



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 54 of 1974

An Act to amend the Mental Health Act, 1935-1969, and the Mental Health Act Amendment Act, 1960.

[Assented to 12th September, 1974]

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 Health Act Amendment Act, 1974". Short titles.

(2) The Mental Health Act, 1935-1969, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Mental Health Act, 1935-1974".

2. The Mental Health Act Amendment Act, 1960, is amended by striking out subsections (2) and (3) of section 3 thereof. Amendment of Mental Health Act Amendment Act, 1960.

3. The following section is enacted and inserted in the principal Act after section 19 thereof:— Enactment of s. 19a of principal Act—

19a. The repeal of subsection (2) of section 3 of the Mental Health Act Amendment Act, 1960, by the Mental Health Act Amendment Act, 1974, does not affect— Leave accrued under repealed provisions.

(a) the right of any person to whom that subsection applied to any leave of absence to which he became entitled;

or

(b) any power to grant leave of absence to any such person exercisable,

by virtue or in pursuance of the provisions of that subsection as in force before such repeal or in consequence of any order, direction or approval given or purporting to have been given before such repeal: But where a person had taken leave of absence pursuant to section 20 of this Act as then in force or has been or is granted leave of absence pursuant to any such right or power, the period of service in respect of which any such leave of absence had been taken or granted shall not be taken into account for the purposes of any claim for long leave of absence under any Act that applies to the public service.

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

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

4. Section 41 of the principal Act is amended by striking out from subsection (7) the word "that" firstly occurring in subparagraph (i) of paragraph (a).

5. Section 98 of the principal Act is amended—

(a) by inserting in subsection (1) after paragraph (b) the word "or";
and

(b) by inserting in subsection (2) after paragraph (d) the word "or".

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

M. L. OLIPHANT, Governor