

**ACTS AMENDMENT  
(AUTHORITY FOR  
INTELLECTUALLY  
HANDICAPPED PERSONS).**

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No. 69 of 1985.

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**AN ACT to amend the Mental Health Act 1962 and  
the Parliamentary Commissioner Act 1971.**

[Assented to 15 November 1985.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Authority for Intellectually Handicapped Persons) Act 1985*. Short title.

2. This Act shall come into operation on the day fixed for the commencement of the Authority for Intellectually Handicapped Persons Act 1985. Commence-  
ment.

No. 69.] *Acts Amendment (Authority for Intellectually Handicapped Persons)* [1985.]

PART II.—MENTAL HEALTH ACT 1962.

Principal Act.  
Reprinted as  
approved  
24 August  
1979 and  
amended by  
Acts Nos. 67  
of 1979 and  
28 of 1984.

3. In this Part the Mental Health Act 1962 is referred to as the principal Act.

Section 5  
amended.

4. Section 5 of the principal Act is amended—

(a) by deleting the definition of “intellectually defective” and substituting the following—

“ “intellectually handicapped person” means a person who has a general intellectual functioning which is significantly below average and concurrently has deficits in his adaptive behaviour, such conditions having become manifest during the developmental period; ”;

(b) in the definition of “mental disorder” by inserting after “health” the following—

“ but, except for the purposes of section 47 and Part VI, does not include a handicap whereby a person is an intellectually handicapped person ”;

(c) in the definition of “mental illness” by inserting after “health” the following—

“ but, except for the purposes of Part VI, does not include a handicap whereby a person is an intellectually handicapped person ”; and

(d) by deleting the definition of “training centre”.

Section 19  
amended.

5. Section 19 of the principal Act is amended, in subsection (1), by deleting paragraph (b).

6. Section 20 of the principal Act is amended by deleting—

Section 20  
amended.

“ , but a person shall not be admitted to, or detained in, a training centre, unless he is an intellectually defective person ”.

7. Section 26A of the principal Act is amended by deleting the definitions of “attender”, “intellectual handicap”, “private day activity centre”, “private hostel”, “private sheltered workshop” and “resident” (where it first appears).

Section 26A  
amended.

8. Section 26B of the principal Act is repealed and the following section is substituted—

Section 26B  
repealed and  
substituted.

“ 26B. A person shall not conduct or cause or permit to be conducted any premises as a private psychiatric hostel unless the premises are approved for the purpose under this Part and a licence for the conduct of the premises has been issued to that person and is in force under this Act.”.

9. Part IIIA of the principal Act is amended by repealing Division 3.

Division 3 of  
Part IIIA  
repealed.

10. Section 26U of the principal Act is amended in subsection (2)—

Section 26U  
amended.

(a) in paragraph (c), by deleting “, and attenders at,”; and

(b) in paragraph (c) (v), by deleting “or approved private hostels”.

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PART III.—PARLIAMENTARY COMMISSIONER ACT 1971.

Schedule  
amended.  
Reprinted as  
approved  
19 July 1983  
and  
amended by  
Act No. 124  
of 1984.

11. The Schedule to the Parliamentary Commissioner Act 1971 is amended by inserting, after the item relating to the Artificial Breeding Board, the following—

“ Authority for Intellectually Handicapped Persons established by the Authority for Intellectually Handicapped Persons Act 1985. ”.

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