



ANNO DECIMO TERTIO

GEORGII V REGIS.

A.D. 1922.

No. 1532.

An Act to further amend the Mental Defectives Act, 1913, and for other purposes.

[*Assented to, December 21st, 1922.*]

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

1. (1) This Act may be cited as the "Mental Defectives Act Amendment Act, 1922." Short titles.

(2) The Mental Defectives Acts, 1913 and 1914, and this Act may be cited together as the "Mental Defectives Acts, 1913 to 1922."

(3) The Mental Defectives Act, 1913, is hereinafter referred to as "the principal Act." No. 1122 of 1913.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. Section 10 of the principal Act is amended by striking out the words "Fifty-two Guineas" therein, and substituting in lieu thereof the words "One Hundred Guineas". Amendment of principal Act, s. 10. Remuneration of members of Mental Defectives' Board.

4. Section 15 of the principal Act is amended by adding at the end thereof the following paragraph :— Amendment of ibid., s. 15—

"Notwithstanding anything contained in this Act, the Board, or any member of the Board authorised in that behalf by the Board, may make such inquiries as they or he thinks fit with Board may make inquiries with respect to matters affecting patients.

Mental Defectives Act Amendment Act.—1922.

with respect to the care, treatment, or mental or bodily health of the patients in any institution, or with respect to any matter affecting the social or physical welfare, or comfort, or discipline of the patients in or inmates of any institution, or with respect to any other matter prescribed, and for the purpose of any such inquiry may visit and inspect any institution and may ask questions of the superintendent of any institution or of any other officer or person employed in any institution."

Amendment of
ibid., s. 25—
Board may transfer
officers and servants
from one
institution to
another.

5. Section 25 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) Subject to anything prescribed, the Board may transfer any medical or other officer or servant appointed by them for any mental hospital to another mental hospital or to a receiving house, and may transfer any medical or other officer or servant appointed by them for any receiving house to another receiving house or to any mental hospital.

Amendment of
ibid., s. 36—
Order and
certificate relating
to a patient may be
left with prescribed
officer.

6. Section 36 of the principal Act is amended by adding at the end of subsection (3) thereof the words "or an officer of the hospital prescribed in that behalf in respect of such hospital."

Amendment of
ibid., sec. 39—
Order and
certificate relating
to a patient may be
left with prescribed
officer.

7. Section 39 of the principal Act is amended by adding at the end of subsection (3) thereof the words "or an officer of the hospital prescribed in that behalf in respect of such hospital."

Amendment of
ibid., s. 41—
Request and other
documents relating
to a patient may be
left with prescribed
officer.

8. Section 41 of the principal Act is amended by adding at the end thereof the words "or an officer of the hospital prescribed in that behalf in respect of such hospital."

Amendment of
ibid., s. 42—
Request and
certificates relating
to a patient may be
left with a
prescribed officer.

9. Section 42 of the principal Act is amended by inserting after the word "hospital" in the fourth line of subsection (1) thereof the words "or an officer of such hospital prescribed in that behalf in respect of such hospital."

Amendment of
ibid., s. 43—
Order and
certificate relating
to a patient may be
left with prescribed
officer.

10. Section 43 of the principal Act is amended by adding at the end of subsection (2) thereof the words "or an officer of the house or ward prescribed in that behalf in respect of such house or ward."

Amendment of
ibid., s. 44—
Superintendent of
receiving house
may certify with
respect to patient
therein.

11. Section 44 of the principal Act is amended—

(a) by striking out the words "a medical practitioner" in the first line of subsection (2) thereof, and substituting in lieu thereof the words "the superintendent or some other medical practitioner";

(b) by

Mental Defectives Act Amendment Act.—1922.

- (b) by inserting before the words "medical practitioner" in the first line of subdivision (b) of subsection (2) thereof the words "superintendent or"; and
- (c) by striking out the words "two months" in subdivision (b) of subsection (4) thereof and substituting in lieu thereof the words "six months".
- 12.** Section 46 of the principal Act is amended by inserting after the word "ward" in the fifth line of subsection (1) thereof the words "or an officer of such house or ward prescribed in that behalf in respect of such house or ward."
- 13.** Section 48 of the principal Act is amended—
- (a) by striking out the words "one month" in the fourth and fifth lines of subsection (1) thereof and substituting in lieu thereof the words "two months";
- (b) by striking out the words "one month" in the second line of subsection (2) thereof and substituting in lieu thereof the words "four months"; and
- (c) by inserting after the word "therein" in the fifth line of subsection (5) thereof the words "or an officer of such hospital prescribed in that behalf in respect of such hospital."
- 14.** (1) Section 52 of the principal Act is amended by striking out the words "fourteen days" in the sixth line and in the twelfth and thirteenth lines thereof and substituting in lieu thereof respectively the words "one month".
- (2) Section 52 of the principal Act is further amended by adding at the end thereof the following subsections (the portion of the section preceding subsection (2) thereof being read as subsection (1) thereof):—
- (3) Notwithstanding that any order or request, or any medical certificate, statement, or other document, upon which any person has been received into any institution is in any respect incorrect or defective, such person may, subject to subsection (7) hereof, lawfully be received into and detained in such institution pending the amendment of such order, request, certificate, statement, or document, under the provisions of this section, for any period not exceeding one month next after the reception of such person.
- (4) Upon the amendment of any order, request, certificate, statement, or other document being made and sanctioned as aforesaid, such order, request, certificate, statement, or document shall be as valid and effective for all purposes as if it had been so amended at the time it was made or signed.

Maximum period of detention in receiving house increased.

Amendment of *ibid.*, s. 46—
Request and certificate relating to a patient may be left with prescribed officer.

Amendment of *ibid.*, s. 48.
Maximum period of detention in receiving house increased.

Order and certificate may be left with prescribed officer

Amendment of *ibid.*, s. 52—
Period for amendment of papers extended to one month.

General power to put documents in order.

(5) If,

Mental Defectives Act Amendment Act.---1922.

(5) If, on or after the reception of any person into any institution, it appears that any order or request which, upon the reception, should have been produced to and left with the superintendent or other prescribed officer of the institution was not so produced and left, or that any medical certificate, statement, or other document which should have accompanied such order or request did not accompany such order or request—

- (a) such order, request, certificate, statement, or other document may be produced to and left with the superintendent or other prescribed officer of the institution at any time within seven days next after the reception of such person: Provided that no order, request, certificate, statement, or other document so produced and left shall have any force or effect unless sanctioned by the Inspector-General by writing signed by him; and
- (b) pending the production and leaving of such order, request, certificate, statement or other document, such person may, subject to subsection (7) hereof, lawfully be received into and detained in such institution for any period not exceeding seven days next after the reception of such person.

(6) Upon any order, request, certificate, statement, or other document being produced and left and sanctioned as aforesaid, such order, request, certificate, statement, or other document shall be as valid and effective for all purposes as if it had been produced to and left with the superintendent or a prescribed officer of the institution upon the reception of the person into the institution.

(7) Subsections (3) and (5) hereof shall not apply unless—

- (a) the superintendent of the institution is of opinion that the person is, in the case of a person received into a mental hospital, mentally defective, or, in the case of a person received into a receiving house or receiving ward, apparently mentally defective and a proper person to be detained in the receiving house or receiving ward; and
- (b) the reception and detention of the person as aforesaid is, forthwith upon the discovery of the incorrectness or defect or of the want of production or leaving, as the case may be, reported to and sanctioned in writing by the Inspector-General.

Amendment of
ibid., Division II.,
Part III.—

Certain criminal
mental defectives
may be removed to
receiving house.

15. Division II. of Part III. of the principal Act is amended by inserting therein after section 57 thereof the following section:—

57a. (1) In any of the cases mentioned in section 57 where, if the person concerned appeared to be mentally defective, it would be lawful for the Minister to direct such person to be removed to a hospital for criminal mental defectives, but a
medical

Mental Defectives Act Amendment Act.—1922.

medical practitioner signs a certificate stating with respect to such person the matters indicated in the Tenth Schedule, it shall be lawful for the Minister, upon the receipt of such certificate, signed as aforesaid, to direct by order signed by him, that such person be removed to the receiving house mentioned in such order, and he shall be removed accordingly: Provided that if such person is imprisoned or detained either until the Governor's pleasure be known or during the Governor's pleasure, no order shall be made under this section until the Governor's consent thereto has been obtained.

(2) When any person is removed to a receiving house under this section, all the provisions of this Division shall apply to and in respect of such person as if he were removed to a hospital for criminal mental defectives.

(3) This section shall not apply in respect of any person under sentence or awaiting trial or sentence for any indictable offence.

16. Section 67 of the principal Act is amended by inserting after the word "patient" in the second line of subsection (2) thereof the passage "except as to the name of bodily disorder, the entry as to which shall be made forthwith after the reception of the patient, and",

Amendment of
ibid., s. 67—
Entry as to bodily
disorder need not be
made in register on
reception.

17. Section 68 of the principal Act is amended—

(a) by striking out the words "and a correct description of the medicines and other remedies used in the treatment of his disorder" in subdivision (b) thereof; and

Amendment of
ibid., s. 68—
Prescriptions Book
to be kept.

(b) by adding at the end thereof the following subdivision:—

(c) Shall also enter, or cause to be entered, in a book to be called the "Prescriptions Book" a correct description of the medicines or other remedies used in the treatment of the patient's disorder, and a record of every case where drugs are used as a method of restraint.

18. Section 77 of the principal Act is amended by inserting after the word "show" in the first line thereof the passage ", or cause to be shown,".

Amendment of
ibid., s. 77—
Duties of
superintendent on
inspection.

19. Section 78 of the principal Act is amended by inserting after the word "visitor" in the third line thereof and in the sixth line thereof respectively the words "or member of the Board".

Amendment of
ibid., s. 78—
Penalty on
obstructing
inspection or
inquiry by member
of Board.

20. Section 83 of the principal Act is amended—

(a) by inserting after the word "institution" in the fourth line of subsection (1) thereof the words "or some other medical practitioner authorised by the superintendent"; and

Amendment of
ibid., s. 83—
Examinations of
patients in
institutions.

(b) by

Mental Defectives Act Amendment Act.—1922.

(b) by inserting after the word "superintendent" in the fifth line thereof the words "or practitioner".

Amendment of principal Act, s. 89—

Power of Minister to exempt from operation of section 89.

21. Section 89 of the principal Act is amended by adding at the end thereof the following subsection :—

(5) The Minister may, by notice published in the *Government Gazette*, declare that the foregoing provisions of this section shall not apply in respect of any locality beyond the State specified in the notice, and thereupon the foregoing provisions of this section shall cease to apply accordingly. The Minister may in like manner at any time revoke or vary any such notice, and any such revocation or variation shall have effect accordingly.

Amendment of principal Act, s. 156—

Rate of maintenance for patients increased.

22. Section 156 of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) The cost of maintenance shall, for the purposes of this section, be such weekly sum as the Board determine from time to time in respect of the particular case, either before or after the cost has been incurred, not exceeding—

(a) in the case of a person detained in a mental hospital, the sum of Forty-two Shillings per week ; or

(b) in the case of a person detained in a receiving house, the sum of Eighty-four Shillings per week.

Provisions relating to Voluntary Boarders.

Voluntary boarders.

New.

Cf. Vict. 2687, 1915, s. 105.

23. Notwithstanding anything contained in the principal Act, any person may, subject to anything prescribed, be admitted into and detained for care and treatment as a voluntary boarder in any institution upon making and signing a request in the prescribed form, containing a statement that he is aware that as a consequence of his so signing he is liable to be detained in such institution for three days after any application in writing to be discharged therefrom has been received by the superintendent of such institution.

Certificate and notice of admission to be forwarded to Inspector-General by superintendent.

24. Within twenty-four hours after any person is admitted into any institution as aforesaid, the superintendent shall—

(a) sign a certificate in the prescribed form setting forth his opinion of the case and any recommendation he desires to make ; and

(b) forward to the Inspector-General such certificate and a notice of the admission, together with a copy of the request of the person admitted and a statement of what provision (if any) has been made by or on behalf of the person admitted for his maintenance whilst he is a voluntary boarder.

25. The

Mental Defectives Act Amendment Act.—1922.

25. The Inspector-General shall, in his discretion, make an order concerning the person so admitted—

Powers of Inspector-General.

- (a) requiring him to be discharged forthwith ; or
- (b) consenting to his further detention.

26. No person shall be admitted into any institution as a voluntary boarder under the provisions of section 23 if the Inspector-General or the superintendent is of opinion that the case is not a proper one for care and treatment under the provisions of that section.

Restriction on admission of voluntary boarders.

27. Every voluntary boarder detained in any institution shall, if required, be produced to the Inspector-General or to any official visitor on his visits.

Voluntary boarder to be produced to Inspector-General or official visitor on his visits.

28. No person shall, by reason only of his being a voluntary boarder and while he is a voluntary boarder, be deemed to be a "mental defective" or a "patient" within the meaning of the principal Act.

Voluntary boarder not to be deemed mental defective.

29. (1) If in the opinion of the Inspector-General or the superintendent a voluntary boarder in any institution becomes mentally defective in a degree so pronounced and sustained as to render it improper for him to be any longer treated as a voluntary boarder, the superintendent shall give notice of the fact in writing to the relative or friend (if any) of the voluntary boarder specified for that purpose in the request for admission. Any such notice may be given by post.

Provision in case of voluntary boarder becoming pronouncedly insane, &c.

(2) If there is no such relative or friend, or if within seventy-two hours after the posting or delivery of such communication to the said relative or friend, a request, as provided by section 42 of the principal Act, is not made for the reception of the voluntary boarder as a patient in an institution, the superintendent shall himself make the request forthwith. The superintendent may himself sign one of the certificates by the said section 42 required to accompany the said request.

30. A voluntary boarder shall be discharged—

Discharge of voluntary boarder.

- (a) in any case, on an order of the Minister or of the Inspector-General ; or
- (b) in the case of a voluntary boarder in any institution, on an order of the superintendent ; or
- (c) on the application of the voluntary boarder in writing to the superintendent of the institution in which he is detained, in which case it shall be lawful for the superintendent to detain such voluntary boarder for three days after he receives such application, but no longer.

31. (1) The

Mental Defectives Act Amendment Act.—1922.

Regulations

31. (1) The Governor may make all such regulations as are by this Act required, permitted, or contemplated to be made, and all such regulations as may be necessary or convenient for carrying into effect the objects and purposes of sections 23 to 30 of this Act.

(2) Any such regulation may impose a penalty for a breach of the same or of any other regulation not exceeding in any case the sum of Ten Pounds.

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

TOM BRIDGES, Governor.