



ANNO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1958.

No. 51 of 1958.

An Act to amend and alter the title of the Mental Defectives Act, 1935-1953.

[Assented to 27th November, 1958.]

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, 1958". Short titles.
- (2) The Mental Defectives Act, 1935-1953, as amended by this Act may be cited as the "Mental Health Act, 1935-1958".
- (3) The Mental Defectives Act, 1935-1953, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 1 of the principal Act is amended by striking out the words "Mental Defectives Act" in the first line thereof and by inserting in lieu thereof the words "Mental Health Act". Amendment of principal Act, s. 1—
Alteration of short title.
4. The following section is enacted and inserted in the principal Act after section 2— Enactment of s. 2a of principal Act—
Effect of alteration of title.
 - 2a. Every enactment, regulation, proclamation, rule, by-law, form, schedule, instrument or other document which contains a reference to the "Mental Defectives Act", shall be read as if a reference to the "Mental Health Act" were substituted for it.

Amendment of principal Act, s. 33—
Transfer of patient from receiving house to mental hospital.

5. Paragraph (b) of subsection (2) of section 33 of the principal Act is amended by inserting after the word "certificate" in the proviso to that paragraph the words :—

"together with the order, statement and certificate upon which the patient was received into the receiving house or ward".

Amendment of principal Act, s. 37—
Transfer of patient from receiving house or ward to mental hospital.

6. Subsection (5) of section 37 of the principal Act is amended—

(a) by striking out the words "a copy of" in the first line thereof; and

(b) by inserting after the word "order" in the second line thereof the words—

"together with the statement and certificate (if any)".

Enactment of s. 37a of principal Act—

7. The following section is enacted and inserted in the principal Act after section 37 :—

Reception and detention of State children.

37a. (1) A State child may be received and detained in—

(a) a mental hospital pursuant to section 31; or

(b) a receiving house or receiving ward pursuant to section 35,

and whilst detained therein shall not be a State child.

(2) In this section the words "State child" shall be construed as they are defined in the Maintenance Act, 1926-1957.

Amendment of principal Act, s. 46—
Removal of mentally defective criminals.

8. Section 46 of the principal Act is amended—

(a) by striking out the words "reformatory, industrial school" in the second line; and

(b) by inserting after the figures "1908" in the fourth line the words "or the Maintenance Act, 1926-1957".

Amendment of principal Act, s. 48—
Removal of mental defectives from gaol etc. to mental hospital.

9. Section 48 of the principal Act is amended by striking out the words "reformatory, industrial school", wherever occurring.

10. Subsection (2) of section 49 of the principal Act is amended by striking out the words "reformatory, industrial school", in the sixth and seventh lines thereof.

Amendment of principal Act s. 49—
Disposal of patients in hospitals for criminal mental defectives on expiration of their sentences.

11. Subsection (2) of section 98 of the principal Act is amended by adding the following paragraph (e) after paragraph (d)—

Amendment of principal Act, s. 98—
Power of Public Trustee to manage estates of patients.

(e) when the person has escaped from an institution and is no longer subject to being retaken under this Act, and it appears from certificates of two medical practitioners, each of whom has separately from the other personally examined the person to whom the certificates relate, that the person is able to manage his own affairs.

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

R. A. GEORGE, Governor.