



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 50 of 1963

**An Act to amend the Mental Health Act, 1935-1962
and the Prisons Act, 1936-1956.**

[Assented to 28th November, 1963.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Statutes Amendment (Mental Health and Prisons) Act, 1963". Short title and arrangement.

(2) This Act is arranged as follows:—

PART I.—Preliminary—Section 1.

PART II.—Amendment of Mental Health Act, 1935-1962—
Sections 2-4.

PART III.—Amendment of Prisons Act, 1936-1956—
Sections 5-9.

PART II.

AMENDMENT OF MENTAL HEALTH ACT, 1935-1962.

2. (1) The Mental Health Act, 1935-1962, as amended by this Act, may be cited as the "Mental Health Act, 1935-1963". Short title and citation.

(2) The Mental Health Act, 1935-1962, is in this Part referred to as "the principal Act".

Amendment of
principal Act,
s. 18 (1).

3. Subsection (1) of section 18 of the principal Act is amended by striking out the word "The" being the first word of that subsection and inserting in lieu thereof the passage "Subject to section 18a of this Act, the".

Enactment of
s. 18a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 18 thereof :—

Where
institution is
part of a
prison.

18a. (1) Except as provided by regulations made pursuant to this Act, where an institution is a part of a prison that has been declared to be a hospital for criminal mental defectives under section 16 of this Act—

(a) the superintendent of the institution appointed under section 17 of this Act shall—

(i) be responsible for, and have control of and over, the medical care, treatment and welfare of all patients of that institution ; and

(ii) perform such duties of a superintendent imposed by this Act as relate or are incidental to such care, treatment and welfare ;

and

(b) the officer in charge of the prison shall—

(i) subject to the directions of the Comptroller of Prisons, have the control, management and administration of the institution in all matters connected with its internal routine and discipline;

(ii) be responsible for the custody and security of the patients therein ; and

(iii) be responsible for the carrying out of the other duties by this Act imposed upon the superintendent of the institution and for the due observance of the provisions of this Act in reference to all matters occurring within the institution other than those referred to in paragraph (a) of this subsection.

(2) Regulations made under this Act may, in relation to any institution that is a part of a prison declared to be a hospital for criminal mental defectives under section 16 of this Act—

- (a) impose or confer on or assign to the officer in charge of the prison any of the duties, responsibilities, powers or functions of the superintendent of an institution under this Act;
 - (b) declare that any provision of this Act shall not apply.
- (3) Any regulation so made shall have effect notwithstanding anything contained in this Act or in the Prisons Act, 1936-1963.

PART III.

AMENDMENT OF PRISONS ACT, 1936-1956.

5. (1) The Prisons Act, 1936-1956, as amended by this Act, may be cited as the "Prisons Act, 1936-1963".

Short title and citation.

(2) The Prisons Act, 1936-1956, is in this Part referred to as "the principal Act".

6. Section 5 of the principal Act is amended—

Amendment of principal Act, s. 5.

- (a) by inserting after the word "includes" in the definition of "prison" the passage "any part of a prison declared to be a hospital for criminal mental defectives under section 16 of the Mental Health Act, 1935-1963, and"; and
- (b) by inserting after the word "State" being the last word of the definition of "prisoner" the passage "and includes any person detained in a part of a prison declared to be a hospital for criminal mental defectives under section 16 of the Mental Health Act, 1935-1963".

7. The following section is enacted and inserted in the principal Act after section 15 thereof:—

Enactment of s. 15a of principal Act—

15a. Without limiting the generality or application of the powers conferred by sections 14 and 15 of this Act, the Governor may make regulations—

Regulations as to part of prison declared to be hospital for criminal mental defectives.

- (a) with respect to the treatment, dieting, safe custody, management, discipline, classification and duties of persons detained in any part of a prison declared to be a hospital for criminal mental defectives under section 16 of the Mental Health Act, 1935-1963, and the trades

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and avocations at which they may be required to work and the sale and disposal of the products of such trades and avocations ;

- (b) with respect to the regulation, control, admission and removal of persons visiting persons so detained ;
- (c) declaring that any provision of this Act shall not apply to persons so detained ;
- (d) with respect to such other matters in relation to persons so detained as are necessary or convenient to give effect to the objects of this Act and of the Mental Health Act, 1935-1963, and the regulations thereunder.

Amendment of
principal Act,
s. 62.

8. Section 62 of the principal Act is amended by inserting after the word "imprisonment" the passage "or under detention in a part of a prison declared to be a hospital for criminal mental defectives under section 16 of the Mental Health Act, 1935-1963."

Amendment of
principal Act,
s. 63.

9. Section 63 of the principal Act is amended by inserting after the word "sentence" in paragraph (a) of subsection (1) the passage "or undergoing detention in any part of a prison declared to be a hospital for criminal mental defectives under section 16 of the Mental Health Act, 1935-1963".

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

EDRIC BASTYAN, Governor.