

MENTAL DEFICIENCY.

No. 5 of 1951.

AN ACT to amend the *Mental Deficiency Act 1920*.
[13 April, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Mental Deficiency Act 1951*. Short title and citation.

(2) The *Mental Deficiency Act 1920**, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section twenty-eight of the Principal Act is amended by inserting in subsection (3) thereof, after the word “order”, the words “or a continued order (within the meaning of section twenty-nine)”. Effect of orders.

3—(1) Section twenty-nine of the Principal Act is amended— Duration of detention under order.

(a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) An order made under this Act that a defective be sent to an institution or placed under guardianship shall, if he is not an idiot or an imbecile, expire on the quarter day next after the expiration of twelve months after the day on which it is made, unless it is continued in accordance with the provisions of this section.”; and

(b) by omitting subsection (3A).

(2) Subsection (1) of section twenty-nine of the Principal Act (as inserted by subsection (1) of this section) shall be deemed to have come into operation on the date of the commencement of the Principal Act, except that from and after that date and until the date of the commencement of the *Mental Deficiency Act 1925*† the provisions of the first-mentioned subsection shall be deemed to have had effect as if the words “if he is not an idiot or an imbecile” had been omitted therefrom.

* 11 Geo. V. No. 50. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 434. Subsequently amended by 9 Geo. VI. No. 29.

† 16 Geo. V. No. 51.

(3) The amendment effected by paragraph (b) of subsection (1) of this section shall be deemed to have taken effect on the date of the commencement of the *Mental Deficiency Act 1925**.

Constitution
of the Board.

4 Section thirty-nine of the Principal Act is amended by adding at the end of paragraph II. of subsection (2) the words “, or such officer of the Department of Public Health or of the Clinic as may be nominated by the Director of the Clinic:”.

5 After section one hundred of the Principal Act the following section is inserted:—

Mechanical
means of
restraint and
seclusion.

Cf. 53 Vict. c.
5 (Imp.), s.
40 No. 3721
(Vict.), s. 73.

“101—(1) Mechanical means of bodily restraint or seclusion shall not be applied to any defective who has been sent to an institution unless the restraint or seclusion is necessary for the purposes of surgical or medical treatment, or to prevent the defective from injuring himself or other persons or destroying property.

(2) In no case shall mechanical means of bodily restraint or seclusion be applied to any defective without the authority of the medical superintendent of the institution, or, if the medical superintendent is not readily available, of a medical officer of the institution.

(3) In every case where such restraint or seclusion is applied a medical certificate shall, as soon as it can be obtained, be signed describing the mechanical means or seclusion used and stating the grounds upon which the certificate is founded.

(4) A certificate under subsection (3) of this section shall be signed, in the case of a defective—

(a) in an institution (not being a certified house), by the medical superintendent; or

(b) in a certified house, by the medical attendant.

(5) A full record of every case of restraint by mechanical means or by means of drugs, and of every case of seclusion shall be kept from day to day; and a copy of such record and of all certificates under this section shall be sent to the Chairman of the Board at or before the end of every month.

(6) In the case of an institution (other than a certified house) the record to be kept under this section shall be kept by the medical superintendent and in the case of a certified house the record shall be kept by the owner of the house.

(7) Every person who wilfully acts in contravention of this section shall be liable to a penalty of one hundred pounds or to imprisonment for a term of six months.

(8) For the purposes of this section, the expressions 'mechanical means of bodily restraint' and 'seclusion', respectively, shall have the meanings respectively assigned to them in the regulations."

HOSPITALS.

No. 6 of 1951.

AN ACT to amend the *Hospitals Act 1918*. [13 April, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—(1) This Act may be cited as the *Hospitals Act 1951*. Short title and citation.
 (2) The *Hospitals Act 1918**, as subsequently amended, is in this Act referred to as the Principal Act.
- 2** Section thirteen of the Principal Act is amended by omitting from subsection (1) the word "five" and substituting therefor the word "four". Quorum.
- 3** Section twenty-four of the Principal Act is amended by omitting from paragraph I. the words " , or who, not being a member of a municipal council, holds a paid office under any local authority within the hospitals district." Disqualification of representatives.
- 4** Section twenty-nine of the Principal Act is amended by inserting before the word "reserved" the word "acquired". Lands reserved.
- 5** The third schedule to the Principal Act is amended by omitting from rule 3 of the third schedule the word "five" and substituting therefor the word "four". Rules relating to the procedure and business of the Board meetings.

* 9 Geo. V. No. 17. For this Act, as amended to 1950, see Appendix B to the annual volume of the Statutes for 1950.