics centres ;
- (i) with respect to privileges and indulgences that may be granted to patients ;
- (j) with respect to the classification of patients and prescribing the functions and duties of the classification committee of any alcoholics centre ;
- (k) regulating the treatment of patients ;
- (l) with respect to the dieting, safe custody, mode of employment and duties of patients, the trades and avocations at which they may be required to work and the sale and disposal of the products of such trades and avocations ;
- (m) with respect to the crediting and payment of gratuities to patients ;
- (n) prescribing the records that are to be kept at alcoholics centres and the manner in which they are to be so kept ;
- (o) prescribing such forms (other than those that may be prescribed pursuant to section 39 of this Act) as are necessary or convenient for the purposes of this Act ; and
- (p) prescribing penalties by way of fine or imprisonment for the breach of any regulation, but so that the fine so prescribed does not exceed twenty-five pounds or the term of imprisonment does not exceed one month.

41. Unless the contrary intention appears in this Act, all proceedings for offences against this Act shall be disposed of summarily.

Summary proceedings for offences.

42. All moneys necessary for the administration of this Act and for giving effect to the objects thereof shall be paid out of money to be voted by Parliament for the purpose.

Moneys to be provided by Parliament.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

SCHEDULE.

Acts Repealed.

Reference to Act.	Citation of Act.	Extent of Repeal.
No. 954 of 1908	The Inebriates Act, 1908 . . .	The whole
No. 1423 of 1920	Inebriates Act Amendment Act, 1920	The whole
No. 1120 of 1913	The Convicted Inebriates Act, 1913	The whole
No. 2168 of 1934	Statute Law Revision Act, 1934	So far as it affects— (a) The Inebriates Act, 1908; (b) The Inebriates Act Amendment Act, 1920; and (c) The Convicted Inebriates Act, 1913