

575-

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1929.

A BILL

To amend the law with respect to the insane and persons suffering from mental or nervous disease ; to provide for the teaching of the treatment of such diseases ; to amend the Lunacy Act of 1898, and certain other Acts ; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Lunacy Short title. (Amendment) Act, 1929."

(2) The Lunacy Act of 1898 is in this Act referred to as the Principal Act.

2. The Principal Act is amended by inserting at the end of section seventeen the following proviso :—

Amendment of Act No. 45, 1898, s. 17.

Provided that a person may, in pursuance of this Act, be received into a reception house upon the certificate of one medical practitioner in the form of Schedule 2A; but in every such case two medical certificates in the form of Schedule Two with the necessary order or request and statement shall, before such person is received into any mental hospital, be lodged with or obtained by the superintendent or officer in charge of such hospital.

Certificate on admission to reception-house.

3. (1) The Principal Act is further amended by inserting the following sections next after section seventeen :—

Further amendment of Act No. 45, 1898.

New secs. 17A, 17B, 17C.

17A. The provisions of this section shall so far as practicable be observed with regard to persons suffering from mental or nervous disease :—

Institutions for persons suffering from mental disease.

- (a) A person who is amenable to treatment without powers of restraint being required as a necessary condition of his treatment may be treated in an ordinary ward of a general public hospital, or in a special ward of such hospital set apart for the purpose, or in a special hospital appointed under the provisions of section 17B.
- (b) A person in whose interest the exercise of restraint is or may become occasionally necessary may be treated in a special hospital for mental and nervous diseases appointed under section 17C, or in a special portion of a mental hospital or licensed house appointed under that section.
- (c) A person who from the nature of his complaint requires continuous restraint either for his own protection or for that of the public may be treated in an ordinary mental hospital or licensed house.

17B. (1) The Governor may by notification in the Gazette appoint any place to be a hospital for the admission of persons of the class referred to in paragraph

Special hospitals for patients not requiring restraint.

paragraph (a) of section 17A, and in such notification may assign any name to such a hospital, and in like manner may revoke any such appointment.

The Governor may appoint for any such hospital a superintendent, who shall be a medical practitioner, and such other officers as may be necessary.

The Governor may make regulations for the government of any hospital appointed under this subsection.

(2) A person suffering from mental disease shall be admitted into a special hospital appointed under subsection one of this section or to a public hospital for treatment where his mental condition is not such as to render it necessary to grant a certificate of insanity in his case either for his own protection or that of the public.

(3) Admission to a special hospital appointed under subsection one of this section or to a public hospital shall be effected on presentation of a certificate signed by a medical practitioner in form of Schedule 2B.

(4) The date of the admission and of the discharge or death of any person so received shall, within seven days, be reported by the superintendent or by the hospital authorities to the Inspector-General.

(5) No such person so admitted shall be deemed to be an insane patient within the meaning of this Act nor shall the Master assume the control and management of the estate of any such person.

(6) The Minister shall out of funds provided by Parliament recoup to a public hospital the cost of maintaining any such patient in such hospital.

(7) The Master may take the necessary steps to collect the cost of maintenance of a person so received into any hospital appointed under subsection one of this section or into a public hospital from such person or from his relatives, and for that purpose the provisions of sections one hundred and forty-two to one hundred and forty-seven (inclusive) applicable to or with regard to
insane

Lunacy (Amendment).

insane patients and to their relatives shall apply to and with regard to the person so received and to his relatives.

17c. (1) The Governor may by notification in the Gazette appoint any place to be a special hospital for mental and nervous diseases, for the treatment of persons of the class referred to in paragraph (b) of section 17A, and in and by such notification may assign any name to such hospital.

Special hospitals for patients requiring some restraint.

He may in like manner appoint any portion of any mental hospital or of a licensed house for a like purpose.

Any appointment made under this subsection may be revoked in like manner.

(2) The Governor may appoint for any special hospital appointed under subsection one of this section a superintendent, who shall be a medical practitioner, and such other officers as he may deem necessary.

Appointment of superintendents.

(3) The Governor may make regulations for the government of any such hospital.

Regulations.

(4) The superintendent of any such hospital, mental hospital, or licensed house may receive and admit into such hospital or appointed portion for treatment any person suffering from mental or nervous disease and whose mental condition is not such as to require his admission into the ordinary wards of a mental hospital.

Persons who may be received into such hospitals.

Such person may be so received and admitted on his own request in writing or on the authority of one medical certificate in form of Schedule 2A, together with the written request of the said person, or of a relative of such person or of his guardian.

(5) Immediately on the admission of any person an entry with respect to such person shall be made in a book to be kept for that purpose, according to the form and containing the particulars specified by the regulations.

Entry in register.

(6) No person so admitted shall be detained for more than seven days after having given notice to the superintendent of his intention or desire to leave.

Limited period of detention.

(7)

(7) No person so admitted shall be deemed to be an insane patient or a patient within the meaning of section three : Persons not insane patients.

The Master may, but only at the request in writing of any such person, take charge of his property, and the Master shall then have in respect thereof the same powers as he has over the property of an insane patient, and, unless released by the Master in the prescribed manner such property shall remain under his care until the person is discharged or dies.

(8) The Master may take the necessary steps to collect the cost of the maintenance of any person so admitted from such person or from the relatives of such person. Collection of cost of maintenance.

For that purpose the provisions of sections one hundred and forty-two to one hundred and forty-seven (inclusive) applicable to or with regard to an insane patient and his relatives shall apply to and with regard to such person and his relatives.

(9) Notice of the admission and of the discharge or death of any person so admitted shall be given as in the case of an insane patient. Notice of admission, discharge, and death.

4. The Principal Act is further amended by inserting next after section 17c the following new sections :— Further amendment of Act No. 45, 1898. New secs. 17D, 17E.

17D. No person, except—

- (a) a person who derives no profit from the care or charge ; or
- (b) a committee of the person appointed by the court ; or
- (c) a person authorised in that behalf by or under this Act,

shall take care or charge of any person who is suffering from mental disease. Who may not take care or charge of a person suffering from mental disease.

The fact that a person so suffering has been received to board or lodge shall be prima facie evidence that he is taken care or charge of by the person who so received him.

Any person who contravenes this section shall be liable to a penalty not exceeding *fifty* pounds.

17E.

17E. (1) If a medical practitioner certifies that a person is suffering from mental disease, and that it is expedient, in the interests of such person, that he be placed under the care of a person whose name and address are set out in the certificate, for a period therein stated, not exceeding six months, then during that period the person so suffering may be so cared for, unless in the meantime the certificate is cancelled.

Persons temporarily placed under care of private persons.

(2) If before or at the expiration of the period mentioned in such certificate, a medical practitioner certifies that it will be in the interests of the person so suffering and expedient that he be allowed to be continued under care for a further period, such person may be so continued under care for a period not exceeding six months, unless in the meantime the certificate is cancelled.

(3) A certificate under this section must not be signed by the manager or the owner of any private hospital or house in which the person so suffering is to be placed.

(4) The medical practitioner signing any such certificate shall at once forward it to the Inspector-General.

The Inspector-General may at any time visit the person certified to be so suffering.

(5) A signed copy of the certificate shall be given to and retained by the person named in it under whose care the person so suffering is placed, and shall be produced to the Inspector-General at his visits.

(6) The said certificate may at any time be cancelled by the Inspector-General in the manner prescribed.

5. (1) The Principal Act is further amended by inserting next after section 17E the following new sections :—

Further amendment of Act No. 45, 1898. New secs. 17F, 17G.

17F. Subject to the provisions of section 17G, no person shall take the care or charge of or receive to board or lodge in the ordinary wards of any mental hospital or licensed house any person who is suffering

Persons who may not be received into a mental hospital or licensed house.

5-21

Lunacy (Amendment).

suffering from mental disease, unless on the like order, statement, and medical certificates, or other proper authority in respect of such person as is required on the reception of a patient into a mental hospital.

Any person who contravenes this section shall be liable to a penalty not exceeding *fifty* pounds.

17G. (1) The superintendent of any mental hospital or licensed house may receive into such hospital or licensed house, as a voluntary patient, any person who is desirous of submitting himself to treatment.

Voluntary patients.

No person shall be so received unless with the assent in writing of the Inspector-General, who shall only give such assent upon the written application of the person desiring to become a voluntary patient.

(2) Every such patient shall be produced to the Inspector-General at his visits.

(3) No such patient shall be detained for more than seven days after having given notice to the superintendent of his intention or desire to leave.

(4) No voluntary patient shall be deemed to be an insane patient or a patient within the meaning of section three.

The Master may, but only at the request in writing of a voluntary patient, take charge of his property, and the Master shall then have in respect thereof the same powers as he has over the property of an insane patient, and, unless released by the Master in the prescribed manner, such property shall remain under his care until the voluntary patient is discharged or dies.

(5) The Master may take the necessary steps to collect the cost of maintenance of a voluntary patient from the patient himself, or from the relatives of such patient.

For that purpose the provisions of sections one hundred and forty-two to one hundred and forty-seven (inclusive), applicable to or with regard to insane

insane patients and their relatives shall apply to and with regard to such voluntary patient and his relatives.

(6) Notice of the admission and of the discharge or death of such a patient shall be given as in the case of an insane patient.

(2) Section forty and subsection two of section forty-nine of the Principal Act are hereby repealed. Repeal of ss. 40, 49 (2).

6. The Principal Act is further amended by inserting next after section one hundred and eighty the following new section :— Further amendment of Act No. 45, 1898. New s. 181.

181. The Minister may out of funds provided by Parliament pay such subsidies to the University of Sydney as may be necessary to enable the University to make arrangements— Teaching of treatment of mental and nervous diseases.

- (a) for the teaching of the special subject of treatment of mental and nervous diseases ;
- (b) for the extension of the study of that subject in the course prescribed for medical students ; and
- (c) for the conduct of post graduate clinics in that subject.

7. The Principal Act is further amended—

- (a) by omitting from subsection one of section forty-one the words " one hundred " and by inserting in lieu thereof the word " seventy-five " ; Further amendment of Act No. 45, 1898. Sec. 41. (Licensed houses.)
- (b) by omitting from subsection two of the same section all the words commencing " and every such house " to the end of the subsection and by inserting in lieu thereof the words " Every such house containing more than twenty-five patients shall be visited daily by a medical practitioner with experience in the treatment of mental and nervous diseases and every such house containing twenty-five or less than twenty-five patients shall be visited twice a week by a medical practitioner with such experience :

Provided

Provided that when any house is licensed to contain less than ten patients the Minister may permit such house to be visited by such a medical practitioner less frequently than twice a week.

Where a medical practitioner is not appointed as superintendent, the licensee shall be the superintendent of the house named in the license."

(c) by omitting subsection four of the same section.

8. The Principal Act is further amended—

Further amend-
ment of Act
No. 45, 1898.

(a) (i) by omitting subsections two and three of section sixty-five and by inserting in lieu thereof the following new subsections:—

Sec. 65.
(Criminal
insane.)

(2) Where in an indictment or information any act or omission is charged against any person as an offence, and it is given in evidence on the trial of such person for that offence that he was insane, so as not to be responsible according to law for his actions at the time when the act was done or the omission made, then, if it appears to the jury before whom such person is tried that he did the act, or made the omission charged, but was then insane so as to be irresponsible in law in respect of the said act or omission charged against him and is not guilty on the ground that he was so insane as aforesaid, the jury shall return a special verdict to the effect that the accused is not guilty because he was insane as aforesaid at the time when he did the act or made the omission.

Finding of
jury where
person
charged was
insane when
act was done.

(3) Where such verdict is found, the judge before whom such trial is had shall order the accused to be kept in custody till the Governor's pleasure shall be known; and on such order being made it shall be lawful for the Governor, from time to time,

Order of
judge on such
finding.

to

to give such order for the safe custody of the said person during pleasure, in such gaol or other place of confinement and in such manner as to the Governor may seem fit.

(ii) by inserting at the end of the same section the following subsection :—

(5) The Governor may, at any time, on the advice in writing of the Inspector-General, order the conditional discharge of any person ordered to be detained during his pleasure on such conditions as he may think fit to impose.

Conditional discharge of person in custody during pleasure.

If the Governor is satisfied that any of the conditions so imposed is being broken, he may make an order for such person to be retaken and placed in a hospital for the criminal insane, or in a place of confinement, during the Governor's pleasure.

(b) by inserting in section one hundred and twenty-five after the words "ground of insanity" the words "or in respect of whom a special verdict of not guilty has been returned under the provisions of subsection two of section sixty-five."

Sec. 125.

9. The Principal Act is further amended by omitting section ninety and by inserting in lieu thereof the following new section :—

Further amendment of Act No. 45, 1898. Substituted s. 90.

90. (1) The superintendent of any mental hospital or of any hospital for mental and nervous diseases or of any licensed house may, with the consent in writing of the Inspector-General,—

Leave of absence from hospital or licensed house.

(a) send or take under proper control any person detained in any such hospital or licensed house to any place specified in the consent, for any definite time so specified, for the benefit of his health; or permit any such person to be absent from such hospital or licensed house upon trial for such period as may be so specified; and

(2)

- (b) extend such time or period from time to time for such further definite period as he may deem expedient; or direct the return to such hospital or licensed house of any such person, if deemed necessary during the time or period so allowed or extended.

(2) Before giving any such consent, the Inspector-General may require the approval in writing of the person who signed the request, or of the committee who signed the order for the reception of the person so detained, or of the person who made the last payment on account of the maintenance of the person so detained.

Consent of Inspector-General.

(3) Should such person not return when directed by the superintendent, or at the expiration of any period or extended period allowed, such person may at any time be retaken, as in the case of an escape.

Recapture.

10. The Principal Act is further amended—

Further amendment of Act No. 45, 1898. Sec. 115.

- (a) by omitting from section one hundred and fifteen the words "the duties of the Master" and by inserting in lieu thereof the words "the duties and exercise the powers of the Master";

- (b) by inserting next after section one hundred and twenty-four the following new section:—

New s. 124.

124A. Where the net value of the property of an insane patient, after deducting and making provision for any debts and claims payable or to be payable out of such property, does not in the opinion of the Master exceed one hundred pounds, he may by order authorise the chief clerk in lunacy to exercise and discharge the powers and duties of the Master in respect of such property.

Where Master may authorise the chief clerk to exercise his powers.

The provisions of this Act with respect to the exercise and discharge of those powers and duties by the Master shall extend to their exercise and discharge by the said chief clerk under this section.

(c)

(c) by omitting section one hundred and twenty-six and by inserting in lieu thereof the following new section:—

126. The Master shall have the management and care of the property of every insane patient, and, in addition to other powers and duties necessary and incident to such management and care, may, subject to rules of court, exercise the following powers and perform the following duties with respect to the estate of every insane patient, that is to say, he may—

Master's powers as to property of insane patient.

- (a) receive moneys, rents, incomes, and profits of real and personal property, and distrain for rent;
- (b) demise land at such rent and on such conditions as he may think fit;
- (c) sell, realise, and mortgage real and personal property;
- (d) settle, adjust, and compromise a demand made by or against the estate;
- (e) carry on a business which the patient has carried on, so far as may appear desirable for the purpose of more advantageously disposing of or winding-up the business, or preserving the same until the recovery of the patient;
- (f) agree to an alteration of the conditions of a partnership into which the patient had entered, for the purpose of more advantageously disposing of his interest therein or terminating his liability;
- (g) complete a contract for the performance of which the patient was liable, or enter into an agreement terminating that liability;
- (h) sequestrate the estate of a patient under the provisions of any law relating to bankruptcy;
- (i) bring and defend actions, suits, and other proceedings on behalf of a patient;

(j)

- (j) make application to bring land under the provisions of the Real Property Act, 1900, or any Act amending the same.
- (d) by inserting next after section one hundred and twenty-six the following new section :—

126A. (1) If the officer charged by the laws of any other State, colony, dominion, or dependency of the United Kingdom, other than the State of New South Wales, with the collection, care, management, or disposal of the property of insane or lunatic patients in any hospital, asylum, or other institution for the reception and care of persons of unsound mind, certifies in writing under his hand to the Master that any such insane or lunatic patient residing within such State, colony, dominion, or dependency, is possessed of, or entitled to, or appears to be entitled to or interested in real or personal property in the State of New South Wales, and if such officer as aforesaid, by instrument in writing under his hand, authorises the Master to collect, manage, sell, or otherwise dispose of such property, or to make inquiry respecting the same, then the Master shall have and may exercise in respect of such property all such powers of collection, management, sale, disposition, and inquiry, in the same manner as if such insane or lunatic patient were a patient within the meaning of this Act; and the provisions of this Act shall apply in respect of such property as if it were the property of an insane patient.

New s. 126A.

Master's powers as to property of insane persons in other British possessions.

(2) If the officer empowered by the laws of any such State, colony, dominion, or dependency, to proceed against any persons related to any such insane or lunatic patient for the recovery of moneys expended upon his maintenance, clothing, medicine, or care, certifies under his hand to the Master that such insane or lunatic patient has not an estate or any sufficient estate applicable to his maintenance,

Application of ss. 142-147.

maintenance, and authorises the Master to collect such moneys, then the provisions of sections one hundred and forty-two to one hundred and forty-seven (inclusive) of this Act shall apply to such of the persons so related as reside in New South Wales, in the same manner as if such insane or lunatic patient were a patient within the meaning of this Act.

(3) The Master may pay over or deliver to such officer all such moneys or property received by him after payment of all costs, charges, and expenses incurred in and about the exercise of the aforesaid powers.

Payment over of money received.

(4) The powers conferred upon the Master by this section shall be exercised only in the cases of insane or lunatic patients residing in a State, colony, dominion, or dependency to which the Governor by proclamation published in the Gazette declares that the provisions of this section shall extend.

Application of section.

No such proclamation shall be made except in respect of a State, colony, dominion, or dependency whose laws are certified to the Governor by the Master to be such as to enable some officer in such State, colony, dominion, or dependency to exercise like powers in the cases of insane patients residing in New South Wales.

(e) by inserting at the end of section one hundred and thirty-six the following new subsection :—

Sec. 136.

(5) Upon proof to the satisfaction of the Master that no debts of a deceased patient remain unpaid, the Master may, without publishing the advertisements referred to in subsection four of this section, exercise the powers vested in him by that subsection.

Payment without advertisement.

(f) by inserting next after subsection one of section one hundred and thirty-seven the following new subsection :—

Sec. 137.

(1A) All personal effects in the hands of the Master which belonged to a patient, and which have

Sale of personal effects of deceased patients.

have not been claimed within two years from the date of the death of that patient, may be sold by direction of the Master, and the proceeds of the sale shall be paid by him into the Treasury to be carried to the Consolidated Revenue Fund.

- (g) by omitting paragraphs (a) and (b) of sub-section one of section one hundred and forty-two and by inserting in lieu thereof the following paragraphs:—
- (a) To the father of such patient; or
 - (b) if the father is dead or is residing out of New South Wales, or cannot be found, to the mother of such patient.
- (h) by inserting next after section one hundred and fifty the following new section:—
- 150A. The court may authorise and direct the committee or manager of the estate of an insane or incapable person, or the Master as committee of the estate of an insane patient, to dedicate land for public roads, streets, ways, or other public purposes, and grant rights of way and other easements.
- (i) by omitting subsection two of section one hundred and fifty-eight and by inserting in lieu thereof the following new subsection:—
- (2) Upon any sale, mortgage, or charge, pursuant to the order of the court or the provisions of this Act, of or upon the real estate of any tenant in tail being an insane person, or a person who has been declared lunatic or insane by any court of competent jurisdiction in the British dominions outside New South Wales, a conveyance, mortgage, or charge may be made of such real estate without any acknowledgment by such tenant in tail, and shall take effect as if such acknowledgment had been duly made as provided by law.
- (j) by inserting in paragraph (a) of section one hundred and sixty-eight after the words “insane

Sec. 142.

New s. 150A.

Dedication of land of insane patient for roads, &c.

Sec. 158 (2).

Conveyance of interest of tenant in tail.

Sec. 168.

(Court visitor.)

“insane person” the words “or any incapable person or any person suffering from mental disease who is cared for or treated or boarded out in pursuance of this Act”;

- (k) by inserting next after section one hundred and seventy the following new section:—

170A. The Governor may from time to time by proclamation published in the Gazette amend the Schedules to this Act by making such alterations in the forms therein as may seem necessary or expedient.

- (l) by inserting next after section one hundred and seventy-five the following new section:—

175A. The superintendent of every reception-house and of every licensed house and of any hospital appointed under any provision of this Act shall, within the periods and as prescribed by section one hundred and seventy-five, forward and communicate like particulars, and make and forward like reports, to the Master and to the Inspector-General with respect to patients in such reception-house, licensed house, or hospital as are by that section required to be made, communicated, and forwarded by the superintendents of mental hospitals with respect to patients in such hospitals.

- (m) by inserting next after Schedule Two the following new Schedules:—

SCHEDULE 2A.

Secs. 17, 17c.

I, the undersigned medical practitioner, hereby certify that on the day of , 19 , I personally examined [name of person in full], and am of opinion that he is a suitable case for admission to the [name of institution] for observation and treatment.

Dated this day of , one thousand nine hundred and

[Signature]

[Place of abode]

SCHEDULE

SCHEDULE 2B.

Sec. 17B.

I, the undersigned medical practitioner, hereby certify that on the _____ day of _____, 19____, I personally examined _____, and am of opinion that he is suitable for treatment in a hospital appointed under section 17B of the Lunacy Act of 1898, or in a public hospital, and under the provisions of section 17B of the said Act I recommend his admission to your hospital.

[Signature]

[Date]

[Address]

The Superintendent,
Hospital.

11. The Principal Act is further amended—

Further amendment of Act No. 45, 1898, Secs. 27, 29, 30, 44, 46, 47, 48, 49, 64, 88.

- (a) by omitting the words "Colonial Secretary" wherever occurring in the said Act and by inserting in lieu thereof in sections twenty-seven and forty-six where those words secondly occur and in sections twenty-nine, thirty, forty-four, forty-seven, forty-eight, sixty-four, eighty-eight, and in subsection three of section forty-nine the words "Inspector-General" and in other cases the word "Minister";
- (b) by omitting the words "Inspector-General of the Insane" wherever occurring in the said Act and by inserting in lieu thereof the words "Inspector-General of Mental Hospitals";
- (c) by inserting the following new section next after section three of the Principal Act:—

3A. Any place duly appointed and notified as a hospital for the insane prior to the commencement of the Lunacy (Amendment) Act, 1929, where such appointment has not been revoked and is in force at the said commencement shall be deemed to have been duly appointed and notified as a mental hospital for the purposes of this Act;
- (d) (i) by omitting from section one the words "hospitals for the insane" and by inserting in lieu thereof the words "mental hospitals";
- (ii)

New s. 3A.

Mental hospitals.

Sec. 1.

(ii) (a) by inserting in section three next after ^{Sec. 3.} the definition of " medical practitioner " the following words :—

"Mental Hospital" does not include a special hospital for mental and nervous diseases appointed under section 17B or section 17c ;

" Prescribed " means prescribed by this Act or by regulations made thereunder ;

(b) by omitting from the same section the definition of " Superintendent " and by inserting in lieu thereof the following words : " ' Superintendent ' includes a deputy superintendent " ;

(iii) by omitting from sections six, ten, sixteen, ^{Secs. 6, 10,} seventeen, eighteen, twenty-three, fifty- ^{16, 17, 18,} nine, seventy, seventy-one, eighty-eight, ^{23, 59, 70,} ninety, ninety-two, ninety-six, ninety-seven, ^{71, 88, 90,} ninety-nine, one hundred, one hundred and ^{92, 96, 97,} thirty-nine, and one hundred and forty the ^{99, 100, 139,} words " hospital for the insane " wherever ^{and 140.} occurring and by inserting in lieu thereof the words " mental hospital " ;

(iv) by omitting from sections eight, nine, ^{Secs. 8, 9, 14,} fourteen, fifteen, fifty-one, fifty-six, ^{15, 51, 56, 75,} seventy-five, seventy-six, ninety-one, and ^{76, 91, and} one hundred and thirty-four the words " an ^{134.} hospital for the insane " and by inserting in lieu thereof the words " a mental hospital " ;

(v) (a) by omitting from section eleven the ^{Sec. 11.} words " an hospital for the insane " and by inserting in lieu thereof the words " a mental hospital " ;

(b) by omitting from paragraph (c) of the same section the words " for the insane " ;

(vi) (a)

- (vi) (a) by omitting from section twenty-five the words "an hospital for the insane" and by inserting in lieu thereof the words "a mental hospital"; Sec. 25.
- (b) by omitting from the same section the words "hospitals for the insane" where those words secondly occur and by inserting in lieu thereof the words "mental hospitals";
- (vii) by omitting from section sixty-seven the words "hospital for the insane or" and by inserting in lieu thereof the words "mental hospital or hospital"; Sec. 67.
- (viii) (a) by omitting from subsection one of section seventy-eight the words "for the insane or for the criminal insane" and by inserting in lieu thereof the words "a mental hospital or a hospital for the criminal insane or a hospital appointed under any provision of this Act"; Sec. 78.
- (b) (i) by omitting from subsection two of the same section the words "an hospital for the insane or criminal insane" and by inserting in lieu thereof the words "a mental hospital or a hospital for the criminal insane or any other hospital appointed under any provision of this Act";
- (ii) by inserting in the same subsection after the words "there confined" the words "or resident";
- (c) (i) by omitting from subsection three of the same section the words "hospital for the insane or for the criminal insane" and by inserting in lieu thereof the words "mental hospital, hospital for the criminal insane";

(ii)

- (ii) by inserting in the same subsection after the words "to be confined" the words "or any hospital appointed under any provision of this Act";
- (ix) (a) by inserting in paragraph (e) of sub-^{Sec. 79.} section one of section seventy-nine after the words "insane patient" the words "or patient in any hospital appointed under any provision of this Act";
- (b) by inserting in subsection two of the same section after the words "by this Act" the words "or by any regulation made thereunder";
- (x) by omitting from section eighty-three the ^{Sec. 83.} words "hospital for the insane or the criminal insane" and by inserting in lieu thereof the words "mental hospital, hospital for the criminal insane or other hospital appointed under any provision of this Act or any";
- (xi) by omitting from section eighty-five the ^{Sec. 85.} words "for the insane or for the criminal insane" and by inserting in lieu thereof the words "a mental hospital, a hospital for the criminal insane or any other hospital appointed under any provision of this Act";
- (xii) (a) by omitting from subsection one of ^{Sec. 86.} section eighty-six the words "hospital for the insane or" and by inserting in lieu thereof the words "mental hospital or hospital for";
- (b) by omitting from subsection three of the same section the words "hospitals for the insane or" and by inserting in lieu thereof the words "mental hospitals or hospitals for";
- (xiii) (a) by omitting from section one hundred ^{Sec. 171.} and seventy-one the words "an hospital for

535

- for the insane or” and by inserting in lieu thereof the words “ a mental hospital or a hospital”;
- (b) by inserting in the same section after the words “reception house” the words “or of any other hospital appointed under any provision of this Act”;
 - (xiv) (a) by omitting from section one hundred and seventy-three the words “hospital for the insane” and by inserting in lieu thereof the words “mental hospital”;
 - (b) by inserting in the same section after the words “criminal insane” the words “hospital appointed under any provision of this Act”;
 - (c) by inserting in the same section after the words “detained therein” the words “or any person admitted to a hospital appointed under any provision of this Act”;
 - (xv) (a) by omitting from section one hundred and seventy-five the words “an hospital for the insane” and by inserting in lieu thereof the words “a mental hospital and of any hospital appointed under any provision of this Act”;
 - (b) by omitting from the same section the words “hospital for the insane” and by inserting in lieu thereof the words “such hospital”;
 - (xvi) by omitting from Schedules Seven and Eight the words “an hospital for the insane” wherever occurring and by inserting in lieu thereof the words “a mental hospital”;
 - (xvii) by omitting from Schedule Ten the words “hospital for the insane” and by inserting in lieu thereof the words “mental hospital”;
 - (xviii) by inserting after the words “Real Property Act” where those words occur one hundred and twenty-eight and one hundred and fifty the figures “1900”;
 - (xix) (a)

- (xix) (a) by omitting from section seven the ^{Sec. 7.} words "Imperial Act eleventh and twelfth Victoria chapter forty-two as adopted by the Justices Act of 1850" and by inserting in lieu thereof the words "Justices Act, 1902";
- (b) by omitting from subsection five of ^{Sec. 142.} section one hundred and forty-two the words and figures "Deserted Wives and Children Act of 1840" and by inserting in lieu thereof the words and figures "Justices Act, 1902";
- (xx) (a) by inserting in subsection one of section ^{Sec. 169.} one hundred and sixty-nine after the words "and their estates" the words "and the estates of voluntary patients";
- (b) by inserting at the end of the same section the following new subsection :—
 - (3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the rules have been laid before such House disallowing any rule or part thereof, such rule or part shall thereupon cease to have effect.
- (xxi) (a) by omitting from section one hundred ^{Sec. 170.} and seventy the words "and all regulations when made and published in the Gazette shall have the force of law and shall be laid before both Houses of Parliament without delay";
- (b) by inserting at the end of the same section the following new subsection :—
 - (2) The regulations shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date to be specified in the regulations; and

(c)

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

12. (1) The Principal Act is further amended by omitting section seventy-seven, and by inserting in lieu thereof the following section :— Amendment of Act No. 45, 1898, s. 77.

77. (1) The Governor may, upon the recommendation of the Public Service Board, appoint an Inspector-General, a Deputy Inspector-General, and an Assistant Deputy Inspector-General. Appointment of Inspector-General, &c.

(2) Each of the persons so appointed shall be a legally qualified medical practitioner, and shall be entitled to be paid travelling expenses in addition to his salary.

(3) The Deputy Inspector-General shall perform the duties assigned to him by the Inspector-General and shall have and perform all the powers, authorities, duties and functions of the Inspector-General during the absence from duty of the Inspector-General from any cause whatsoever.

(4) (a) The Inspector-General may by writing under his hand, delegate to the Deputy Inspector-General either generally or in any particular case, all or any of the powers, authorities, duties and functions vested in him, other than the power to delegate conferred by this subsection.

(b) The Deputy Inspector-General when exercising such delegated authority shall for all purposes be deemed to be the Inspector-General.

(c)

(c) The Inspector-General may from time to time, by writing under his hand, revoke any such delegation.

(5) The Assistant Deputy Inspector-General shall perform the duties assigned to him by the Inspector-General and shall have and perform all the powers, authorities, duties and functions of the Deputy Inspector-General (whether assigned or delegated) during the absence from duty of the Deputy Inspector-General from any cause whatsoever, and during any period in which the Deputy Inspector-General is, by reason of the absence from duty of the Inspector-General, acting as Inspector-General.

(2) The persons appointed as Inspector-General and Deputy Inspector-General under section seventy-seven of the Principal Act as repealed by subsection one of this section, and holding office at the commencement of this Act, shall continue in office as if section seventy-seven as inserted by subsection one of this section had been in force when they were appointed and they had been appointed thereunder, and the Principal Act as amended by this Act, shall apply to them accordingly.

13. The Principal Act is further amended by inserting next after section one hundred the following new section :—

Further amendment of Act No. 45, 1898. New section.

100A. (1) Upon receipt of an application from a patient detained in a mental hospital or licensed house or from any relative or friend of such patient, the official visitors shall hold an inquiry for the purpose of ascertaining if the patient is detained without sufficient cause.

Power of official visitors to order discharge. cf. 20 and 21 Vic., c. 71, s. 92.

(2) The official visitors may discharge the patient if they are satisfied by the certificate of two legally qualified medical practitioners whom they may think fit to consult, setting out that the patient is detained without sufficient cause, and that he may without risk of injury to the public or to himself, be set at large.

4 and 5 Geo. V, c. 33, s. 55.

(3)

539

Lunacy (Amendment).

(3) Any inquiry held under this section shall so far as is practicable be held at the hospital or licensed house in which the patient is detained.

(4) It shall be the duty of a superintendent who receives an application under this section to forward the application without delay to the official visitors.
