



ANNO NONO

GEORGII VI REGIS.

A.D. 1945.

No. 14 of 1945.

An Act to amend the Mental Defectives Act, 1935-1941.

[Assented to 22nd November, 1945.]

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, 1945". Short titles.

(2) The Mental Defectives Act, 1935-1941, as amended by this Act, may be cited as the "Mental Defectives Act, 1935-1945".

(3) The Mental Defectives Act, 1935-1941, is hereinafter referred to as "the principal Act".

2. Section 31 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of principal Act, s. 31—
Reception into mental hospital upon request.

(3) If any police officer of or above the rank of inspector is satisfied—

(a) that a request has been made by some person purporting to be in pursuance of subsection (1) for the reception in a mental hospital of some other person ; and

(b) that certificates have been given by two medical practitioners purporting to be in pursuance of subsection (1) or a certificate has been given by one medical practitioner purporting to be in pursuance of subsection (2),

that police officer or any other police officer specifically authorized by him with respect to the particular case may, on the request in writing of the person by whom the request aforesaid was made, apprehend the person to whom the request relates and convey him to the mental hospital.

Amendment of
principal Act,
s. 32—
Order for
reception into
receiving house.

3. Section 32 of the principal Act is amended by striking out subsection (1) thereof (as amended by section 6 of the Mental Defectives Act Amendment Act (No. 2), 1939) and by inserting in lieu thereof the following subsections :—

(1) When in any of the cases beforementioned in this Part, a medical practitioner has signed a certificate stating, with respect to a person, the matters indicated in the form in the second schedule and a justice or justices would have power under the foregoing provisions of this Part to make an order directing the said person to be removed to and received in a mental hospital, but the justice or justices are for any reason of opinion that it is advisable to remand the said person, the justice or justices may, by an order signed by him or them in the appropriate form in the eleventh schedule or to the like effect, direct the said person to be removed to and received for a period not exceeding seven days in the receiving house or receiving ward mentioned in the order.

(1a) When in any of the cases beforementioned in this Part a justice or justices would, upon the certificate of a medical practitioner stating, with respect to a person, the matters indicated in the form in the second schedule, have power under the foregoing provisions of this Part to make an order directing the said person to be removed to and received in a mental hospital but in lieu of signing a certificate as aforesaid, a medical practitioner signs a certificate stating with respect to such person the matters indicated in the tenth schedule, the justice or justices may, by an order signed by him or them in the appropriate form in the eleventh schedule or to the like effect, direct the said person to be removed to and received for a period not exceeding seven days in the receiving house or receiving ward mentioned in the order.

Amendment of
principal Act,
s. 35—
Reception into
receiving house
on request.

4. Section 35 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) If any police officer of or above the rank of inspector is satisfied—

- (a) that a request has been made by some person purporting to be in pursuance of subsection (1) for the reception in a receiving house or receiving ward of some other person ; and
- (b) that a certificate or recommendation has been given by a medical practitioner purporting to be in pursuance of subsection (1) or, as the case may be, subsection (2),

that police officer or any other police officer specifically authorized by him with respect to the particular case may, on the request in writing of the person by whom the request aforesaid was made, apprehend the person to whom the request relates and convey him to the receiving house or receiving ward.

5. Section 38 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

Amendment of principal Act, s. 38—
Person not to be received except as provided by Act.

(2) Notwithstanding subsection (1) of this section, nothing in this Act shall apply to the reception or detention in an institution of a person detained in pursuance of the provisions of section 77a of the Criminal Law Consolidation Act, 1935-1940.

6. The following section is enacted and inserted in the principal Act after section 54 thereof :—

Enactment of s. 54a of principal Act—

54a. The provisions of this Act (other than the provisions of this Division) relating to the granting of trial leave to patients or to the discharge of patients, shall not apply to the granting of trial leave to or the discharge of any person confined in any hospital for criminal mental defectives and any such trial leave or discharge shall be granted only in accordance with the provisions of this Division.

Non-application of other provisions of this Act.

7. Section 154 of the principal Act is amended by inserting after the word " Act " in the fourth line thereof the words " or except under the authority and in pursuance of section 77a of the Criminal Law Consolidation Act, 1935-1940 ".

Amendment of principal Act, s. 154—
Reception or detention in institution.

1945. **Mental Defectives Act Amendment** No. 14.
Act, 1945.

Amendment of
principal Act,
eleventh
schedule.

8. Form No. 2 in the eleventh schedule to the principal Act is amended by striking out the words "A JUSTICE" in the heading to the said form and by inserting in lieu thereof the words "TWO JUSTICES".

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

C. W. M. NORRIE, Governor.