



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 57 of 1967

An Act to amend the Mental Health Act, 1935-1966.

[Assented to 9th November, 1967]

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, 1967".

(2) The Mental Health Act, 1935-1966, as amended by this Act, may be cited as the "Mental Health Act, 1935-1967".

(3) The Mental Health Act, 1935-1966, 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.

Commencement.

3. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 3—
Arrangement of Act.

4. Section 3 of the principal Act is amended by striking out the passage "DIVISION V.—Boarding out of Patients:" in Part IV thereof and inserting in lieu thereof the passage "DIVISION V.—Psychiatric Rehabilitation Hostels:".

Amendment of principal Act, s. 4—
Interpretation.

5. Section 4 of the principal Act is amended—

(a) by striking out from the definition of "patient" in subsection (1) thereof the passage " , or been boarded out, under this or any other Act" ;

and

(b) by inserting after the definition of "proclaimed part of the Empire" in the said subsection (1) thereof the following definition :—

"psychiatric rehabilitation hostel" means premises for the time being the subject of a licence under subsection (1) of section 87 of this Act : .

6. Division V of Part IV of the principal Act and the heading thereto are repealed and the following Division and heading are enacted and inserted therein in their place :—

Repeal and re-enactment of Division V of Part IV of principal Act—

DIVISION V.—PSYCHIATRIC REHABILITATION HOSTELS.

86. A patient granted trial leave under section 76 of this Act may be permitted, during the period of that trial leave, to reside in a psychiatric rehabilitation hostel.

Patient on trial leave may be required to reside in psychiatric rehabilitation hostel.

87. (1) Subject to this section, the Minister may, on the application of a person and on payment by that person of the prescribed fee, grant a licence to that person to operate a psychiatric rehabilitation hostel.

Licensing of persons to conduct a psychiatric rehabilitation hostel.

(2) A licence granted under subsection (1) of this section—

(a) shall describe the premises proposed to be operated as a psychiatric rehabilitation hostel ;

and

(b) shall be for a period not exceeding twelve months.

(3) A licence granted under subsection (1) of this section shall be held subject to such conditions as the Minister specifies in the licence and without limiting the generality of the conditions which may be specified may include all or any of the following conditions—

(a) that not less than the number of persons specified in the licence shall be employed in the operation of the psychiatric rehabilitation hostel ;

(b) that those persons will have at least the qualifications specified in the licence ;

(c) that those persons will competently discharge the functions assigned to them by and specified in the licence ;

- (d) that persons of the class or classes specified in the licence will not be permitted to reside in the psychiatric rehabilitation hostel ;
- (e) that the number of the persons receiving care in the psychiatric rehabilitation hostel will not exceed the number specified in the licence ;
- (f) that the accommodation and facilities provided for persons receiving care in the psychiatric rehabilitation hostel will at all times conform to the standards specified in the licence ;
- (g) that the standard of diet provided for persons receiving care will not at any time be less in quantity or quality than the standard of diet specified in the licence ;
- (h) that the psychiatric rehabilitation hostel will at all times be open to inspection by the Director or a person authorized in writing by the Director in that behalf ;

and

- (i) that the person licensed under subsection (1) of this section will comply with a direction of the Director or a person authorized in writing by the Director in relation to the operation of the psychiatric rehabilitation hostel and the care of persons resident therein.

(4) Where, after due inquiry, the Minister is satisfied that any condition of a licence granted under subsection (1) of this section has not been complied with, he may by notice served either personally or by post, on the holder of that licence revoke that licence and upon the service of that notice the holder of that licence shall, for the purposes of this Act, cease to be the holder of a licence granted under subsection (1) of this section.

88. (1) A person not being the holder of a licence granted under subsection (1) of section 87 of this Act shall not for or in the expectation of a fee or reward undertake or offer to undertake the accommodation of patients permitted under section 86 of this Act to reside in a psychiatric rehabilitation hostel.

Penalty : Five hundred dollars.

(2) In proceedings for an offence that is a contravention of subsection (1) of this section a certificate purporting to be signed by the Director that at the time or within the period stated therein the person named therein was not the holder of a licence granted under subsection (1) of section 87 of this Act shall be *prima facie* evidence of that fact.

Unlicensed
person
undertaking
care of
patients.

(3) In proceedings for an offence that is a contravention of subsection (1) of this section it is a defence for the person charged to satisfy the court before which he is charged that he did not know and could not by the exercise of reasonable diligence have been expected to ascertain that the person in relation to whom it is alleged that the offence was committed was a patient permitted under section 86 of this Act to reside in a psychiatric rehabilitation hostel.

7. Section 153a of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

Amendment of
principal Act,
s. 153a—
Prohibition of
treatment.

(2) For the purposes of this section a patient, absent from an institution whose absence is permitted by section 54 or section 76 of this Act, shall not be deemed to be a mentally defective person so long as the conditions (if any) subject to which he was permitted to be absent are complied with.

8. The principal Act is amended by striking out the twenty-third schedule thereto.

Repeal of
twenty-third
schedule to
principal Act.

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

J. M. NAPIER, Governor's Deputy.