



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 30 of 1964

An Act to amend the Mental Health Act, 1935-1963.

[Assented to 22nd October, 1964.]

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

Short titles.

1. (1) This Act may be cited as the "Mental Health Act Amendment Act, 1964".

(2) The Mental Health Act, 1935-1963, as amended by this Act, may be cited as the "Mental Health Act, 1935-1964".

(3) The Mental Health Act, 1935-1963, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, long title.

3. The long title to the principal Act is amended by striking out the words "mentally defective persons" therein and inserting in lieu thereof the words "persons who are mentally ill or intellectually retarded".

Amendment of principal Act, s. 4—

4. Subsection (1) of section 4 of the principal Act is amended—

Interpretation.

(a) by striking out the definition of "institution" therein and inserting in lieu thereof the following definitions:—

"institution" means a mental hospital, receiving house, receiving ward, training centre or hospital for criminal mental defectives:

“intellectually retarded” means suffering from an arrested or incomplete development of mind including subnormality of intelligence of a nature or degree which requires or is susceptible to medical treatment or other specialized care or training ;

- (b) by striking out the definition of “mentally defective person” therein and inserting in lieu thereof the following definition :—

“mentally defective person” means—

(a) a person who is mentally ill, that is to say, a person who, owing to his mental condition, requires oversight, care or control for his own good or in the public interest and who, owing to disorder of the mind or mental infirmity arising from age or the decay of his faculties, is incapable of managing himself or his affairs ; or

(b) an intellectually retarded person;

and the expressions “mental defect”, “mental defective” and “mentally defective” shall be construed accordingly ;

- (c) by striking out the definition of “superintendent” therein and inserting in lieu thereof the following definition :—

“superintendent” means the superintendent of a mental hospital, receiving house, training centre, or hospital for criminal alment defectives, or the person or authority for the time being having or exercising the control and management of any such institution or of a receiving ward ; and

- (d) by inserting therein after the definition of “this Act” the following definition :—

“training centre” means a place declared by proclamation to be a training centre for the intellectually retarded under this Act.

5. Section 12 of the principal Act is amended—

- (a) by striking out the words “or a receiving house” in subsection (1) thereof and inserting in lieu thereof the words “, receiving house or training centre”; and

Amendment of
principal Act
s. 12—

Proclamation
of mental
hospitals, etc.

- (b) by striking out the words "or receiving house" (wherever occurring) in subsection (3) thereof and inserting in lieu thereof in each case the words ", receiving house or training centre".

Amendment of
principal Act,
s. 13—
Superin-
tendents.

6. Section 13 of the principal Act is amended by striking out the words "or receiving house" therein and inserting in lieu thereof the words ", receiving house or training centre".

Amendment of
principal Act,
s. 14—
Other officers.

7. Section 14 of the principal Act is amended—

- (a) by striking out the words "or receiving house" (wherever occurring) in subsection (1) thereof and inserting in lieu thereof the words ", receiving house or training centre"; and
- (b) by striking out all the words after the word "appointed" (first occurring) in subsection (3) thereof and inserting in lieu thereof the words "by him for any mental hospital, receiving house or training centre to any other such institution (whether of the same kind or not)".

Enactment of
principal Act,
s. 37b—

8. The following heading and section are enacted and inserted in the principal Act immediately after section 37a thereof :—

How Patients may be Received into Training Centres.

Admission of
intellectually
retarded
person to
training centre.

37b. (1) A person may be admitted to a training centre as an intellectually retarded person if—

- (a) any one of the nearest of kin for the time being of the person so request by an application in the prescribed form and containing such particulars as are prescribed ; and
- (b) a medical practitioner, having personally examined the person not less than seven days before the admission, certifies that in his opinion the person is intellectually retarded and requires specialized training in a training centre.

(2) A person so admitted shall, as soon as practicable after admission, be examined by the superintendent or a medical officer.

(3) If in the opinion of the superintendent or medical officer, as the case may be, the person admitted would not benefit from training at the training centre or for any other reason should not be detained therein, the person shall forthwith be discharged and the superintendent or medical officer, as the case may require, shall make an

appropriate endorsement, giving reasons for his decision, upon the request made under subsection (1) of this section.

(4) A person admitted to a training centre shall within twenty-one days after admittance be examined by the superintendent or medical officer in respect of his mental state and bodily condition, and such person shall not be further detained unless the superintendent or medical officer, as the case may require, certifies that in his opinion, such person is intellectually retarded and requires specialized training at the training centre.

9. Subsection (1) of section 38 of the principal Act is amended by striking out the words "or receiving ward" therein and inserting in lieu thereof the words "receiving ward or training centre".

Amendment of principal Act, s. 38 (1)—
Person not to be received except as provided by this Act.

10. Subsection (7) of section 41 of the principal Act is amended by striking out paragraph (a) thereof and inserting in lieu thereof the following paragraph:—

Amendment of principal Act, s. 41—
General power of amendment of orders and certificates.

(a) the superintendent of the institution is of opinion—

(i) that in the case of a person received into a mental hospital, that the person is mentally defective ;

(ii) in the case of a person received into a receiving house or receiving ward, that the person is apparently mentally defective and a proper person to be detained in the receiving house or receiving ward ; or

(iii) in the case of a person received into a training centre, that the person is intellectually retarded or is apparently intellectually retarded and is a proper person to be detained in the training centre ; and.

11. Section 43 of the principal Act is amended by striking out the words "or receiving ward," therein and inserting in lieu thereof the words "receiving ward or training centre".

Amendment of principal Act, s. 43—
Power to detain and recapture persons received into institutions.

12. Subsection (5) of section 76 of the principal Act is amended—

(a) by inserting therein after the passage "section 34" the words "and to any patient received in a training centre pursuant to section 37b";

Amendment of principal Act, s. 76—
Power of Superintendent to send a patient to any place for his health or on trial leave.

(b) by striking out the words "or place" therein and inserting in lieu thereof the words "place or training centre"; and

(c) by striking out the words "or receiving ward" therein and inserting in lieu thereof the words ", receiving ward or training centre".

Amendment of
principal Act,
s. 97 (1)—
Notice of
reception
orders,
discharges and
deaths to be
sent to the
Public Trustee.

13. Subsection (1) of section 97 of the principal Act is amended by inserting therein after paragraph (b) thereof the following paragraph :—

(b1) by the superintendent of a mental hospital, receiving house or receiving ward for the transfer of any person who is a patient therein to a training centre ;
or.

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

14. Section 98 of the principal Act is amended—

(a) by striking out paragraph (c) of subsection (1) thereof and inserting in lieu thereof the following paragraph :—

(c) who is a patient of one of the institutions known as Enfield Hospital, Hillcrest Hospital, Parkside Hospital, Cleland House or Paterson House unless the superintendent of that institution certifies that this section shall apply ; and

(b) by inserting after the passage "section 37," in paragraph (d) of subsection (2) thereof the expression "37b,".

Amendment of
principal Act,
s. 164—
References to
lunatics, etc.,
to include
persons
mentally
defective.

15. Subsection (1) of section 164 of the principal Act is amended by striking out the words "mentally defective person" therein and inserting in lieu thereof the words "person who is mentally ill or intellectually retarded".

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

EDRIC BASTYAN, Governor.