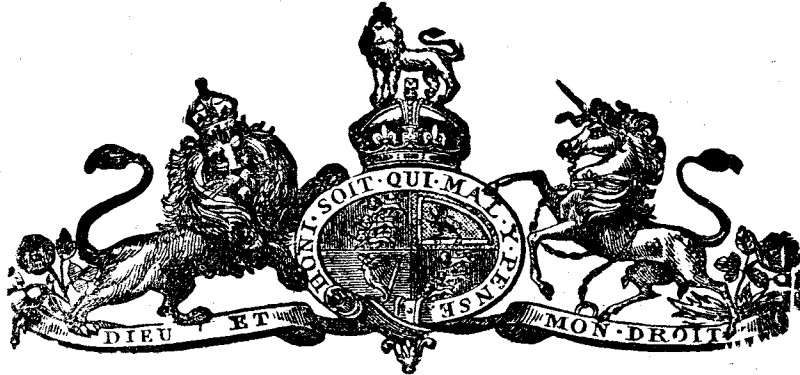


T A S M A N I A.



1925.

ANNO SEXTO DECIMO

GEORGII V. REGIS.

No. 51.

ANALYSIS.

1. Short title.
Principal Act.
2. Amendment of Section 4 of the Principal Act.
3. Amendment of Section 6 (II-f) of the Principal Act.
4. Amendment of Section 7 of the Principal Act.
5. Amendment of Subsection (1) of Section 15 of the Principal Act.
6. Amendment of Subsection (1) of Section 20 of the Principal Act.
7. Amendment of Section 23 of the Principal Act.
8. Amendment of Section 25 of the Principal Act.
9. Amendment of Section 27 of the Principal Act.
10. Amendment of Section 29 of the Principal Act.
11. Amendment of Section 39 of the Principal Act.
12. Amendment of Section 57 of the Principal Act.



AN ACT to amend the Mental Deficiency Act, 1920. [16 December, 1925.]

A.D. 1925.

BE 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—(1) This Act may be cited as “The Mental Deficiency Act, Short title. 1925.”

(2) The Mental Deficiency Act, 1920, is herein called “the Principal Act,” Principal Act, 11 Geo. V. No. 50.

Mental Deficiency.

A.D. 19 5.

Amendment of
Section 4 of the
Principal Act.

2 Section Four of the Principal Act is hereby amended by expunging the definition of "supervision" contained in that section, and substituting the following definition therefor:—

"Supervision" means the voluntary caring for, or assisting, protecting, or overseeing of defectives, not in institutions, by any person appointed by the Board, or any voluntary society or committee approved by the Board in that behalf in the interest of the defective.

Amendment of
Section 6 (ii.-f)
of the Principal
Act.

3 Sub-paragraph (f) of Paragraph (ii.) of Section Six of the Principal Act is hereby amended by inserting the words "or from any charitable institution or home, or from any hospital" after the word "State" in the second line of the said sub-paragraph.

Amendment of
Section 7 of the
Principal Act.

4 Section Seven of the Principal Act is hereby amended as follows:—

i. As to Subsection (1) thereof, by inserting the following new Paragraphs iv. and v. after Paragraph iii. of the said subsection:

"iv By the superintendent, matron, or other officer in charge of any charitable institution, or home, or hospital in the case of all defective persons who are not referred to in any of the preceding paragraphs of this section, and who are inmates of such charitable institution, home, or hospital, at the time of undergoing the prescribed examination:

v. By any parent, guardian, relative or friend of the defective, or failing notice by any such lastmentioned person, by the Director of the Clinic, in the case of any person who has been ascertained to be a defective by the Clinic, and in respect of whom the giving of such notice as aforesaid is not otherwise provided for in this section":

ii. As to Subsection (2) thereof, by deleting the word "children" in the third line of the subsection, and substituting the word "persons" therefor.

Amendment of
Subsection (1) of
Section 15 of the
Principal Act.

5 Subsection (1) of Section Fifteen of the Principal Act is hereby amended by deleting the word "children" in the fifth line thereof, and substituting the word "persons" therefor.

Amendment of
Subsection (1) of
Section 20 of
the Principal Act.

6 Subsection (1) of Section Twenty of the Principal Act is hereby amended by inserting the following new Paragraph iii. after Paragraph ii. of the said subsection:—

"iii. (a) Ascertaining what other persons in the State, other than those referred to in the foregoing paragraphs of this section, are defectives within the meaning of this Act, and in respect of whom the notice referred to in Section Seven of this Act is required to be given:

Mental Deficiency.

(b) Notifying the names and addresses of any such defectives as last aforesaid to the persons (if any) required to give notice concerning them to the Chairman of the Board in accordance with Section Seven of this Act.”

A.D. 1925.

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7 Subsection (1) of Section Twenty-three of the Principal Act is hereby amended by inserting the words “or the guardian” after the word “friend” in Paragraph 1. thereof.

Amendment of Section 23 of the Principal Act.

8 Section Twenty-five of the Principal Act is hereby amended as follows :—

Amendment of Section 25 of the Principal Act.

i. By repealing Subsection (1) thereof, and substituting the following subsection therefor :—

“ (1) Where a defective has been placed, or where an order has been made that a defective be placed, in an institution, or under guardianship, or under supervision, the Board may, with the approval of the Minister, and, if in the interest of the defective it deems it desirable so to do, transfer the defective—

- i. From an institution to another institution or to guardianship or supervision : or
- ii. From guardianship to an institution, or to supervision : or
- iii. From supervision to an institution, or to guardianship.

Provided that no defective, who is not an idiot or an imbecile, shall be transferred by the Board from supervision to an institution, unless he has previously been placed in an institution or under guardianship.”

ii. By repealing Subsection (2) thereof, and substituting the following subsection therefor :—

“ (2) A person appointed under this Act to be guardian of a defective may, on the application of the Board, or of any other person who appears to be interested, be removed from his office by any judicial authority, and such judicial authority may appoint a suitable person to act in his stead ; and where a person appointed to be guardian of a defective dies, or resigns his office, the Board may appoint a suitable person to act in his stead.”

9 Section Twenty-seven of the Principal Act is hereby amended by inserting the words “or supervision” after the word “guardianship” in the tenth line thereof.

Amendment of Section 27 of the Principal Act.

10 Section Twenty-nine of the Principal Act is hereby amended as follows :—

Amendment of Section 29 of the Principal Act.

i. As to Subsection (1) thereof, by inserting the words “if he is not an idiot or an imbecile” after the word “shall” in the second line of the said subsection : and

Mental Deficiency,

A.D. 1925

- ii. By inserting the following new Subsection (3A) after Subsection (3) thereof :—

“(3A) Notwithstanding anything hereinbefore contained to the contrary, the Board shall not, in the case of any defective with respect to whom an order has been made that he be placed under guardianship, proceed to do any of the things mentioned in Subsection (2) of this section unless an application in writing to the Board to so proceed has, at least six weeks before the expiry of such order, been made by the person appointed under this Act as the guardian of the defective, or by the parent or guardian of such defective, nor, in the case of any such defective as first aforesaid, shall the Board proceed to do any of the things respectively mentioned in Subsection (3) of this section unless a like application is made by such person, guardian, or parent, as aforesaid, at least six weeks before the expiry of the continued order, or, in case of any subsequent order of the Board under the lastmentioned subsection, at least six weeks before the expiry of such subsequent order”: and

- iii. As to Subsection (5) thereof, by inserting after the word “discharged” in the third line of the said subsection the following words “unless he is a person under sentence of imprisonment, or detention, in which case he shall be returned to the prison, or place of detention from which he had been removed, and there detained until the expiration of the period for which he was sentenced.”

Amendment of
Section 39 of the
Principal Act.

11 Subsection (3) of Section Thirty-nine of the Principal Act is hereby amended by inserting the following proviso at the end thereof :—

“Provided that if at any time the office of Chief Health Officer shall be vacant, the Board shall elect one of its members to be Chairman, and he shall hold office as such Chairman until the office of Chief Health Officer is again filled.”

Amendment of
Section 57 of the
Principal Act.

12 Section Fifty-seven of the Principal Act is hereby amended as follows :—

- i. As to Subsection (1) thereof—

(a) By inserting the words “or under guardianship” after the word “defectives” in the second line of the said subsection; the words “or the person under whose guardianship he has been placed” after the word “institution” in the fourth line thereof; and the words “or the guardianship of such person” after the end of the word “institution” in the fifth line thereof:

Mental Deficiency.

- (b) By inserting the words "or replace him under guardianship (as the case may be)" after the word "institution" in the third line of Paragraph i. of the said subsection : A.D. 1925.
- (c) By inserting the words "or placed under guardianship (as the case may be)" after the word "institution" in the fifth line of Paragraph ii. of the said subsection ; the words "or replacing" after the end of the word "re-admission" in the sixth line thereof ; and the words "or under guardianship (as the case may be)" after the word "institution" in the eighth line thereof :
- (d) By expunging Paragraph iii. of the said subsection, and substituting the following paragraph therefor :—

" iii. The above provisions for leave under licence or on parole shall not apply to any defective who is sent to an institution for defectives, or placed under guardianship by order of a court or the Minister in accordance with any of the provisions of Sections Twenty-six or Twenty-seven of this Act, or is legally detained for some other cause than his mental deficiency, unless he is a defective who has been sent to an institution, or placed under guardianship under or in consequence of an order of a Children's Court under the Children's Charter, or a defective who has been transferred by an order of the Minister, from an institution within the meaning of the Children's Charter, and sent to an institution for defectives, or placed under guardianship ":

- ii. As to Subsections (2) and (3) thereof, by inserting the words "or guardianship" after the word "institution" whenever that word occurs in the said subsections :
- iii. As to Subsection (4) thereof, by inserting the words "or guardianship under this Act," after the word "defectives" in the fourth line of the said subsection : and
- iv. As to Subsection (5) thereof, by inserting the words "or guardianship under this Act," after the word "defectives" in the second line of the said subsection, and after the word "institution" in the last line thereof.

