

LUNACY.

14° and 15° Geo. VI., No. LXXIV.

No. 74 of 1950.**AN ACT to amend the Lunacy Act, 1903-1920.**

[Assented to 5th January, 1951.]

BE it enacted by the King'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 *Lunacy Act Amendment Act, 1950*, and shall be read as one with the Lunacy Act, 1903-1920 (Act No. 15 of 1903 as reprinted with amendments to and including Act No. 42 of 1920 in the Appendix to the sessional Volume of Statutes for the year 1920 and further amended by Act No. 46 of 1926 and as affected by Acts Nos. 9 of 1917, 16 of 1919, 13 of 1927, 40 of 1940 and 6 and 26 of 1941), hereinafter referred to as the principal Act. Short title.

2. The principal Act as amended by this Act may be cited as the Lunacy Act, 1903-1950. Citation of principal Act as amended by this Act.

S. 4 amended.

3. Section four of the principal Act is amended by inserting after the definition of "public hospital" new definitions as follow:—

"restraint" means restraint upon movement by the use on the patient of a mechanical appliance, other than a medical or surgical appliance whilst being used in the proper treatment of physical disease or injury;

"seclusion" means detention between the hours of 8.0 a.m. and 7.0 p.m. in a single room other than—

- (a) a room in or of an observation ward in which a nurse is continuously on duty; or
- (b) for the purpose only of treatment of a physical illness or of comfort during such illness.

S. 20 amended.

4. Section twenty of the principal Act is amended by adding thereto the words—

A person under the age of twenty-one years may, on the application of his parent or guardian in the prescribed form, supported by a certificate from a duly qualified medical practitioner in private practice stating that it would be in the best interests of such person, and with the written consent of two justices, be received and lodged as a boarder under this section for the period specified in the consent, and on his behalf his parent or guardian may give any further consent or notice under this section.

S. 33 amended.

5. Section thirty-three of the principal Act is amended by adding thereto a paragraph as follows:—

In respect of any institution or hospital under this Act or under any Act of which this Act is the principal Act, the Minister may establish out-patient clinics for the treatment of nervous or mental disorder. Any person voluntarily attending at any such clinic who appears to the medical superintendent of the hospital to be in need of in-patient treatment of short duration may, at such person's request or with his

consent, be admitted to the hospital as an in-patient for a period not exceeding two days without other formality.

6. Section thirty-four of the principal Act is amended by adding the words "and may appoint welfare officers whose duties shall include the making of reports upon the welfare and comfort of patients including out-patients to the Minister and the Inspector General".

S. 34
amended.

7. Section eighty-six of the principal Act is repealed and the following section substituted:—

S. 86
amended.

86. (1) Institutions under this Act and hospitals established and wards and reception houses constituted under any Act of which this Act is the principal Act—

Inspector
General
to visit
institutions,
etc.

(a) shall, once at least in every year, be thoroughly inspected by the Inspector General, who shall then see the patients therein and shall fully report to the Minister thereon, on the patients therein, the buildings and grounds thereof and the appurtenances thereto, and on matters referred to him by the Ministers;

(b) may, and any patients therein and the records thereof, be inspected by the Inspector General when and for as long as he thinks fit,

and it shall be the duty of the staff thereof to afford such assistance to the Inspector General on any inspection as he may require.

(2) Whenever the Minister in writing directs the Inspector General to inspect any institution or place wherein any insane patient, or person represented to be insane or to be under restraint as insane is confined, or alleged to be confined, the Inspector General shall, and is hereby authorised to inspect and inquire into, or cause to be inspected and inquired into, the state of that institution or place and the patient or person referred to in this subsection, and shall report to the Minister the result of that inspection and inquiry.

(3) A copy of every report made by the Inspector General to the Minister under this section, in so far as it concerns any institution, hospital, ward or reception house, shall be forwarded to the superintendent thereof by the Inspector General.

S. 87
amended.

8. Section eighty-seven of the principal Act is amended by inserting after the word "such" in line two of subsection (1) the words "institution, ward".

S. 95
amended.
Repeal and
new section.
Powers and
duties of
Board.

9. Section ninety-five of the principal Act is repealed and the following section substituted:—

95. (1) The Board of any institution or a majority of the Board shall—

- (a) visit such institution with or without any previous notice and at such hours of the day or night and for such length of time as it may think fit at least once in every month and also at such other times as the Minister may direct;
- (b) inspect at least once in every three months every part of such institution where patients are accommodated or employed and such other parts of the institution as appertain to the welfare of the patients and shall give to patients every reasonable opportunity of complaint;
- (c) be present at least once in each and every month for the purpose of interviewing such of the patients as may desire to see the Board and for receiving complaints in so far as the welfare of the patients is concerned;
- (d) inspect and consider, so far as may be deemed necessary, the orders, requests, and certificates relating to the patients;
- (e) make such enquiries, examinations and inspections as it may from time to time deem necessary in the interests and

welfare of the patients with particular regard to the matters mentioned in paragraphs (a), (b), (c) and (d) of subsection (1) of section eighty-seven of this Act;

- (f) enter in its minutes a record of the proceedings and transactions of each meeting of the Board and transmit a copy of such minutes to the Minister and to the Inspector General.

(2) The Board may, whenever it thinks fit, and shall when required so to do by the Minister, make recommendations to the Minister regarding the administration of this Act in so far as the welfare of the patients is concerned, except in regard to medical treatment.

(3) At each monthly visit the Board shall include in its minutes a statement of the numbers of patients at the institution compared with the numbers at its last previous visitation and at each quarterly meeting shall include a report of its inspection under paragraph (b) of subsection (1) of this section.

(4) The Board may at any time make a special investigation of any case, and visit and report to the Minister upon the mental and bodily condition and treatment of any patient in any such institution as aforesaid.

(5) The Board shall from time to time make reports to the Minister upon the management of the institution, and the observance of the regulations concerning the welfare and conduct of patients and may make recommendations with regard to the management, and amendments to regulations generally.

Copies of all such reports and recommendations shall, as soon as conveniently may be, be laid before both Houses of Parliament.

(6) (a) The Board may order any patient to be examined by a psychiatrist selected by it, and the psychiatrist is authorised to carry out the examination;

(b) So soon as reasonably may be after the completion of the examination, the psychiatrist shall furnish a report on the result of the examination to the Board and shall furnish a copy of the report to the Minister and to the Inspector General.

S. 167
amended.
Repeal and
new section.

10. Section one hundred and sixty-seven of the principal Act is repealed and the following section substituted:—

Agreements
with
relatives, etc.

167. The Inspector General in respect of any institution or the medical superintendent of any institution in respect of that institution may agree with any relative, guardian or friend of any patient detained in an institution that the relative, guardian or friend, as the case may be, may provide special nursing attention for the patient, and such relative, guardian or friend shall be entitled to be reimbursed all necessary sums expended in the provision of such special nursing attention out of the real and personal property of the patient.

S. 180
amended.

11. Section one hundred and eighty of the principal Act is amended by substituting for the word "strikes" in line four the word "assaults".