

MENTAL HOSPITALS.

No. 10 of 1951.

AN ACT to amend the *Mental Hospitals Act* 1858,
and the *Mental Hospitals Act* 1885.
[1 May, 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 Hospitals Act* 1951. Short title and
citation.

(2) The *Mental Hospitals Act* 1858*, as subsequently
amended, is in this Act referred to as the Principal Act.

2 After section two of the Principal Act the following
section is inserted:—

“3. For the removal of doubts, it is hereby declared that
any power or function which, by or under this Act, is
permitted or required to be exercised or performed by two
justices may be exercised or performed by a police magistrate
sitting or acting alone.” Powers, &c.,
of two
justices
exercisable by
police
magistrate
acting alone.

3 Section twelve of the Principal Act is repealed.

4 Section thirteen of the Principal Act is amended—

- (a) by inserting after the words “insane person”
(first occurring) in subsection (1) the words
“, or who on reasonable grounds believes that
such person is an insane person,” and by insert-
ing after the words “insane person” (second
occurring) in that subsection the words “or
that the deponent on reasonable grounds believes
that person to be an insane person,”;
- (b) by inserting in subsection (2), after the words
“insane person”, the words “or who on reason-
able grounds believes that such person is an
insane person”, and by inserting in that subsec-
tion, after the word “knowledge”, the words
“or, as the case may be, after coming to believe
that such person is an insane person”;

Annual
reports to be
made by
official
visitors.

Insane person
wandering at
large, &c.,
may be con-
fined to
hospital.

* 22 Vict. No. 23. For this Act, as amended to 1936, see Reprint of Statutes,
Vol. IV., p. 458. Subsequently amended by 3 & 4 Geo. VI. No. 37, 6 Geo. VI.
No. 27, and 9 Geo. VI. No. 29.

(c) by inserting in subsection (3), after the words "insane person", the words "or that the deponent on reasonable grounds believes that person to be an insane person"; and

(d) by adding at the end thereof the following subsections:—

"(12) Where any two justices are satisfied that it is necessary or desirable, for the purpose of enabling—

- I. Any medical practitioner or medical practitioners to examine any person in pursuance, or for the purposes, of any of the foregoing provisions of this section: or
- II. Any medical practitioner who examines, or medical practitioners who examine, any person pursuant, or for the purposes, of any of those provisions to form an opinion as to whether that person is an insane person,

that such person be placed under observation, the justices may, by warrant under their hands, order such person to be removed to, and detained in, an approved place for such period, not exceeding fourteen days, as may be specified in the warrant:

Provided that if any two justices are satisfied, on the application of the medical practitioner or medical practitioners by whom the person to whom any such warrant relates has been or is being examined, that it is necessary or desirable to extend the period for the detention of that person specified in the warrant, the justices, may, by order, extend that period for such further period or periods (not exceeding fourteen days in all) as they may think fit.

(13) A copy of every warrant or order under subsection (12) shall, forthwith after the issue or making thereof, be delivered or posted to the Director of Mental Hygiene by the justices issuing or making it.

(14) In subsection (12), the expression 'approved place' means any receiving house, or any part of a public hospital approved by the Director of Mental Hygiene for the purposes of that subsection."

Release of
patient on
parole in
certain cases.

5 Section forty-nine of the Principal Act is amended by omitting the word "Minister", wherever occurring, and substituting therefor, in each case, the words "Director of Mental Hygiene".

6 After section fifty of the Principal Act the following section is inserted:—

“ 51—(1) Mechanical means of bodily restraint or seclusion shall not be applied to any patient or voluntary boarder unless the restraint or seclusion is necessary for the purposes of surgical or medical treatment, or to prevent the patient or voluntary boarder from injuring himself or other persons or destroying property.

Mechanical means of restraint and seclusion.
Cf. 53 Vict. c. 5 (Imp.) s. 40
No. 3721
(Vict.) s. 73.

(2) In no case shall mechanical means of bodily restraint or seclusion be applied to any patient or voluntary boarder without the authority of the medical superintendent of the hospital or receiving house, or, if the medical superintendent is not readily available, of a medical officer of the hospital or receiving house or, in the case of a licensed house, of the resident medical practitioner of, or a medical practitioner regularly visiting, the licensed house.

(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—

- I. A patient or voluntary boarder in a hospital or receiving house, by the medical superintendent thereof: or
- II. A voluntary boarder in a licensed house, by the resident medical practitioner of, or a medical practitioner regularly visiting, the licensed house.

(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.

(6) A copy of every such record and of every certificate under this section shall—

- I. In the case of a hospital or receiving house, be produced to the official visitors upon the occasion of their first visitation to the hospital or receiving house next after the date on which the record was compiled or the certificate was signed, as the case may be; or
- II. In the case of a licensed house, be delivered or forwarded to the Director of Mental Hygiene within one month after that date.

(7) In the case of a hospital or receiving house the record to be kept under this section shall be kept by the medical superintendent, and in the case of a licensed house the record shall be kept by the licensee.

(8) 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.

(9) 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."

Governor to
appoint
official
visitors.

7 Section five of the *Mental Hospitals Act 1885** is amended—

- (a) by omitting the words "Chief Secretary" (wherever occurring) and substituting therefor, in each case, the word "Minister";
- (b) by omitting from subsection (1) the word "three" and substituting therefor the word "four" and by adding at the end of that subsection the words "and one of whom shall be a woman."; and
- (c) by adding at the end thereof the following subsection:—

"(5) In addition to any statement or other information required by subsection (3) to be transmitted to the Minister, the official visitors shall, as and when directed by the Minister, submit to him such further reports in respect of the matters referred to in that subsection as he may require."

8 The *Mental Hospitals Act 1885** is amended by inserting after section six the following section:—

Annual report
to be made by
Director of
Mental
Hygiene.

"6A.—(1) The Director of Mental Hygiene shall, within three months after the thirtieth day of June in each year, submit to the Minister a report in writing with respect to the state and condition of every hospital, receiving house, or other place where patients certified to be insane or persons so found by inquisition are detained, and he may, in the report, make such remarks or observations in relation to any matters connected with such hospital, receiving house, or other place as he may think fit.

(2) The Minister shall cause a copy of the report to be laid on the table of each House of Parliament within the first fourteen sitting days of such House after the report is received by him."

* 49 Vict. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 480. Subsequently amended by 9 Geo. VI. No. 29.