



1939.

ANNO TERTIO ET QUARTO  
GEORGH VI. REGIS.

No. 37.

## ANALYSIS.

1. Short title.
2. Amendment of 22 Vict. No. 23.
  - Section 13.
  - Section 15.
  - New section 20.
    - Voluntary boarders.
  - New sections 47 to 50.
  - New section 47.
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    - Release of patient on parole in certain cases.
  - New section 50.
    - Regulations.

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AN ACT to amend the *Mental Hospitals Act* 1858. A.D. 1939.  
[21 December, 1939]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as the *Mental Hospitals Act* 1939. Short title.

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Amendment  
of 22 Vict.  
No. 23.  
Section 13.

**2** The Principal Act is hereby amended—

I. By deleting the words “ a medical practitioner ” in subsection (5) of section thirteen thereof and substituting therefor the words “ any two medical practitioners who, separately and apart from each other, have examined such person ”, and by deleting the words “ practitioner signs ” and substituting “ practitioners sign ” in subsection (6) :

Section 15.

II. By inserting after the word “ other ” in the eighth line of section fifteen thereof the words “ and not being the father, son, or brother of the other ” :

New section  
20.

III. By substituting for repealed section twenty thereof the following new section twenty :—

Voluntary  
boarders.

“ **20**—(1) Subject to the regulations, any person may be admitted and detained for care and treatment as a voluntary boarder in any hospital or receiving house, or in any licensed house, upon that person’s making and signing a request in the prescribed form containing a statement that he is aware that as a consequence of his so signing he is liable to be detained in such hospital, receiving house, or licensed house for three days after an application, in writing, to be discharged has been received by the medical superintendent of such hospital or receiving house, or the resident medical practitioner of, or a medical practitioner regularly visiting, such licensed house (as the case may be).

(2) Before being so admitted into—

I. A hospital or receiving house, such person shall make and sign a request and statement as aforesaid:

II. A licensed house, such person shall make and sign such request and statement in the presence of a justice or a medical practitioner (not being the resident medical practitioner of, or a medical practitioner regularly visiting, the licensed house), and such justice or medical practitioner shall satisfy himself and certify that such person fully understands the nature and effect of the request and statement.

(3) Within twenty-four hours after any such admission the medical superintendent of the hospital or receiving house, or his deputy, or in the case of a licensed house the resident medical prac-

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titioner thereof, if any, or, if none, a medical practitioner regularly visiting the same shall—

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- I. Sign a certificate in the prescribed form setting forth his opinion of the case and any recommendation he desires to make: and
  - II. Forward to the Minister that certificate and a notice of the admission, together with a copy of the request and statement of the person admitted and (save in the case of an admission to a licensed house) a statement of what provision, if any, has been made by or on behalf of the person admitted for his maintenance whilst he is a voluntary boarder.
- (4) The Minister shall, in his discretion, make an order concerning the person so admitted—
- I. Requiring him to be discharged forthwith: or
  - II. Consenting to his further detention.
- (5) No person shall be received as a voluntary boarder under this section if, in the case of a—
- I. Hospital or receiving house, the Minister or the medical superintendent: or
  - II. Licensed house, the resident medical practitioner of, or a medical practitioner regularly visiting the same—

is of opinion that the case is not a proper one for care and treatment under the provisions of this section.

(6) Every voluntary boarder detained in any hospital or receiving house or licensed house shall be produced to any official visitor on his visits.

(7) No person shall, by reason only of his being a voluntary boarder, and while he is a voluntary boarder, be deemed to be an insane person within the meaning of this Act.

(8) If in the opinion of—

- I. The medical superintendent in the case of any hospital or receiving house: or
- II. Any medical practitioner regularly visiting the same in the case of a licensed house—

a voluntary boarder becomes mentally unsound in a degree so pronounced and sustained as to render it improper for him to be treated as a voluntary

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boarder the medical superintendent, or in the case of a licensed house the licensee, shall communicate the fact, in writing, to some relative or friend, if any, of the voluntary boarder whose name shall be entered for the purpose in the prescribed register.

(9) If there is no such relative or friend as aforesaid, or unless within seventy-two hours after the sending of such communication a request as provided in section fifteen is made for the reception, or an application is made to justices for an order for the reception and detention, of the voluntary boarder as a patient in a hospital or a receiving house or a licensed house, the medical superintendent or the licensee, as the case may be, shall himself make the request or application forthwith.

(10) A voluntary boarder shall be discharged—

I. On an order of the Minister in any case; or of the medical superintendent in the case of a hospital or receiving house; or of the resident medical practitioner of, or a medical practitioner regularly visiting the same in the case of a licensed house: or

II. On the application of the voluntary boarder, in writing, to such medical superintendent or medical practitioner, as the case may be, in which case it shall not be lawful to detain such voluntary boarder beyond three days exclusive of the day on which the application was received.”:

IV. By substituting for repealed sections forty-seven to fifty thereof the following new sections forty-seven to fifty:—

“**47**—(1) The Governor, by Order-in-Council, may constitute and appoint any house or place provided by the State as a receiving house.

(2) The Director of Public Health shall supervise and control all receiving houses.

(3) The Governor shall appoint a superintendent and such other officers as may be required for the management of each receiving house.

(4) Persons may be received into any receiving house in such cases, in such manner, and upon and subject to such conditions as may be prescribed.

(5) No person shall be received into any receiving house except in accordance with this Act, and

New sections  
47 to 50.

New section  
47.

Receiving  
houses.

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except as prescribed no person shall be detained in a receiving house for a period exceeding seven days at any one time.

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**48**—(1) The Minister, upon payment of the prescribed annual fee, and upon and subject to the prescribed requirements and conditions, may issue to any person a licence to keep a house for the reception of such number of insane persons as may be specified in such licence.

New section  
48.  
Licensed  
houses.

(2) No person shall, for gain or profit, receive to board or lodge in any house, or take charge or care of, any person declared to be insane unless he is authorised so to do under this Act. Penalty: One hundred pounds or twelve months' imprisonment.

**49**—(1) The superintendent of any hospital or of any licensed house may, with the consent in writing of the Minister, send or take under proper control any patient to any specified place for any definite time for the benefit of his health, and also permit any patient to be absent from any such hospital or licensed house upon trial leave or upon parole for such period as is thought fit, and may without the return of such patient renew such leave or parole.

New section  
49.  
Release of  
patient on  
parole in  
certain  
cases.

(2) Before giving such consent the Minister may require the approval, in writing, of the person who signed the request for the reception of such patient or of the person by whom the last payment on account of such patient has been made.

(3) The Minister, on the recommendation of the superintendent of the hospital or licensed house, may permit any patient to be absent from any hospital or licensed house upon trial leave or upon parole for such period as he thinks fit.

(4) Any patient absent under the provisions of this section may be returned to the hospital or licensed house before the expiration of the trial leave or parole and be received therein.

(5) Subject to this Act, the superintendent or the Minister may rescind his permission under this section, and require the return forthwith of such patient to the hospital or licensed house.

(6) If any person allowed to be absent on trial leave or on parole does not return at or before the expiration of such leave or parole he may be apprehended and returned to the hospital from which he is so absent at any time within three months after such expiration, unless the superin-

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tendent of such hospital has sooner received a certificate in the prescribed form from a medical practitioner that his further detention in such hospital is unnecessary.

New section  
50.  
Regulations.

**50**—(1) The Governor may make regulations under this Act.

(2) Any such regulations may prescribe the conditions and requirements relating to receiving houses and licensed houses, and regulate the management and keeping thereof respectively, and may prescribe the extent to which any of the provisions of this Act relating to hospitals shall apply in respect of receiving houses and licensed houses respectively.”.