

ACTS AMENDMENT (MENTAL HEALTH) ACT 1981.

(No. 52 of 1981)

ARRANGEMENT.

Section.

1. Short title.
2. Commencement.
3. Operation of section 14 of the Interpretation Act 1918.

PART I.—CHILD WELFARE ACT 1947-1979.

4. Citation.
5. Section 4 amended.

PART II.—CONVICTED INEBRIATES' REHABILITATION ACT 1963-1974.

6. Citation.
7. Section 3 amended.

PART III.—THE CRIMINAL CODE.

8. Citation.
9. Section 336 amended.
10. Section 337 amended.

PART IV.—MINE WORKERS' RELIEF ACT 1932-1980.

11. Citation.
12. Section 34 amended.

PART V.—OFFENDERS PROBATION AND PAROLE ACT 1963-1980.

13. Citation.
14. Section 34C repealed and substituted.

PART VI.—PUBLIC TRUSTEE ACT 1941-1979.

15. Citation.
16. Section 2 amended.
17. Section 24 amended.
18. Section 25 amended.
19. Section 32 amended.
20. Section 34 repealed.

PART VII.—SUPREME COURT ACT 1935-1979.

21. Citation.
22. Section 11E amended.
23. Section 58 amended.

PART VIII.—UNITING CHURCH IN AUSTRALIA ACT 1976.

24. Citation.
25. Section 15 amended.

PART IX.—UNIVERSITY MEDICAL SCHOOL, TEACHING HOSPITALS, ACT 1955.

26. Citation.
27. Section 2 amended.
28. Section 5 amended.

**ACTS AMENDMENT
(MENTAL HEALTH).**

No. 52 of 1981

AN ACT to amend the Child Welfare Act 1947-1979, the Convicted Inebriates' Rehabilitation Act 1963-1974, The Criminal Code, the Mine Workers' Relief Act 1932-1980, the Offenders Probation and Parole Act 1963-1980, the Public Trustee Act 1941-1979, the Supreme Court Act 1935-1979, the Uniting Church in Australia Act 1976, and the University Medical School, Teaching Hospitals, Act 1955.

[Assented to 25 September 1981.]

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:—

1. This Act may be cited as the *Acts Amendment (Mental Health) Act 1981*. Short title.

Commence-
ment.

2. This Act shall come into operation on the day fixed for the coming into operation of the Mental Health Act 1981.

Operation of
section 14 of
the Inter-
pretation Act
1918.

3. The fact that this Act amends certain Acts shall not be taken to indicate that section 14 of the Interpretation Act 1918 does not apply to a provision of any other Act in which a reference to the Mental Health Act 1962 or a provision thereof appears; and the said section 14 shall also be applicable to a provision of any regulations in which such a reference appears.

PART 1.—CHILD WELFARE ACT 1947-1979.

Citation.
Reprinted as
approved 11
November
1977;
amended by
Act No. 77 of
1979.

4. (1) In this Part the Child Welfare Act 1947-1979 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Child Welfare Act 1947-1981.

Section 4
amended.

5. Section 4 (1) of the principal Act is amended, in the definition of “child in need of care and protection”—

(a) in paragraph (j), by deleting “or” in the second place where it appears;

(b) in paragraph (k), by inserting after “jeopardy;” the following—

“ or ” ; and

(c) by inserting after paragraph (k) the following paragraph—

“(l) is suffering from mental disorder necessitating treatment in his own or the public interest, but who is not receiving such treatment; ” .

PART II.—CONVICTED INEBRIATES' REHABILITATION
ACT 1963-1974.

6. (1) In this Part the Convicted Inebriates' Rehabilitation Act 1963-1974 is referred to as the principal Act.

Citation.
Reprinted as
approved 7
April 1971;
amended by
Act No. 33
of 1974.

(2) The principal Act as amended by this Act may be cited as the Convicted Inebriates' Rehabilitation Act 1963-1981.

7. Section 3 of the principal Act is amended by deleting the definition of "psychiatrist" and substituting the following—

Section 3
amended.

“ “psychiatrist” means a medical practitioner whose name is contained in the Register of Psychiatrists prepared and maintained pursuant to section 100 of the Mental Health Act 1981. ” .

PART III.—THE CRIMINAL CODE.

8. In this Part “the Code” means The Criminal Code.

Citation.

9. Section 336 of the Code is amended by deleting “disorder” in both places where it appears and substituting the following—

Section 336
amended.

“ illness ” .

10. Section 337 of the Code is amended by deleting “disorder” in both places where it appears and substituting the following—

Section 337
amended.

“ illness ” .

PART IV.—MINE WORKERS' RELIEF ACT 1932-1980.

Citation.
Reprinted as
approved in
Vol. 16 of
the
Reprinted
Acts 19 June
1962;
amended
by Acts Nos.
96 of 1964,
62 of 1973,
29 of 1977
and 46 of
1980.

Section 34
amended.

11. (1) In this Part the Mine Workers' Relief Act 1932-1980 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Mine Workers' Relief Act 1932-1981.

12. Section 34 of the principal Act is amended by deleting "has the status of a patient under the Mental Health Act 1962" and substituting the following—

“ becomes a patient within the meaning in section 3 of the Mental Health Act 1981 ” .

PART V.—OFFENDERS PROBATION AND
PAROLE ACT 1963-1980.

Citation.
Reprinted as
approved 11
November
1977;
amended by
Act No. 96
of 1980.

13. (1) In this Part the Offenders Probation and Parole Act 1963-1980 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Offenders Probation and Parole Act 1963-1981.

Section 34C
repealed and
substituted.
Application
of this Act
while person
a patient
under s. 54 of
Mental
Health
Act 1981.

14. Section 34C of the principal Act is repealed and the following section is substituted—

“ 34C. Where the Governor makes an order under section 54 of the Mental Health Act 1981 that a person be admitted as a patient to an approved hospital, this Act ceases to apply to that person while he is a patient. ” .

PART VI.—PUBLIC TRUSTEE ACT 1941-1979.

Citation.
Reprinted as
approved 4
February
1981.

15. (1) In this Part the Public Trustee Act 1941-1979 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Public Trustee Act 1941-1981.

16. Section 2 of the principal Act is amended— Section 2
amended.

- (a) by deleting the definition of “incapable patient” and substituting the following—

“ “incapable patient” means a person who is a patient within the meaning of the Mental Health Act 1981 and who is reported to the Public Trustee pursuant to section 77 (1) of that Act as being incapable of managing his affairs. ” ;

- (b) in the definition of “infirm person” by deleting “but does not include an incapable patient” and substituting the following—

“ and includes a person who is deemed by section 24 (4) to be an infirm person, but does not include an incapable patient ” ;

- (c) in the definition of “Manager” by deleting “1962” and substituting the following—

“ 1981 ” ;

- (d) by deleting the definition of “Mental disorder”;

- (e) in the definition of “Rules” by deleting “1962” and substituting the following—

“ 1981 ” ; and

- (f) in the definition of “the superintendent” by deleting “1962” and substituting the following—

“ 1981 ” .

17. Section 24 of the principal Act is amended— Section 24
amended.

- (a) in subsection (3) (b) by deleting “1962” and substituting the following—

“ 1981 ” ; and

- (b) by repealing subsections (4), (5) and (6), and substituting the following—

“ (4) Where pursuant to section 77 (3) of the Mental Health Act 1981 it is reported to the Public Trustee that a

person who is an incapable patient is discharged but is still incapable of managing his affairs—

- (a) the person shall, with immediate effect, be deemed to be an infirm person for the purposes of this Act as if the Public Trustee had on receipt of the report signed and sealed a certificate under subsection (1) of section 35 of this Act in respect of that person; and
- (b) this Act, except subsections (2), (3) and (4) of section 35, shall forthwith apply to him accordingly. ” .

Section 25
amended.

18. Section 25 of the principal Act is amended in subsection (2)—

- (a) by deleting “, by reason of mental disorder,” and substituting the following—

“ by reason of mental illness or being an intellectually handicapped person (within the meaning of those terms in the Mental Health Act 1981), ” ;
and

- (b) by deleting “Part VI of the Mental Health Act, 1962” and substituting the following—

“ Part VIII of the Mental Health Act 1981 ” .

Section 32
amended.

19. Section 32 of the principal Act is amended by deleting “1962” and substituting the following—

“ 1981 ” .

Section 34
repealed.

20. Section 34 of the principal Act is repealed.

PART VII.—SUPREME COURT ACT 1935-1979.

21. (1) In this Part the Supreme Court Act 1935-1979 is referred to as the principal Act.

Citation.
Reprinted as
approved 12
May 1980.

(2) The principal Act as amended by this Act may be cited as the Supreme Court Act 1935-1981.

22. Section 11E of the principal Act is amended in subsection (2) (c) by deleting “, 1962” and substituting the following—

Section 11E
amended.

“ 1981 ” .

23. Section 58 of the principal Act is amended in subsection (1) by deleting paragraph (f).

Section 58
amended.

PART VIII.—UNITING CHURCH IN AUSTRALIA ACT 1976.

24. (1) In this Part the Uniting Church in Australia Act 1976 is referred to as the principal Act.

Citation.
Act No. 139
of 1976.

(2) The principal Act as amended by this Act may be cited as the Uniting Church in Australia Act 1976-1981.

25. Section 15 of the principal Act is amended by deleting paragraph (d) and substituting the following—

Section 15
amended.

“ (d) becomes a person who is suffering from a “mental illness” or an “incapable person” within the meaning of those terms in the Mental Health Act 1981; ” .

PART IX.—UNIVERSITY MEDICAL SCHOOL,
TEACHING HOSPITALS, ACT 1955.

26. (1) In this Part the University Medical School, Teaching Hospitals, Act 1955 is referred to as the principal Act.

Citation.
Act No. 31
of 1955.

(2) The principal Act as amended by this Act may be cited as the University Medical School, Teaching Hospitals, Act 1955-1981.

Section 2
amended.

27. Section 2 of the principal Act is amended in the definition of "public hospital" by deleting paragraphs (b), (c), and (d) and substituting the following—

“ (b) an approved hospital under section 10 of the Mental Health Act 1981; ” .

Section 5
amended.

28. Section 5 of the principal Act is amended by repealing subsection (2) and substituting the following—

“ (2) If the teaching hospital is an approved hospital under section 10 of the Mental Health Act 1981 the Advisory Committee shall consist of—

a person nominated by the Senate;

a person nominated by the Faculty of Medicine of The University of Western Australia;

the Director of Mental Health Services or a person nominated by him;

and

a medical practitioner nominated by the Minister to whom the administration of the Mental Health Act 1981 is committed. ” .
