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OF

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[1952.

### LUNACY ACT, 1903-1950.

Department of Public Health,  
Perth, 23rd July, 1952.

C.S.D. 1450/26, Ex. Co. No. 1345.

HIS Excellency the Governor in Executive Council has been pleased, pursuant to the provisions of the Lunacy Act, 1903-1950, to make the regulations set forth in the Schedule hereunder.

H. T. STITFOLD,  
Under Secretary.

#### Schedule.

#### LUNACY ACT REGULATIONS, 1952.

##### Citation.

1. These regulations may be cited as the Lunacy Act Regulations, 1952.

##### Interpretation.

2. In these regulations, unless the context requires otherwise, expressions used have the same respective meanings as in the Act.

##### Revocations.

3. The regulations made under the Lunacy Act, 1903-1950 and published in the *Gazette* on the 1st day of January, 1926, and as amended from time to time are revoked.

##### Administration.

4. Subject to the Minister the Inspector General shall have the care, control, management and supervision of all institutions and shall have and exercise all other powers and duties as are conferred or imposed upon him by or under the Act.

5. The Inspector General shall once in every year—

- (a) thoroughly inspect all institutions;
- (b) see the patients therein;
- (c) fully report to the Minister on the institutions, the patients therein, the buildings and grounds thereof and the appurtenances thereto and on matters referred to him by the Minister.

6. (1) The Inspector General may when and for as long as he thinks fit inspect an institution, the patients therein and the records thereof.

- (2) The staff of an institution shall afford assistance to the Inspector General on any inspection as he may require.

7. (1) The Inspector General may make enquiries as he thinks fit with respect to the care, treatment or bodily or mental health of the patients in any institution, or with respect to any matter affecting the social or physical welfare or comfort or discipline of the patients in any institution.

(2) For the purpose of an inquiry the Inspector General may ask questions of the superintendent of an institution or of any other officer or person employed in an institution.

8. The Inspector General shall be responsible to the Minister for the discharge and exercise of his duties and powers.

9. (1) Subject to the Inspector General, the Superintendent of an institution shall have the control and management thereof in all matters connected with its internal routine and discipline, except matters for which the Managing Secretary is responsible under regulation eleven of these regulations, and shall be responsible for carrying out the duties by the Act imposed upon him, and for the due observance of the provisions of the Act in reference to all matters occurring within the institution.

(2) The Superintendent shall in all cases be subject to any direction given by the Inspector General.

(3) The Superintendent and the members of the staff under his control shall co-operate with the Managing Secretary and his staff and shall afford to them assistance and where required protection and security in the performance of their duties.

10. The Managing Secretary of the institution shall be subject to the control of and be responsible to the Inspector General, in matters other than professional matters, and he shall co-operate with the Superintendent of an institution in all matters relating to the upkeep, care and comfort of the staff and patients of the institution.

11. The Managing Secretary of the institution shall be responsible to the Inspector General for the finance, clerical, store, catering, domestic, laundry, artisan, farm and garden sections of the institution of which he is appointed Managing Secretary.

12. (1) A person who is not subject to the Public Service Act, 1904-1950, or any particular industrial award may be employed at an institution by a special arrangement made between the Inspector General and the person.

(2) It shall be the duty of every member of the staff of an institution to make himself acquainted with the respective Act, regulations, award or agreement under which he is employed and which is applicable to him.

13. Members of the staff (except permanent Public Servants) shall for the first twelve months of their employment at an institution be on probation and during that period may be dismissed from the staff without reason for such dismissal being given.

#### Care of Patients.

14. A person employed on the staff of an institution shall at all times treat the patients kindly and humanely and shall exercise care for their safety and for the prevention of injuries to them.

15. Except with the express permission of the Superintendent or other medical officer, a person in charge of a patient in a closed ward of an institution shall not permit or suffer a patient to carry matches or to be in possession of spirit or other patent lighters.

16. A person in charge of a ward, room or other place of an institution to which a patient has access, shall not suffer or permit a wood fire or electric heater to be lit there, unless the wood fire or electric heater is protected by a guard which is either locked or fixed.

17. The Superintendent of an institution shall cause to be displayed in each ward of the institution a plan of the fire hose boxes and chemical appliances attached to the institution and the charge or senior nurse in each ward shall be responsible for ensuring that all members of the staff on duty in the ward are acquainted with the location and method of using the fire hose boxes and chemical appliances.

18. When a fire breaks out in a ward of an institution the person in charge of the ward shall—

- (a) first take all available steps necessary to preserve the safety of the patients;
- (b) remove, under the directions of the senior officer present the patients to a place of safety;
- (c) attempt to localise and extinguish the fire by chemical or other available means;
- (d) where the fire is likely to spread immediately ring the fire alarm and put the fire hoses into use pending the arrival of the fire brigade;
- (e) summon all available assistance;
- (f) advise the Senior Medical Officer and the senior nurse on duty.

19. (1) The Managing Secretary shall be responsible for the regular inspection and the safe keeping and good order of all fire fighting appliances.

(2) The charge or senior nurse shall report to the Managing Secretary any apparent damage to or defect in any fire appliances placed in a ward.

20. Where patients of an institution are placed with a member of the nursing or other staff for the purpose of occupation and suitable employment, the member shall work with, interest himself in and assist the patient in the occupation or employment.

21. (1) A member of the staff of an institution, to whose care employable patients are placed, shall be responsible for the patients whilst the patients are being employed.

(2) Unless otherwise authorised by the Superintendent when employable patients are returned to the wards they shall be handed over to a member of the nursing staff, by the member of the staff of the institution under whom they were employed.

## Nursing Staff.

22. At each institution there shall be appointed a matron, head attendant, or their deputies or a charge nurse to whom in their respective spheres the nursing staff and orderlies shall be responsible.

23. Rosters for duty of nurses and orderlies shall be compiled fortnightly or other period as may be prescribed and no changes of duty hours shall be effected between nurses without the approval of the matron being first had and obtained.

24. Nurses shall carry out faithfully and to the best of their ability all instructions written or verbal given to them by the Medical Officer, matron or senior officer.

25. Nurses and orderlies shall exercise the greatest care in the handling of patients and in the case of senile, infirm or troublesome patients, every endeavour shall be made by them to prevent injuries being caused to the patients.

26. Whenever possible a nurse shall not deal singlehanded with a refractory patient, but shall obtain assistance from another nurse.

27. (1) No patient shall be placed in restraint or seclusion without an order to that effect being first given by a medical officer except under special circumstances when the matron or her deputy may order the course to be adopted.

(2) When a matron or her deputy causes any patient to be placed in restraint or seclusion as provided in paragraph (1) of this regulation she shall immediately inform the Medical Officer of the fact.

28. Nurses shall make every effort to encourage patients to occupy their minds by employment, occupational work, amusements, games and the reading of books and papers and shall participate therein, if such participation does not interfere with their other duties.

29. Ward reports and entries in the day and night report books shall contain information as the Superintendent shall determine.

30. (1) The nurse in charge of a ward shall be responsible—

- (a) for the care and safety of the patients therein;
- (b) for the good order and cleanliness of the ward;
- (c) for the stock used in the ward.

(2) All other nurses posted for duty in a ward shall be subject to the directions of the nurse in charge.

31. The nurse in charge of a ward shall not leave the ward without, on each and every occasion, informing the next senior nurse of her intention so to do.

32. At the change of shifts, nurses in charge and nurses controlling portion of a ward shall give to the relieving nurse all the information and instructions which they have in their possession relative to the patients which have been under their charge and shall inform the relieving nurse of any changes which have occurred during the tour of duty.

## Special Patients.

33. (1) Patients with suicidal, homicidal or escape tendencies may be placed under special precautionary observation by the issue of a "caution ticket" specifying the reason for the observation.

(2) The charge or senior nurse shall be responsible for ensuring that all nurses in the ward know the ward patients who have been issued with a caution ticket and the reason thereof.

(3) The charge or senior nurse shall distribute the caution tickets to individual nurses who shall be responsible that the patient named on the caution ticket is kept under all reasonable observation and is prevented from carrying out acts peculiar to his particular tendencies.

(4) Where a patient who has been placed under special precautionary observation is removed from one part of a ward to another part thereof or from ward to another ward, the nurse holding the caution ticket issued to the patient shall either accompany the patient or shall hand over the caution ticket and point out the patient to another nurse under whose control the patient shall then be.

(5) A nurse holding a caution ticket shall, before leaving a ward or portion thereof in which the patient the subject of a caution ticket is accommodated, hand over the caution ticket and shall point out the patient to another nurse.

## Visitors to Patients.

34. (1) The regular visiting hours at each institution shall be such as may be prescribed from time to time by the Superintendent after consultation with the Inspector General.

(2) Visitors shall ordinarily see patients in visiting rooms or in their wards, but may be permitted by the Superintendent, in suitable cases, to take them from the wards into the grounds of the institution in which they are patients.

(3) Visitors shall not say anything likely to depress, upset or make discontented the patients they are visiting.

(4) Visitors shall not bring into any institution or give to a patient alcoholic liquor nor matches, knives or any other article of a dangerous character.

(5) No papers, legal or otherwise shall be signed by a patient except with the special permission of the Inspector General or the Superintendent and in the presence of some official deputed by him.

(6) No papers, legal or otherwise shall be passed between a patient and visitor without the permission of the Superintendent.

(7) A letter written by a patient shall not be taken away from the institution in which the patient is lodged by a visitor but it shall be handed to the nurse in charge.

(8) No gratuity shall be given to or received by an employee.

(9) When patients are dangerously ill they may be visited at any time with the permission of the Superintendent.

(10) The Superintendent may prohibit any visitor from seeing a patient where he is of opinion that the visit may be detrimental either to the patient or the visitor.

(11) Visitors requesting information about a patient may see a medical officer during visiting hours or by appointment with a medical officer at other times, or may request information from a medical officer by letter; except in cases of dangerous illness information shall not be given by telephone.

(12) Information relative to a patient may be given by telephone if the permission of the Superintendent or Medical Officer is first had and obtained.

#### General.

35. Male employees of any institution, other than normal rostered staff in female wards and places of employment, shall not enter the female wards or places of employment except in the discharge of some duty or without first informing a senior female member of the staff of the nature of the duty.

36. A male patient shall not be allowed to enter female wards or places where females are employed unless accompanied by a member of the staff.

37. An employee of an institution shall not bring into a ward or supply to a patient alcoholic liquor without the consent of the medical officer.

38. No person, other than an employee of an institution, shall be allowed to enter or be assisted by an employee of an institution to enter a ward or any other building of the institution without the permission of the Superintendent, except that visitors to patients may do so in accordance with the regulations relating to visitors.

39. (1) An employee of an institution shall not disclose any information which has come to him through or in the course of his employment in an institution except in the execution of his duties.

(2) An employee or member of the staff of an institution shall not discuss or give information with regard to a patient to any person outside the institution.

40. An employee of an institution shall not without the consent of the Inspector General, the Superintendent or the Managing Secretary remove any property of the State of Western Australia, whether the property is worn out or not, from an institution or the precincts thereof.

41. An employee of an institution shall not—

(a) have any monetary transactions with a patient therein;

(b) receive directly or indirectly a fee, reward or gratuity in money or in kind from a patient or any other person except for the payment of a duty rendered by the employee where a fee or reward made to the employee therefor has been approved of by the Inspector General.

#### Correspondence.

42. All letters, documents or parcels to be sent by a patient shall be forwarded through the hands of the Superintendent or a medical officer, and an employee of an institution shall not post, cause to be posted, deliver or cause to be delivered any letters, documents or parcels, unless they have been so dealt with.

#### Disciplinary Measures.

43. (1) All employees other than those who are subject to the Public Service Act, 1904-1950, are subject to the provisions of section 187A of the Lunacy Act, 1903-1950.

(2) A fine imposed upon an employee of an institution by the Inspector General pursuant to section 187A of the Act may be recovered summarily before any two Justices of the Peace in petty sessions.

44. A person employed in an institution who witnesses any ill-treatment, neglect or other offence of whatsoever kind towards a patient shall take all reasonable steps to prevent the ill-treatment, neglect or other offence and shall as soon as practicable report the matter to a medical officer, matron or any person acting as deputy for either of them.

#### General Staff.

45. (1) The following officers shall be in charge of the following sections under the control of the Managing Secretary—

Clerk Assistant—Office section;

Storekeeper—Stores section;

Caterer Dietitian—Catering section;

Housekeeper—Nurses Quarters (Claremont only);

Engineer—Works section;

Farm Manager—Dairy and Farm;

Head Gardener—Gardens section (Claremont only);

Foreman-Laundryman—Laundry.

(2) Where required, employees in these sections shall co-operate with the Superintendent and his staff and they shall observe the provisions of these regulations.

## Issue of Stores.

46. All stores shall be issued under the authority of the Managing Secretary who shall ensure that all stores are properly issued.

47. Whenever possible the storekeeper shall ensure that all stores are branded indicating the wards or other parts of the institution to which they are issued.

48. The storekeeper shall be responsible for the condemning of worn out articles and for the replacement thereof and shall keep all necessary books and records in connection therewith.

## Issues to Staff.

49. (1) Uniforms and other articles of clothing shall be issued to the members of the staff of an institution in accordance with the relevant industrial awards.

(2) Each person employed at an institution who is required to wear a uniform shall be provided with same free of charge.

(3) Uniforms shall be of an approved design and shall remain the property of the Department.

(4) Where a uniform is issued to an employee of an institution, whenever the employee is on duty he shall wear the uniform except if otherwise authorised by the Superintendent.

(5) An employee of an institution shall deliver up the uniforms issued to him on the termination of his employment.

(6) The Managing Secretary may permit an employee of an institution to retain a uniform or any other articles of clothing issued to him under these regulations, on payment by the employee to the Managing Secretary of a price in accordance with the following scale—

80 per cent. of the cost price of the article at the date of issue if the article is bought after one month from the date of issue;

60 per cent. of the cost price if the article is bought after two months from the date of issue;

40 per cent. of the cost price if the article is bought after three months from the date of issue;

20 per cent. of the cost price if the article is bought after four months from the date of issue.

(7) Water proof coats shall at all times remain the property of the Department.

50. (1) Keys issued to and for which a receipt has been signed by an employee of an institution shall be the personal responsibility of the employee.

(2) Ward keys shall be handed from the duty nurse to a relieving nurse where such keys are necessary for the conduct of the ward.

(3) An employee of an institution shall not under any circumstances give a key into the possession of a patient.

51. Subject to regulation 49 of these regulations uniforms and other articles of clothing and keys issued under these regulations remain the property of the Department and damage to or loss of such property by an employee of an institution may be recouped from the employee by the Department.

52. A Superintendent may make rules and give instructions as may be necessary for the control and conduct of members of the staff who reside at an institution.

## Penalties.

53. A person committing a breach of any of these regulations either by act or omission shall on conviction be liable to a penalty not exceeding twenty pounds.

54. In these regulations, where there are corresponding positions held by male and female employees in an institution such as Matron and head Attendant, Nurse and Attendant, the terms shall be used synonymously unless the context makes it evident that either the term referring to the position held by a male or female is intended.

## LUNACY ACT APPEAL BOARD REGULATIONS, 1952.

## Citation.

1. These regulations may be cited as the Lunacy Act Appeal Board Regulations, 1952.

## Returning Officer.

2. The election of the elective member of the Appeal Board shall be conducted by the Chief Electoral Officer for the State, as Returning Officer, or by some other person acting under his authority.

## Elections.

3. (1) The election shall be held in the month of June, in the year in which the vacancy occurs by the effluxion of the term for which the occupant was appointed.

(2) The member elected thereat shall hold office for three years from the first day of July next following the date of election.

(3) In the case of a vacancy in the office of an elective member occurring, otherwise than by effluxion of the term for which the occupant was appointed, the member elected shall hold office for the unexpired portion only of the term for which the elective member who vacated the position was elected.

## Day of Election.

4. The day for the holding of an election shall be appointed by the Returning Officer by advertisement in the *Government Gazette*, the advertisement to appear at least 35 clear days before the day fixed for the election.

## Electoral Roll.

5. (1) (a) The Inspector General shall cause the Returning Officer to be supplied on the first day of June in the year in which an election is to be held, with a list of the full names of all the attendants and employees entitled to vote thereat.

(b) The list shall contain also the official address of each of the attendants and employees.

(c) The list shall be signed on each page by the Inspector General.

(d) The list so constituted shall form the electoral roll to be used for the election.

(e) Only persons whose names appear on the electoral roll shall be entitled to vote at the election.

(2) (a) In the case of an election to fill a vacancy occurring other than by effluxion of the term for which the occupant was appointed the Inspector General shall cause the Returning Officer to be supplied with a similar list of attendants and employees and their official addresses.

(b) The list shall be completed by the Inspector General on the twenty-first day before the date fixed for the election and the list shall be signed on each page by the Inspector General.

(c) The list as so constituted shall form the electoral roll to be used for the election.

(d) Only persons whose names appear on the electoral roll shall be entitled to vote at the election.

## Nomination of Candidates.

6. (1) A nomination of a candidate for the position of member shall be made in writing by not less than three persons entitled to vote at the election.

(2) The nomination paper shall contain, also the consent of the candidate to act if elected, and shall be forwarded to the Returning Officer, Perth, so as to reach him not later than the twenty-first day before the date fixed for the election.

(3) Nomination papers shall be supplied by the Returning Officer.

## When Election to be Held.

7. Where there is only one nomination for the vacancy, the person nominated shall, if qualified, be declared duly elected by the Returning Officer, but if more than one candidate is nominated for a vacancy, an election shall be held.

## Supply of Ballot Papers.

8. (1) Not later than fourteen clear days prior to election day, the Returning Officer shall cause to be posted or delivered to each voter whose name appears on the electoral roll one counter-foil and the ballot paper for the election of a member.

(2) Each ballot paper issued shall bear the initials of the Returning Officer.

(3) Upon the ballot papers the names of the candidates for the respective positions shall appear in lexicographical order of surnames.

(4) The Returning Officer shall also furnish the requisite envelopes for the "counterfoils" and "ballot papers" and for the transmission of same to the Returning Officer, and shall also supply necessary instructions for correctly filling in the ballot papers.

## Form of Ballot Paper.

9. Every ballot paper shall be as set forth in the form No. 1 in the Appendix hereto.

## Method of Marking Ballot Papers.

10. (1) The method of marking the ballot papers shall be by means of the preferential system of voting.

(2) The voter shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes.

(3) If there are more candidates than two, the voter shall mark the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and he shall give contingent votes for the remaining candidates by placing the numerals 2, 3, 4 (and so on in arithmetical progression, as the case requires) opposite their names, so as to indicate by such numeral sequence the order of his preference.

(4) The voter shall also sign his name to the counterfoil and obtain a witness to his signature.

(5) The voter shall then place the counterfoil in the envelope marked "Counterfoil" and the ballot paper in the envelope marked "Ballot paper," and shall fasten the envelopes and personally deliver or send by post or messenger both envelopes, enclosed in the envelope marked "Lunacy Appeal Board Ballot Paper only," addressed to the Returning Officer.

## Close of Poll.

11. The poll shall close at 5 p.m. on election day, and no vote shall be admitted at the count if received by the Returning Officer after that hour.

## Deposit of Voting Papers in Ballot Box.

12. (1) All voting papers received by the Returning Officer before 5 p.m. on election day shall be deposited by him in the ballot box provided in his office for the purpose.

(2) A ballot box before being used for the purpose shall be exhibited empty to at least two of the candidates or scrutineers, and its inner lid shall be sealed by the Returning Officer and by at least two of the candidates or scrutineers.

## Count of the Votes.

13. (1) The count of the votes shall commence at 10 a.m. on the day (not being a Sunday or public holiday) next following upon election day, and shall be carried out by the Returning Officer or his deputy in the presence of at least two of the candidates or scrutineers.

(2) The provisions of the Electoral Act, 1907-1951, shall govern the count of the second the subsequent preference votes.

## Informal Ballot Papers.

14. A ballot paper shall be informal—

- (a) if it is marked in any other manner than provided in regulation ten; and
- (b) if it does not indicate the voter's preferential vote for all candidates.

## Scrutineers.

15. Each candidate shall be allowed to appoint one scrutineer, and the scrutineer may be present with the candidate when the Returning Officer opens the ballot box and counts the votes.

## Equality of Votes.

16. In the case of an equality of votes, it shall be decided by lot, drawn in the manner determined upon by the Returning Officer, which candidate shall be declared elected.

## Details of Election.

17. The Returning Officer shall determine conclusively all questions of detail concerning any election.

## Declaration of Poll.

18. (1) After the count of the votes, the Returning Officer shall declare the result of the election, and shall forward to the Under Secretary, Chief Secretary's Department, a certificate signed by himself and countersigned by the scrutineers present containing the result of the count.

(2) The certificate shall be forthwith published in the *Government Gazette* by the Under Secretary.

## Disposal of Ballot Papers.

19. (1) The ballot papers and counterfoils and all other papers and documents shall be retained under seal by the Returning Officer for a period of two calendar months from the date of the election, after which they may be destroyed.

(2) Any of the candidates or scrutineers may personally seal the packet with their own private seals.

## Application of Electoral Act, 1907-1951.

20. The provisions of the Electoral Act, 1907-1951, shall, so far as they are applicable, apply in all matters not provided for by these regulations.

## Vacancy.

21. If the elective member shall die or otherwise than by effluxion of the term for which he was appointed cease to be a member of the Appeal Board, an election to fill the vacancy so caused shall be held as soon as practicable after the vacancy occurs.

## Appeals.

22. (1) A person desiring to appeal to the Appeal Board under the provisions of section 187A of the Lunacy Act, 1903-1950, shall—

- (a) give notice of appeal in writing signed by him; and
- (b) serve the notice upon the Inspector General within fourteen days from the date of the decision against which he appeals.

(a) The notice of appeal shall clearly and concisely set forth the grounds upon which the appeal is made.

## Date of Hearing of Appeal and Notice Thereof.

23. Upon receipt of the notice of appeal the Inspector General shall forthwith send the notice to the Chairman of the Appeal Board, who shall thereupon fix a date for the hearing of the appeal and cause notice thereof to be given to the parties concerned in the appeal, and to the other members of the Appeal Board.

## Hearing of Appeal.

24. An appeal shall be heard and determined by the Appeal Board within thirty days from the date when notice of the appeal was served as provided in these regulations, unless the Appeal Board is satisfied that the appeal cannot be satisfactorily heard and determined within the period, when it may extend the time for the hearing of the appeal.

## Costs of Appeal.

25. The Appeal Board may make an order as to the costs of the appeal, and by the order or any subsequent order direct by whom and the proportion in which the costs shall be payable, but where the Board considers an appeal to be frivolous the costs of the appeal shall be paid by the appellant.

## Recovery of Costs of Appeal.

26. Costs payable by the appellant shall be a debt owing by him, and may be recovered in any court of competent jurisdiction.

## Appendix.

Form No. 1.

Regulation No. 9.

Counterfoil.

Lunacy Act, 1903-1950.

ELECTION OF ELECTIVE MEMBER OF THE LUNACY  
DEPARTMENT APPEAL BOARD.Date of Close of the Poll.....  
at 5 o'clock p.m.

Signature of Voter.....

Witness.....

Form No. 1.

Regulation No. 9.

Ballot Papers.

Lunacy Act, 1903-1950.

ELECTION OF ELECTIVE MEMBER OF THE LUNACY  
DEPARTMENT APPEAL BOARD.Date of Close of the Poll.....  
at 5 o'clock p.m.

Instructions to Voter.....

Initials of Returning Officer.....

Approved by His Excellency the Governor in Executive Council, 23rd July,  
1952.(Sgd.) R. H. DOIG,  
Clerk of the Council.