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Crown Law Department,  
Perth, 19th January, 1970.

THE undermentioned Regulations made under the provisions of the Mental Health Act, 1962, and amended up to and including the 6th November, 1969, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

W. J. ROBINSON,  
Under Secretary for Law.

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MENTAL HEALTH ACT, 1962.

## MENTAL HEALTH (ADMINISTRATION) REGULATIONS, 1965.

Published in the *Government Gazette* on the 28th September, 1965, and incorporating the amendments thereto published in the *Government Gazette* on 22nd September, 1969, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice, dated 16th January, 1970.

MENTAL HEALTH ACT, 1962.

MENTAL HEALTH (ADMINISTRATION) REGULATIONS, 1965.

PART I.—PRELIMINARY.

- Citation. 1. These regulations may be cited as the Mental Health (Administration) Regulations, 1965.
- Arrangement. 2. These regulations are divided into Parts, as follows:—  
 PART I—PRELIMINARY (regulations 1-3).  
 PART II—APPROVAL OF PRIVATE HOSPITALS (regulations 4-8).  
 PART III—ADMINISTRATION, GENERALLY:  
 Division 1—All approved hospitals (regulations 9-18).  
 Division 2—Departmental Services (regulations 19-23).  
 PART IV—REGULATIONS APPLYING TO STAFF, GENERALLY (regulations 24-34).  
 PART V—REGULATIONS APPLYING TO STAFF NOT EMPLOYED UNDER THE PUBLIC SERVICE ACT, 1904 (regulations 35-47).  
 PART VI—APPEAL BOARD (regulations 48-64).  
 PART VII—APPEALS (regulations 65-68).  
 PART VIII—MISCELLANEOUS (regulations 69-71).
- Interpretation. 3. In these regulations, unless the context otherwise requires,—  
 “Act” means the Mental Health Act, 1962;  
 “Schedule” means a Schedule to these regulations;  
 “Secretary” means the person appointed Secretary of the Department and includes an Assistant Secretary.

PART II.—APPROVAL OF PRIVATE HOSPITALS.

- Applications for approval. 4. (1) Every person requiring to conduct a private hospital or part of a private hospital as an approved hospital shall make written application for approval to the Minister.
- (2) Every application under this regulation shall be accompanied by the annual permit fee of \$10 and the applicant shall attach—  
 (a) a ground plan of the site of the whole of the private hospital drawn to a scale of not less than 100 feet to one inch showing the position of each building and the areas of land available for the exercise and recreation of patients;  
 (b) a floor plan of all buildings that it is proposed to include in the approved hospital, drawn to a scale of 8 feet to one inch, showing each room, which shall be distinguished by figure or number for reference purposes;  
 (c) a statement of the dimensions of each room mentioned in paragraph (b) of this subregulation, the purpose to which it will be put and the number of persons to be accommodated therein; and  
 (d) a statement of the proposed arrangements for managing, equipping and staffing the approved hospital.
- Initial issue of permits. 5. The Minister, on being satisfied in accordance with the provisions of section 21 of the Act, may cause a permit to be issued in the form of Form 1 in the First Schedule.

6. (1) Every permit holder requiring the permit to be renewed shall, within one month prior to its expiry, make written application to the Minister therefor. Renewal of permits.

(2) Every application under this regulation shall be accompanied by the annual permit fee of \$10 and the permit.

7. The Minister on being satisfied that a permit ought to be renewed may cause it to be renewed, by indorsement, for a further period of one year. Permits how renewed.

8. A person shall not cause any additions or alterations to be made to, in, or about an approved private hospital, unless and until the plans have been submitted to the Director and the approval of the Director has been endorsed on the plans. Additions to approved private hospitals.  
Penalty: Fifty dollars.

### PART III.—ADMINISTRATION GENERALLY.

#### Division 1.—All Approved Hospitals.

9. (1) The Superintendent shall keep or cause to be kept for each patient case records in such manner as the Director may determine. Records to be kept for each patient.

(2) A psychiatrist or a medical officer shall enter up the case records—

- (a) on the admission of the patient;
- (b) at least once weekly, during the first four weeks following admission;
- (c) at least once monthly, during the twelve months following the first month of admission;
- (d) once every six months thereafter; and
- (e) on the occurrence of every unusual action, happening or symptom relating to the patient.

(3) The register required to be kept under the provisions of section 41 of the Act shall be in the form of Forms 2 and 3 in the First Schedule.

(4) A report to the Public Trustee, pursuant to section 63 of the Act, shall be in the form of Form 4 in the First Schedule.

10. Ward reports and entries in the day and night report books shall contain such information as the Superintendent determines. Ward reports.

11. The Superintendent of every approved hospital, institution or clinic shall notify the Director of any unusual happening, in relation to a patient. Notification of unusual events.

12. The Superintendent of a hospital may make such arrangements as he considers necessary for the safety and security of patients showing suicidal or homicidal tendencies, or making attempts to escape. Security of patients.

13. (1) A patient shall not be placed in restraint or seclusion without an order to that effect being first given by a medical officer. Patient not to be placed under restraint except by order.

(2) Notwithstanding the provisions of subregulation (1) a matron or head male nurse or a deputy of either of them may where the circumstances require immediate action, cause a patient to be placed in restraint or seclusion but he shall immediately inform the medical officer on duty of that occurrence.

(3) For the purposes of this regulation—

“restraint” means a restriction upon movement by the use on the patient of a mechanical appliance, other than a medical or surgical appliance used in the proper treatment of physical disease or injury; and

“seclusion” means detention between the hours of 8 a.m. and 7 p.m. in a single room, that is not a room in or part of an observation ward where a nurse is continuously on duty, or a room used for the purpose only of treatment of a physical illness or of comfort during any such illness.

- Written consent for surgical operation. 14. (1) The Director, or the Superintendent of an approved hospital, may give his written consent to the performance of any surgical operation that he considers necessary or desirable for the safety or well-being of a patient.
- (2) A consent given under subregulation (1) of this regulation shall state whether the operation is to be performed by one or more members of the medical staff of the hospital, or by any one or more other medical practitioners.
- Authority of Superintendent to apply to particular hospital. 15. The authority, powers and duties conferred or imposed upon a Superintendent or on the Board of an approved hospital or other institution established under the Act, shall be exercised and performed in respect of that approved hospital or institution and the patients or persons under observation within that hospital or institution only.
- Fees payable to Board of Visitors. 16. (1) Members of a Board appointed under section 11 of the Act shall be paid the fees set out in the Second Schedule to these regulations.
- (2) All expenses (including motor mileage) that are incurred by a member of a Board in the performance of his duties shall be refunded at the rates for the time being applicable to the Public Service.
- Superintendent to check referral. 17. (1) The Superintendent shall check whether any order or referral by virtue of which a person has been admitted to an approved hospital is correct in form and substance.
- (2) If an order or referral appears incorrect or defective the Superintendent shall have the document returned to the person signing it to be amended in accordance with section 85 of the Act and shall inform the Director of the action taken.
- Application. 18. (1) The provisions of this Division apply to approved hospitals, generally.
- (2) Every person contravening the provisions of this Division is liable to a penalty of one hundred dollars.
- Division 2.—Departmental Services.
- Costs and expenses by whom payable. 19. (1) The costs and expenses incurred by the Crown in the medical examination and conveyance of persons to hospital may be recovered from the patient or his estate.
- (2) The cost to the Crown of the maintenance and treatment of a patient may be recovered from a patient or his estate, but the Director may waive the charge for all cases except those of persons submitted for treatment—
- (a) by the Army, Navy or Air Force; or
  - (b) by the Repatriation Department; or
  - (c) from overseas or interstate ships or aircraft; or
  - (d) where the cost of that treatment is recoverable under the Workers' Compensation Act, 1912, or under the Motor Vehicle (Third Party Insurance) Act, 1943.
- Approval of Director to examination. 20. A Superintendent or medical officer shall not undertake the examination of any party to a legal action without the approval of the Director.
- Case records. 21. (1) The case record of a patient transferred from one hospital to another, shall accompany the patient together with all documents on which the patient was admitted and detained prior to his transfer.
- (2) Case records are the property of the Mental Health Service and shall not be sent or loaned to any agency without the consent of the Director.

22. A receipt shall be issued for all moneys brought into a departmental hospital by a patient, and the moneys shall be credited to a trust account in the name of the patient. Receipt to be issued for moneys of patient.
23. The provisions of this Division apply to services of the Department, only. Application.

PART IV.—REGULATIONS APPLYING TO STAFF, GENERALLY.

24. Nothing in this Part affects the application of the Public Service Regulations to any person employed under the provisions of the Public Service Act, 1904. Saving of Public Service regulations.
25. Every member of the staff of a hospital, institution, clinic or other service shall co-operate with the Secretary and his staff and afford them assistance and, where necessary, protection and security in the performance of their duties. Relationship with Secretary.
26. The Secretary is responsible to, and under the control of, the Director, and shall co-operate with the members of the staff of a hospital, institution or clinic in all matters relating to the upkeep of the hospital, institution or clinic and to the care and comfort of the patients. Secretary's relationship with staff.
27. The Secretary is responsible to the Director for the finance, clerical, store, catering, domestic laundry, artisan, farm and garden section of the Department. Duties of Secretary.
28. The seniority of members of the staff shall be determined in accordance with the Public Service Regulations as amended from time to time. Seniority of Staff.
29. Every member of the staff shall— Discharge of duties by Staff.
- (a) devote himself exclusively and zealously to the discharge of his duties during the prescribed hours of duty that are applicable to him; and
- (b) promptly and correctly carry out all duties appertaining to his office and any other duty he is lawfully directed to perform.
30. (1) Every member of the staff shall acquaint himself with the provisions of the Act, of these regulations and of any award or agreement under which he is employed, and ignorance of those things shall not be accepted as an excuse for any act or omission constituting a breach thereof. Members to be acquainted with Act, etc.
- (2) The Secretary shall ensure that copies of the Act, regulations, awards and employment agreements are made readily available to all members of the staff.
31. Every member of the staff is responsible for the careful use and preservation of Crown property in his possession, custody or care and shall not remove any Crown property from a hospital or other institution or the precincts thereof without the prior consent of the Secretary. Members to have care of Crown property.
32. Every member of the staff shall— Relationship of staff with patients.
- (a) at all times treat patients kindly and humanely;
- (b) exercise care for the safety of, and for the prevention of injuries to, patients;
- (c) where so required, interest himself in, and assist in, any occupation or employment in which a patient is working.
33. A member of the staff in whose care patients are placed, is responsible for those patients until they are returned to their wards and handed over to the nurse in charge. Responsibility for patients.
34. A member of the staff shall not take alcoholic liquor into any ward or supply it to a patient, without the consent of the Superintendent. Alcoholic liquor not to be supplied.

PART V.—REGULATIONS APPLYING TO STAFF NOT  
EMPLOYED UNDER THE PUBLIC SERVICE ACT, 1904.

- Application. 35. This Part applies to every member of the staff who is not employed under the provisions of the Public Service Act, 1904.
- Employment of members not subject to Industrial Award. 36. A person not subject to any particular industrial award may be employed at a hospital by special agreement between him and the Director or the Secretary.
- Engagement and dismissal of members 37. Every member of the staff shall be engaged, employed and dismissed in accordance with the terms of the relevant industrial award; but notwithstanding any other provision of this regulation, every person shall be engaged on probation for the first twelve months of his employment and may, during that period, be dismissed, without reason being given for his dismissal.
- Penalties for misconduct. 38. Where it is proved to the satisfaction of the Director that a member of the nursing staff is guilty—
- (a) of wilful disobedience or disregard of any lawful order made or given by any person authorised to give it; or
  - (b) of negligence or carelessness in the discharge of his duties; or
  - (c) of inefficiency or incompetence and the inefficiency or incompetence appears to arise from causes within the members own control; or
  - (d) of over-indulgence in intoxicating liquor to the extent that the member becomes unfit to properly perform his duties; or
  - (e) of absence from duty without leave; or
  - (f) of any disgraceful or improper conduct;
- then, the member is guilty of an offence and is liable, at the discretion of the Director, to a reprimand, to a penalty not exceeding twenty dollars, to reduction to a lower class or grade or to dismissal.
- Procedure on charge of misconduct. 39. (1) Where the Superintendent of a hospital, institution or clinic has reason to believe that a member of the nursing staff has committed an offence under regulation 38 of these regulations, he shall make a formal complaint in writing to the Director, giving a copy of the complaint to the member concerned, and may suspend the member pending the hearing of the complaint.
- (2) Where a complaint against a member who is suspended is dismissed, the suspension shall be removed forthwith and the member shall be paid his salary, in full, in respect of the period of his suspension.
- Members may appeal. 40. A permanent member of the nursing staff, who is fined, reduced to a lower class or grade or dismissed, may appeal to the Appeal Board in accordance with Part VII of these regulations.
- Members not to give any information. 41. A member of the staff shall not without the authority of the Director—
- (a) give to any person any information relating to the business of the Department or other official business that has been furnished to him in the course of his duties; or
  - (b) disclose the contents of any official papers or documents that have been supplied to him or seen by him in the course of his duties.
- Members not to comment publicly. 42. A member of the staff shall not—
- (a) publicly comment either orally or in writing, on any administrative action, or upon the administration of the Department; or
  - (b) use for any purpose, other than for the discharge of his duties, information gained by or conveyed to him through his employment in the Department.

43. (1) A member of the staff shall not, either as principal or agent, enter into any monetary transaction with any other member, whereby any interest or other return in money or in moneys worth is charged or paid, except that a member may, by mortgage or security of land or an estate or interest in land, borrow money from a member who is senior to him, at current interest rates, if the permission in writing of the Director is first obtained.

Members not to enter into monetary transactions.

(2) A member shall not back the bill of another member or enter into any bond or security on behalf of another member, without the prior permission in writing of the Director.

(3) A member shall not enter into any monetary transaction such as is referred to in subregulations (1) and (2) of this regulation with a subordinate member or a patient.

44. (1) Except with the approval of the Director a member of the staff shall not demand or receive for his own use any fee, reward, gratuity or remuneration of any kind whatsoever (other than his official salary and allowances) for services performed by him in connection with his service to the Department, whether in or out of the prescribed hours of duty applicable to that member.

Members not to demand or receive fees, etc.

(2) A member shall not demand of, or receive from, a patient any fee, reward, gratuity or remuneration of any kind, for his own use or benefit.

45. An address shall not be given to, and a testimonial or presentation shall not be accepted by, any member of the staff, without the prior approval of the Director, or, in the case of such grades or classes as may be named by the Director, of the Superintendent.

Testimonials to be given by Director.

46. (1) A member of the staff who has been summoned, or called, as a witness to give evidence in any proceeding shall, as soon as practicable thereafter, notify the Superintendent, and the Superintendent shall notify the Director, of that event.

Members called as witness to notify Superintendent.

(2) Where a member is summoned, or called, as witness he is not, if required to give evidence in his official capacity, entitled to retain any witness fees received by him, but shall pay the fees into the Consolidated Revenue Fund and shall forward the receipt for that payment, with a voucher showing the amount of fees received, to the Superintendent or the Director.

47. (1) Except with the express permission of the Director, which permission may at any time be withdrawn, a member of the staff shall not—

Members not to accept or hold other offices, etc.

- (a) accept, or continue to hold, any other office in or under the Government or a paid office in or under any public or municipal corporation; or
- (b) accept or continue to hold or discharge the duties of, or be employed in a paid office in connection with, any banking, insurance, mining, mercantile, or other commercial business, whether carried on by any corporation, company, firm, or individual; or
- (c) engage in, or undertake, any business such as is mentioned in paragraph (b) of this subregulation, whether as principal or agent; or
- (d) engage in, or continue in, the private practice of any profession; or
- (e) accept, continue or engage in, any employment for reward other than in connection with the duties of his office or offices under the State or the Commonwealth.

(2) Nothing in this regulation prevents a member of the staff—

- (a) from being, or becoming, a member or shareholder only of any incorporated company or of any company, or society of persons registered under any statute; or
- (b) from accepting and continuing to hold any office in any society founded under the law relating to friendly societies for the benefit of public servants only.

## PART VI—APPEAL BOARD.

- Appeal Board. 48. (1) There shall be appointed a Mental Health Act Appeal Board, in these regulations called the "Appeal Board", which shall consist of—
- (a) one member to be appointed by the Governor who shall be a Magistrate and who shall be the chairman;
  - (b) one member to be appointed by the Director; and
  - (c) one member to be elected by ballot from time to time in the manner prescribed by this Part.
- (2) The Appeal Board may affirm, reverse or modify any decision or award of punishment against which an appeal is brought, and the decision of a majority of the Appeal Board is final.
- Returning Officer. 49. 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. 50. (1) Where a vacancy in the office of an elective member occurs by the effluxion of the term for which the occupant was appointed, the election shall be held in the month of June in the year in which the vacancy occurs and the member elected shall thereupon hold office for three years from the first day of July next following the date of election.
- (2) Where a vacancy in the office of an elective member occurs, otherwise than by effluxion of the term for which the occupant was appointed, there shall be a by-election and the member elected shall thereupon hold office for the remainder of the term for which the elective member who vacated the position was elected.
- (3) The Director shall, not less than three months prior to the expiration of the term of office of the elected member and not later than fourteen days after the occurrence of an extraordinary vacancy in that office, direct the Returning Officer to fix a day for the election or by-election and also a day to be the last day upon which nominations of candidates for election to the office of member will be received.
- (4) The Returning Officer shall fix the respective days for the election or by-election and for the receipt of nominations by advertisement in the *Government Gazette*, so that the advertisement appears at least 35 clear days before the day fixed for the election or by-election.
- Electoral Roll. 51. (1) A list comprising the full names and official address of each permanent member of the nursing staff and signed on each page by the Director shall be supplied, by the Director, to the Returning Officer and that list shall constitute the electoral roll to be used at the next ensuing election.
- (2) In the case of an election to be held under subregulation (1) of regulation 50 of these regulations, the list shall be supplied to the Returning Officer on the first day of June in the year in which an election is to be held, and, in the case of a by-election to be held under subregulation (2) of that regulation, the list shall be supplied on the twenty-first day before that fixed for the by-election.
- (3) Only those persons whose names appear on the electoral roll are entitled to be nominated for election or to vote at the election.
- Nomination of candidates. 52. (1) A nomination of a candidate for election as a member of the Appeal Board shall be made in writing in the form of Form 5 in the First Schedule to these regulations and shall be signed by not less than three persons enrolled on the electoral roll to be used at the election.



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

(3) The Returning Officer shall supply nomination papers, for the purpose of this regulation.

53. Where one candidate only is nominated for election pursuant to this Part, that candidate shall be declared elected by the Returning Officer, but if more than one candidate is nominated for a vacancy, a ballot shall be held.

When election to be held.

54. (1) Where more than one candidate is nominated for election, the Returning Officer shall, as soon as possible after the close of nominations—

Supply of ballot papers.

- (a) cause ballot papers and counterfoils to be printed in accordance with Form 6 and Form 7 of the First Schedule to these regulations, and the ballot papers shall include the full names of the candidates arranged in lexicographical order of their surnames;
- (b) send by post or otherwise to each person whose name appears on the electoral roll furnished by the Director under regulation 51 of these regulations—
  - (i) one ballot paper initialled by the Returning Officer or a person authorised in that behalf by the Returning Officer;
  - (ii) one counterfoil;
  - (iii) one ballot paper envelope; and
  - (iv) one envelope addressed to the Returning Officer.

(2) The Returning Officer shall enclose each ballot paper, counterfoil, ballot paper envelope and addressed envelope in a covering envelope which shall be sealed, addressed and forwarded by post or otherwise to the person for whom it is intended.

(3) If an elector makes and transmits to the Returning Officer a statement in writing setting out his full name and his official address, and stating that he has not received his ballot paper, or that the ballot paper received by him has been destroyed and that he has not already voted, the Returning Officer may issue a new ballot paper to that elector.

55. (1) Voting shall be by preferential ballot.

(2) A person to whom a ballot paper and counterfoil is addressed, if desirous of voting, shall record his vote on the ballot paper issued to him so that—

Method of marking ballot paper.

- (a) where there are only two candidates the elector may mark the ballot paper by placing the numeral "1" opposite the name of the candidate for whom he votes;
- (b) where there are more than two candidates the elector 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 shall give contingent votes for all the remaining candidates by placing the numerals "2", "3", and so on, opposite their names as the case may require, so as to indicate by numerical sequence the order of his preference.

(3) An elector, having marked his ballot paper in accordance with subregulation (2) of this regulation, shall then—

- (a) enclose the ballot paper alone in the envelope marked "ballot paper" and fasten the envelope;
- (b) complete and sign the counterfoil in the presence of a witness who shall also sign the counterfoil; and

- (c) return the ballot paper envelope with the ballot paper contained therein and the completed counterfoil to the Returning Officer by prepaid letter post or otherwise in the envelope addressed to the Returning Officer so as to be received by him not later than the day and time appointed by the notice of election for the closing of the poll at such election.
- (4) Where, under subregulation (2) of this regulation, any envelope containing the ballot paper is sent by post to the Returning Officer, but the postage thereon is wholly unpaid or insufficiently paid, the Returning Officer shall refuse to accept it, and the envelope, with its enclosures, shall be deemed not to have been sent or delivered to the Returning Officer within the meaning of these regulations.
- Deposit of voting papers in ballot box. 56. The Returning Officer shall place and keep in a locked and sealed ballot box all envelopes purporting to contain ballot papers received by him up to the close of the poll.
- Close of poll. 57. The poll shall close at 5 p.m. on election day, and a vote shall not be admitted at the count if received by the Returning Officer after that hour.
- Count of votes. 58. (1) As soon as practicable after the hour fixed for the close of the poll, the Returning Officer shall, before any scrutineer who may be present, proceed with the scrutiny and counting of the votes received, and shall ascertain and declare the result of the poll.
- (2) Subject to these regulations, each election shall be conducted and the candidate to be elected ascertained in accordance with the provisions of the law for the time being regulating elections for the Legislative Assembly as far as they can, with necessary adaptations, be made applicable.
- (3) (a) Where the right of a person to vote is not established, or the counterfoil is not signed by the elector and by the witness, the Returning Officer shall replace the counterfoil and the envelope marked "ballot paper" in the outer envelope, endorse that envelope "rejected" and set it aside for safe keeping.
- (b) A ballot paper is informal if—
- (i) it does not bear the initials of the Returning Officer or a person authorised in that behalf by the Returning Officer;
  - (ii) the elector has not marked it in accordance with the directions set out therein; or
  - (iii) no mark is indicated on it.
- Equality of votes. 59. Where, on any count, two or more candidates have an equal number of votes, the Returning Officer shall decide by lot the candidate to be declared elected.
- Scrutineers. 60. Each candidate is permitted 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.
- Details of election. 61. The Returning Officer shall determine conclusively all questions of detail concerning any election.
- Declaration of poll. 62. (1) After the count of votes the Returning Officer shall declare the result of the election and shall prepare a certificate showing that result and the name of the candidate elected and shall forward such certificate forthwith to the Under Secretary, Chief Secretary's Department.
- (2) Any scrutineer who may be present may also sign the certificate.
- (3) The certificate shall as soon as practicable after its receipt be published in the *Government Gazette*, by the Under Secretary.

63. (1) On completion of the scrutiny and count of votes the the Returning Officer shall enclose in one packet all used ballot papers, in another packet all counterfoils, and in a third packet all rejected votes, and shall seal up the several packets, endorse on each packet a description and number of the contents and the date of the poll, and sign the endorsements.

Disposal of  
ballot  
papers, etc.

(2) The Returning Officer shall preserve and hold in custody the sealed packets referred to in subregulation (1) of this regulation together with all other documents used at or in connection with the election for a period of two calendar months from the date of the election, after which the sealed packets and documents shall be destroyed.

64. The provisions of the Electoral Act, 1907, as amended from time to time, shall, where applicable, apply in all matters not provided for by these regulations.

Application  
of Electoral  
Act, 1907.

#### PART VII.—APPEALS.

65. (1) A person appealing to the Appeal Board, shall—

- (a) give notice of his appeal in writing signed by him; and
- (b) serve the notice upon the Director, within fourteen days from the date of the decision against which he is appealing.

Notices of  
appeal to  
be sent to  
Director.

(2) The notice of appeal shall clearly and concisely state the grounds upon which the appeal is made.

66. Upon receipt of the notice of appeal, the Director shall send the notice to the Chairman of the Appeal Board, who, having fixed a date for the hearing of the appeal, shall give notice of the date to the parties concerned and to the other members of the Appeal Board.

Director to  
notify the  
Board.

67. An appeal shall be heard and determined by the Appeal Board within thirty days from the date when notice was served upon the Director, unless the Appeal Board considers the Appeal cannot satisfactorily be heard within that period, in which event it may extend the time for any period beyond thirty days.

Appeal to  
be heard  
within  
thirty days.

68. (1) The Appeal Board may make one or more orders stating by whom, and the proportion in which, the costs of the appeal shall be paid, but, where the Board considers the appeal to be frivolous, the full costs shall be paid by the appellant.

Appeal  
Board may  
order as  
to costs.

(2) The costs or a proportion of the costs of an appeal shall be a debt due from the person ordered to pay them or it and may be recovered in any court of competent jurisdiction.

#### PART VIII.—MISCELLANEOUS.

69. Where a form prescribed by these regulations requires completion by the insertion of particulars or other matters referred to in the form, those particulars or other matters are prescribed as the particulars or other matters required under the provisions of the Act for the purposes for which the form is prescribed.

Particulars  
prescribed  
by forms.

70. A form prescribed by these regulations and containing any directions for its completion shall be completed in accordance with such directions.

Forms to be  
completed  
as directed.

71. Strict compliance with the forms contained in these regulations is not necessary and substantial compliance is sufficient.

Compliance  
with forms.

FIRST SCHEDULE.

Forms.

Form 1.

Mental Health Act, 1962.

Mental Health (Administration) Regulations, 1965.  
(Regulation 5.)

PERMIT TO CONDUCT A PRIVATE HOSPITAL AS AN APPROVED HOSPITAL.

WHEREAS ..... of ..... has made application to the Minister under the provisions of section 21 of the Mental Health Act, 1962, for a permit for the private hospital known as ..... situated at ..... or part thereof to be an approved hospital, within the meaning of the Mental Health Act, 1962; and whereas the Director has reported to the Minister, in writing, that the hospital or part thereof is suitable for that pupose, the said ..... is granted this permit for the reception into that approved hospital of not more than ..... female patients or more than ..... male patients. This permit is subject to the provisions of the Mental Health Act, 1962 and subject to those provisions remains in force for one year from the date hereof. Given by order of the Minister, at Perth this ..... day of ..... One thousand nine hundred and .....

Under Secretary for Health.

For Office use only:

Renewals.

Renewed: From ..... to ..... Under Secretary.  
From ..... to ..... Under Secretary.  
From ..... to ..... Under Secretary.

MENTAL HEALTH ACT, 1962 (Section 41)  
 MENTAL HEALTH (ADMINISTRATION) REGULATIONS 1965  
 (Regulation 9)  
 Register of Admissions of Patients and Referred Persons

Form 2

Status of Patient		Number in Order of Admission	Date of Admission	Surname and Christian Names at Length	Date of Birth	Social State			Occupation	Country of Birth	Residential Address	Religion	Medical Referrals		
1	2					3	6	M.					F.	Married	Widowed
Division															
Informal Detained															

Assessed Incapable Person and Public Trustee Advised	Status under Division 2 or 3 Expires on			Signature of Officer making entry	Date of			Recorded in Discharge Register Folio Number	Remarks
	Date	Date	Date		Transfer	Discharge After Care	Final Discharge		

MENTAL HEALTH ACT, 1962 (Section 41) Form 3  
 MENTAL HEALTH (ADMINISTRATION) REGULATIONS, 1965  
 (Regulation 9)  
*Register of Final Discharges, Transfers and Deaths of Patients*

Admission Number	Date of Admission	Name in Full	Final Discharge				Transfer		
			Recovered Date	Relieved Date	Not Improved Date	Not Improved Date	Name of Hospital	Relieved Date	Not Improved Date
			M.   F.	M.   F.	M.   F.	M.   F.	M.   F.	M.   F.	

Died	Cause of Death	Remarks
Date		
M.   F.		

Form 4.

Mental Health Act, 1962.

Mental Health (Administration) Regulations, 1965.

(Regulation 9.)

REPORT AS TO CAPACITY OR CONDITION OF PATIENT.

To the Public Trustee:

Pursuant to the provisions of section 63 of the Mental Health Act, 1962, I have to report that.....

..... of ..... a patient/former patient of ..... Hospital—

- (a) has been examined by a psychiatrist who is of the opinion that the said patient is—
  - (i) incapable of managing his..... affairs;
  - (ii) recovered from his..... incapacity, as reported to you on.....19.....;
- (b) has been discharged from status as a patient;
- (c) has been discharged to after-care;
- (d) has been recalled to hospital, on the rescission of his discharge to after-care;
- (e) died on the.....19.....

Dated the ..... day of .....19.....

..... Superintendent.

Note:—The provisions of this form that are inapplicable should be deleted. A report under paragraphs (b), (c), (d) and (e) is necessary only where a report has previously been made under paragraph (a).

Form 5.

Mental Health Act, 1962.

Mental Health (Administration) Regulations, 1965.

(Regulation 52.)

NOMINATION FORM.

WE, the undersigned persons, state that we are eligible to vote at the election of a member of the Mental Health Act Appeal Board and do hereby nominate.....

(full name)

for election as a member of that Board.

Dated this..... day of .....19.....

- (1) Full name of nominator.....  
Address .....  
Signature .....
- (2) Full name of nominator.....  
Address .....  
Signature .....
- (3) Full name of nominator.....  
Address .....  
Signature .....

AND, I ..... (full name)  
of..... (full address)

the person above nominated state that I am eligible for nomination as a member of the Mental Health Act Appeal Board and consent to my nomination.

Dated this..... day of .....19.....

..... Signature of Nominee.

Received the above nomination this..... day of .....19..... at..... o'clock in the..... noon.

..... Returning Officer.

This form, when completed, is to be addressed to the Returning Officer, at the State Electoral Department, Perth, and is to be delivered or forwarded to him, so as to reach him there not later than noon on the day fixed for the close of nominations.

Form 6.  
Mental Health Act, 1962.  
Mental Health (Administration) Regulations, 1965.  
(Regulation 54.)

BALLOT PAPER.

Election of a candidate as a Member of the Mental Health Act  
Appeal Board.

Date of close of Poll .....

.....  
Initials of Returning Officer.

- (1) Where there are only two candidates, the elector may mark the ballot paper by placing the numeral "1" opposite the name of the candidate for whom he votes.
- (2) Where there are more than two candidates the elector 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 shall give contingent votes for all the remaining candidates by placing the numerals "2", "3", and so on opposite their names, as the case may require, so as to indicate by numerical sequence the order of his preference.
- (3) The elector shall then—
  - (a) enclose the ballot paper alone in the envelope marked "ballot paper" and fasten the envelope;
  - (b) complete and sign the counterfoil in the presence of a witness who shall also sign it; and
  - (c) return the ballot paper envelope with the ballot paper contained therein and the completed counterfoil to the Returning Officer by prepaid letter post or otherwise in the envelope addressed to the Returning Officer, so as to be received by him not later than the time appointed by the notice of election for the closing of the poll.

Full Names of Candidates.  
(In Alphabetical Order of Surnames.)

.....  
.....  
.....  
.....

Form 7.  
Mental Health Act, 1962.  
Mental Health (Administration) Regulations, 1965.  
(Regulation 54.)

COUNTERFOIL.

Election of a Candidate to Mental Health Act Appeal Board.

Date of close of Poll.....

Name in full of Elector.....

Address of Elector.....

Usual signature of Elector.....

Witness to Signature.....

Address of Witness.....

SECOND SCHEDULE.  
(Regulation 16.)

BOARD OF VISITORS—FEES

- (a) to the Chairman of the Board—\$18.50 per meeting;
- (b) to each member of the Board other than the Chairman—\$13.50 per meeting.

Second  
Schedule.  
Substituted  
by  
G.G. 22/9/69,  
p. 2873.