



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 66 of 1967

An Act to amend the Mental Health Act, 1935-1967.

[Assented to 16th 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 (No. 2), 1967".

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

(3) The Mental Health Act, 1935-1967, 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.

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

3. Section 3 of the principal Act is amended by inserting immediately after the passage "DIVISION II.—In Hospitals for Criminal Mental Defectives" the passage "PART IIIA—ESCAPE OF CERTAIN PERSONS.".

**Amendment of
principal Act,
s. 43—
Power to
detain and
recapture
persons
received into
hospitals, etc.**

4. Section 43 of the principal Act is amended by striking out the passage "In case" and inserting in lieu thereof the passage "Subject to section 56a of this Act, in case".

5. Section 54 of the principal Act is amended by striking out subsection (2). Amendment of principal Act, s. 54—
Power of Governor to grant leave of absence on conditions.
6. Section 55 of the principal Act is repealed. Repeal of s. 55 of principal Act.
7. The following Part, heading and section are enacted and inserted in the principal Act immediately after section 56 :— Enactment of Division III of Part II of principal Act—

PART IIIA.

ESCAPE OF CERTAIN PERSONS.

56a. (1) Any person, who is ordered or directed to be detained or kept in custody in an institution— Escape, etc. of certain persons from institutions.

(a) pursuant to any direction or order under section 77a of the Criminal Law Consolidation Act, 1935-1966 ;

(b) pursuant to an order under section 292 or section 293 of the Criminal Law Consolidation Act, 1935-1966 ;

or

(c) pursuant to any order or direction under Division II of Part III of this Act,

and who escapes from that institution, may be apprehended without any warrant or authority other than this section at any time by the person in charge of that institution, any officer or servant of that institution or any police officer and conveyed to, received and detained in that institution.

(2) Where a special magistrate, on the application by or on behalf of the Crown Solicitor or a police officer of or above the rank of Inspector, is satisfied that a person referred to in subsection (1) of this section has escaped from an institution he may issue a warrant in the form of the twenty-third schedule directing that the person named therein be apprehended and conveyed to the institution from whence he escaped.

(3) A person apprehended at any time under a warrant issued in accordance with subsection (2) of this section shall be conveyed to and detained in the institution from whence he escaped.

(4) For the purposes of this section—

(a) “an institution” means an institution as defined in section 77a of the Criminal Law Consolidation Act, 1935-1966, and includes any place

in which for the time being a person is kept in strict custody or safe custody pursuant to an order under section 292 or section 293 of that Act ;

and

- (b) a person shall be deemed to have escaped from an institution if, being lawfully permitted to be absent from that institution, he does not return to the institution within the period of his permitted absence or if the absence is subject to a condition or conditions he does not comply with that condition or any one or more of those conditions.

Enactment of
twenty-third
schedule to
principal Act—

8. The following schedule is enacted and inserted in the principal Act immediately after the twenty-second schedule :—

Section 56a.

THE TWENTY-THIRD SCHEDULE

Mental Health Act, 1935-1967.

WARRANT FOR THE APPREHENSION OF A PERSON PURSUANT TO SECTION 56A.

To the Superintendent of the Police at Adelaide in the State of South Australia and to each and all of the Constables and Peace Officers of the said State.

WHEREAS

of

has represented to me the undersigned a Special Magistrate for the said State that

of

a person ordered or directed to be detained or kept in custody in accordance with a provision of the Criminal Law Consolidation Act, 1935-1966, or the Mental Health Act, 1935-1967, referred to in section 56a of the said Mental Health Act has escaped from

an institution within the meaning of that section.

You the said Superintendent and you the said Constables
are hereby commanded to forthwith apprehend the said

and convey him to the said institution and for that purpose to detain him at some suitable place.

Dated at _____ in the said State
this _____ day of _____, 19 ____.

Special Magistrate.

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

J. M. NAPIER, Governor's Deputy.