



ANNO QUINTO

GEORGII V REGIS.

A.D. 1914.

No. 1159.

An Act to amend "The Mental Defectives Act, 1913."

[Assented to, October 8th, 1914.]

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 alone as "The Mental Defectives Act Amendment Act, 1914." Short titles.

(2) "The Mental Defectives Act, 1913" (hereinafter referred to as "the principal Act"), and this Act may be cited together as "The Mental Defectives Acts, 1913 and 1914." No. 1122 of 1913.

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

3. In this Act—

Interpretation.

"Part of the Empire" includes the United Kingdom of Great Britain and Ireland, and any other part of the British Empire except this State:

"Proclaimed part of the Empire" means—

(a) in section 5, any part of the Empire with respect to which a proclamation under subsection (1) of section 3 of this Act has been published in the *Government Gazette* and is for the time being in force:

(b) in section 6, any part of the Empire with respect to which a proclamation under subsection (2) of section 3 of this Act has been so published and is for the time being in force: "Public

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“ Public Trustee ” means the Public Trustee of this State .

“ This State ” means the State of South Australia.

Application of this Act.

4. (1) The Governor, on being satisfied that the laws in force in any part of the Empire are such as to enable powers to be exercised in that part of the Empire in cases of patients residing in this State, substantially similar to the powers conferred by section 5 of this Act in cases of such patients as therein mentioned, may, by proclamation published in the *Government Gazette*, declare that section 5 of this Act shall, subject to any exceptions and modifications stated in such proclamation, apply with respect to that part of the Empire, and thereupon and whilst such proclamation is in force the said section 5 shall apply accordingly.

(2) The Governor, on being satisfied that adequate provision has been made by the laws in force in any part of the Empire for the recognition therein of orders and declarations made by the Supreme Court of this State in the exercise of its jurisdiction in Lunacy, may, by proclamation published in the *Government Gazette*, declare that section 6 of this Act shall, subject to any exceptions and modifications stated in such proclamation, apply with respect to that part of the Empire, and thereupon and whilst such proclamation is in force the said section 6 shall apply accordingly.

(3) The Governor may by proclamation revoke or alter any proclamation made under this section.

(4) A copy of the *Government Gazette* purporting to contain a copy of a proclamation under this section shall be conclusive evidence of the validity, contents, making, and publication of such proclamation, and of the existence of all conditions precedent to the valid making thereof.

Provision for Public Trustee to administer estates of patients in other parts of the Empire.

5. (1) If the officer charged by the laws of any proclaimed part of the Empire with the custody, recovery, collection, and administration of the estates of patients detained in any hospital, asylum, or other place therein established or authorised by law for the reception and care of persons of unsound mind—

(a) certifies in writing under his hand and seal to the Public Trustee that any person is a patient residing in such part of the Empire and confined in any such hospital, asylum, or other place, and that he is possessed of, entitled to, or interested in, or appears to be entitled to or interested in, real or personal property in this State, and

(b) by instrument in writing under his hand and seal authorises the Public Trustee to collect, manage, sell, or otherwise dispose of and administer the property of such patient within this State, or to make inquiry respecting the same,

the Public Trustee shall have and may exercise over and in respect of the property of such patient within this State all the powers

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powers conferred upon him by Division II. of Part V. of the principal Act with respect to estates which he is by the principal Act authorised to administer.

(2) The Public Trustee may pay over or deliver to such officer the balance of the moneys or property belonging to the estate of such patient received by the Public Trustee, after—

Public Trustee to pay over balance of moneys recovered.

(a) payment of all costs, charges, and expenses incurred in the matter, in and about the exercise of the powers conferred by this section, and

(b) satisfying or providing for, wholly, or in so far as appears to be necessary for the due administration of the estate of such patient, the claims against such estate of all persons residing in this State of whose claims he has had notice,

without seeing to the application thereof and without incurring any liability in regard to such payment; and he shall duly account for the same to such officer.

(3) Upon the appointment under section 118 of the principal Act, of a committee of the estate of any person, this section shall, subject to the order of the Court upon making such appointment or any subsequent order thereof, cease to operate with respect to such estate.

6. (1) When an order or declaration, made by a Court of competent jurisdiction under the laws of any proclaimed part of the Empire in the exercise of its jurisdiction in Lunacy, or a copy thereof certified as correct under the hand of the prothonotary or registrar or other proper officer of such Court, is produced to the Master of the Supreme Court, and a copy of such order or declaration is deposited with the said Master, such order or declaration or certified copy shall, subject to the payment of the prescribed fees (if any) be sealed with the seal of the Supreme Court.

Provisions for enforcing orders in Lunacy of Courts of other parts of the Empire.

(2) Such order or declaration shall thereupon have the like force and effect and have the same operation, and every Master, Public Trustee, curator, guardian, committee, or receiver acting thereunder shall perform the same duties and be subject to the same liabilities, in this State, as if such order or declaration had been made by the Supreme Court: Provided that a guardian, committee, or receiver appointed by or under any such order shall not have or exercise any power or authority thereunder after such order, or the certified copy thereof, has been so sealed until his appointment has been confirmed by the Supreme Court or a Judge thereof, which confirmation may be granted upon such terms as to such Court or Judge seem fit, or may be refused.

(3) This section shall apply to orders and declarations whether made before or after the passing of this Act.

7. Section

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Amendment of section
130 of principal Act—

Powers of committee
appointed under
repealed Acts.

7. Section 130 of the principal Act is amended—

- (a) by inserting, after the word “Act” in the second line thereof, the words “or any Act hereby repealed”.
- (b) by inserting, after the word “appointed” in the ninth line thereof, the words “or any such subsequent order”.

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

H. L. GALWAY, Governor.