

MENTAL HEALTH.

No. 77 of 1973.

AN ACT to amend the Mental Health Act, 1962-1972.

[Assented to 17th December, 1973.]

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. (1) This Act may be cited as the *Mental Health Act Amendment Act, 1973*. Short title and citation.

(2) In this Act the Mental Health Act, 1962-1972, is referred to as the principal Act. Reprinted Acts Vol. 20. as amended by Act No. 16 of 1968. and Act No. 49 of 1972.

(3) The principal Act as amended by this Act may be cited as the Mental Health Act, 1962-1973.

Section 3
amended.

2. Section 3 of the principal Act is amended—

(a) in line fifteen, by substituting for the passage “ss. 29-37” the passage “ss. 29-37A” ; and

(b) in line twenty, by substituting for the passage “ss. 51-57” the passage “ss. 51-57A”.

Section 37A
added.

3. The principal Act is amended by adding after section 37 a new section as follows—

Effect of
order or
warrant.

37A. (1) The order of a court or of a justice, made under this Division, for the conveyance of a person to, and reception into, an approved hospital authorises the use of such force as may be necessary to carry it into complete effect, shall have effect according to its tenor, and may require any police officer, and any medical practitioner or other person to whom it is directed, to aid and assist in the execution of the order.

(2) Where force is used in the conveyance of a person to, and reception into an approved hospital, pursuant to an order of a court or of a justice, made under this Division, this fact, and particulars of the type and degree of force used, shall be reported in writing within twenty-four hours thereafter, to the Director by the senior police officer and any medical practitioner aiding and assisting in the execution of the order.

(3) No action or claim for damages other than a claim for damages for negligence shall lie against any person for or on account of anything done or ordered to be done by him and purporting to be done for the purpose of carrying out the provisions of this Division unless it is proved that it was done or ordered to be done maliciously or without reasonable and probable cause. .

Section 48
amended.

4. Subsection (2) of section 48 of the principal Act is amended by deleting the words “or to strict custody”, where they appear in line five.

5. The principal Act is amended by adding after section 57 a new section as follows—

Section 57A
added.

57A. Where any article or thing has been left, deposited or placed by any patient in the custody or control of the Director, or in any approved hospital or reception home, whether for safe keeping or otherwise, and, after that person has ceased to be a patient, no claim has been made by or lawfully on behalf of that person for the return or delivery of that article or thing within a period of six months of the date when that person ceased to be a patient, the Director—

Disposal of
unclaimed
property.

- (a) may dispose of that article or thing as he deems necessary either by destruction or sale; and
- (b) shall deal with the net proceeds of any such sale,

in such manner as is prescribed provided however that the Director shall not take any action to dispose of any such article or thing unless he shall have given not less than one month's notice in writing to such person of his intention in that behalf. .
