



## ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Altering Short Titles of principal Act and amending Acts.</li> </ol> | <ol style="list-style-type: none"> <li>3. Licensed short-stay homes for intellectually handicapped persons.</li> <li>4. Special provisions as to certain hostels for intellectually handicapped children.</li> </ol> |
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1954, No. 66

Title.                    AN ACT to amend the Mental Defectives Act 1911.  
[30 September 1954]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

Short Title.            1. This Act may be cited as the Mental Health Amendment Act 1954, and shall be read together with and deemed part of the Act heretofore cited as the Mental Defectives Act 1911 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. V, p. 743

2. (1) The principal Act may hereafter be cited as the Mental Health Act 1911.

Altering Short Titles of principal Act and amending Acts.

(2) The Short Title of the principal Act, and the Short Titles of—

See Reprint of Statutes, Vol. V, p. 804  
 Ibid., p. 805

- (a) The Mental Defectives Amendment Act 1914;
- (b) The Mental Defectives Amendment Act 1921–22;

Ibid., p. 808  
 1935, No. 7

- (c) The Mental Defectives Amendment Act 1928;
- (d) The Mental Defectives Amendment Act 1935;

(e) The Mental Defectives Amendment Act 1950; 1950, No. 56  
and

(f) The Mental Defectives Amendment Act 1951— 1951, No. 47  
are hereby consequentially amended, in each case, by  
omitting the word "Defectives" and substituting the  
word "Health".

(3) Every reference in any enactment to the Short  
Title of any of the said Acts is hereby consequentially  
amended by omitting the word "Defectives", and  
substituting the word "Health".

3. (1) In this section,—

"Intellectually handicapped person" means any  
person who, by reason of a condition of  
arrested or incomplete development of mind  
existing before he attains or attained the age  
of eighteen years, whether arising from  
inherent causes or induced by disease or  
injury, is incapable of earning his own living,  
or, if of school age or younger, presumably  
will be incapable when older of earning his  
own living:

Licensed  
short-stay  
homes for  
intellectually  
handicapped  
persons.

"Society" means any society incorporated under  
the Incorporated Societies Act 1908 and  
having as one of its objects the establishment  
and maintenance of a home or homes for the  
reception and care of intellectually handi-  
capped persons.

See Reprint  
of Statutes,  
Vol. III, p. 922

(2) Notwithstanding anything in the principal Act,  
but subject to the provisions of any regulations made for  
the purposes of this section, any society may, if it thinks  
fit, on application made in the prescribed manner by  
any parent or guardian of any intellectually handicapped  
person or by anyone for the time being having the lawful  
custody or control of any such person, receive any such  
person in any home licensed pursuant to this section and  
assume control of him for such period, not exceeding  
two months at any one time, and upon and subject  
to such terms and conditions as to the cost of his main-  
tenance and otherwise as may be agreed upon by the  
parties.

(3) The guardianship of any person so received  
shall not by virtue of this section or of any such agreement  
be deemed to be vested in the society.

(4) For the purposes of this section, but without limiting the provisions of section one hundred and thirty-eight of the principal Act, the Governor-General may from time to time by Order in Council make such regulations as may in his opinion be necessary or expedient for the purpose of giving full effect to the provisions of this section. Without limiting the generality of the provisions of this subsection, it is hereby declared that regulations may be so made for all or any of the following purposes, namely:

- (a) Providing for the licensing of such homes as aforesaid, and for the renewal, suspension, cancellation, and refusal of licences; and prescribing the terms and conditions upon and subject to which licences may be granted and renewed, and the fees payable in respect of the grant and renewal of licences:
- (b) Requiring the appointment for such homes of medical officers and prescribing their powers and duties, and requiring the appointment of matrons and other employees and prescribing the number, qualifications, powers, and duties of such employees:
- (c) Regulating the situation, construction, equipment, and alteration of such homes, and prescribing the sleeping accommodation and other accommodation and the facilities to be provided therein:
- (d) Limiting or regulating the number of intellectually handicapped persons that may be received and kept in any such home at any one time:
- (e) Regulating the admission and re-admission of such persons to such homes, and prescribing the manner in which applications for admission or re-admission are to be made and the medical certificates or other evidence of the condition and suitability for admission of such persons to be supplied:
- (f) Regulating the manner in which agreements for the reception and control of such persons in homes under this section may be made, varied, and terminated, and regulating the removal of such persons from the homes:

- (g) Providing for the extension, in special circumstances, of the period during which any such person may be kept in any such home:
- (h) Providing for the keeping of registers and records and the giving of notices and the supplying of information in respect of any prescribed matters:
- (i) Providing for the inspection of the homes:
- (j) Providing for the granting of exemptions from any provision of the regulations:
- (k) Prescribing fines for the breach of any provisions of the regulations, not exceeding fifty pounds in any case and, where the breach is a continuing one, not exceeding five pounds for every day or part of a day during which the breach has continued.

(5) All regulations under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

(6) Where before the passing of this Act any home for the reception and care of intellectually handicapped persons has been established by any society, and the facilities in the home have been approved by the Director, all such persons received and kept therein, whether before or after the passing of this Act, shall be deemed to have been lawfully received and kept. The provisions of this section shall apply to every such home, and a licence shall be granted in respect thereof on compliance with any regulations made under this section.

4. (1) Notwithstanding anything in section one hundred and twenty-three of the principal Act, the hostel for intellectually handicapped children situated at 93 Grey Street, Hamilton, and established by the Intellectually Handicapped Children's Parents' Association Incorporated, and the hostel for such children situated at Abbotsford, near Dunedin, and known as the Hunterville Hostel, established by the Otago Education Board, shall be deemed to have been lawfully established and carried on before the passing of this Act.

Special provisions as to certain hostels for intellectually handicapped children.

(2) Subject to the provisions of this section, any hostel to which this section applies may hereafter be carried on by or under the control of such Association or Board as aforesaid, but not otherwise, with the consent of the Minister and subject to the provisions of this section.

(3) The Minister may at any time, by notice in writing addressed to the Association or Board by which any such hostel is controlled, revoke his consent to the carrying on of the hostel if it is not managed or conducted to his satisfaction. The revocation shall take effect on a date to be specified in the notice, being a date not earlier than one month after the date of the giving of the notice:

Provided that before giving any notice of revocation the Minister shall give notice in writing to the Association or Board of his intention to revoke his consent, and shall afford to that Association or Board a reasonable opportunity of showing cause why the consent should not be revoked.

(4) On the taking effect of any such revocation, the provisions of section one hundred and twenty-three of the principal Act shall apply to the hostel to which the revocation relates.

(5) In the case of the Hunterville Hostel established by the Otago Education Board, any consent given by the Minister under this section, and any revocation of any such consent, shall be given or made by the Minister with the concurrence of the Minister of Education.

(6) The Director or any Inspector under the principal Act may at any time visit any hostel to which this section applies and inspect any part thereof and see any person therein.

(7) Nothing in section three of this Act shall apply to any such hostel as aforesaid.

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