

LUNACY (AMENDMENT) ACT.

Act No. 39, 1934.

An Act to provide for the reception of voluntary patients into hospitals for the insane and licensed houses and for their care and maintenance therein; to facilitate admissions to the Reception House; to confer certain powers on official visitors; to amend the Lunacy Act of 1898; and for purposes connected therewith. [Assented to, 26th November, 1934.]

George V,
No. 39, 1934.

BE

438 **Lunacy (Amendment) Act.**

No. 39, 1934.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** (1) This Act may be cited as the "Lunacy (Amendment) Act, 1934."

Citation. (2) The Lunacy Act of 1898 is in this Act referred to as the Principal Act.

Amendment of
Act No. 45,
1898.

2. The Principal Act is amended—

New short
heading and
sec. 24A.

- (a) by inserting at the end of section twenty-four the following short heading and new section:—
- (3.) *Reception and maintenance of voluntary patients in hospitals for the insane and licensed houses.*

Voluntary
patients.

24A. (1) The superintendent of any hospital for the insane or licensed house may receive into such hospital or licensed house as a voluntary patient any person who is desirous of submitting himself to treatment.

No person shall be so received unless with the assent in writing of the Inspector-General who shall only give such assent upon the written application of the person desiring to become a voluntary patient.

(2) Every such patient shall be produced to the Inspector-General at his visits.

(3) No such patient shall be detained for more than seven days after having given notice to the superintendent of his intention or desire to leave.

Voluntary
patient not
within sec. 3.
Powers of
Master in
Lunacy.

(4) No voluntary patient shall be deemed to be an insane patient or a patient within the meaning of section three. The Master may, but only at the request in writing of a voluntary patient, take charge of his property, and the Master shall then have in respect thereof the same powers as he has
over

over the property of an insane patient, and unless released by the Master in the prescribed manner, such property shall remain under his care until the voluntary patient is discharged, or dies.

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(5) The Master may take the necessary steps to collect the cost of maintenance of a voluntary patient from the patient himself, or from the relatives of such patient. For that purpose the provisions of sections one hundred and forty-two to one hundred and forty-seven, inclusive, applicable to or with regard to insane patients and their relatives, shall apply to and with regard to such voluntary patient and his relatives.

(6) Notice of the admission and of the discharge or death of such a patient shall be given as in the case of an insane patient.

(7) Section forty and subsection two of section forty-nine shall not extend to the superintendent of a hospital for the insane or licensed house who receives a voluntary patient under this section.

- (b) by omitting from section one the letters and figures "ss. 4-24" and by inserting in lieu thereof the figures, words, and letters "(3.) *Reception and maintenance of voluntary patients in hospitals for the insane and licensed houses—ss. 4-24A.*"

Sec. 1.
(Division into
Parts.)
(Revision.)

3. The Principal Act is further amended—

Further
amendment of
Act No. 45, 1898.

- (a) by inserting next after section one hundred the following new section :—

New s. 100A.

100A. (1) On receipt of an application from a patient detained in a hospital for the insane or licensed house, or from any relative or friend of such patient, the official visitors may, at their discretion, hold an inquiry for the purpose of ascertaining if the patient is detained for sufficient cause.

Power of
official visi-
tors to hold
inquiry and
order dis-
charge.

(2)

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(2) The official visitors may discharge a patient if they are satisfied by the certificate of two psychiatrists whom they think fit to consult, setting out that the patient is detained without sufficient cause, and that he may without risk of injury to the public or to himself, be set at large.

(3) Any inquiry held under this section shall, so far as is practicable, be held at the hospital or licensed house in which the patient is detained.

(4) It shall be the duty of the medical superintendent who receives an application under this section to forward the application without delay to the official visitors.

(5) The Inspector-General and the medical superintendent shall receive notice of the inquiry and shall be entitled to be present or to be represented at such inquiry.

(6) The costs of obtaining the certificate of the two psychiatrists shall be borne by the patient or by the relative or friend who applies for the inquiry.

Sec. 1.
(Revision.)

(b) by omitting from section one the figures "100" and by inserting in lieu thereof the figures and letter "100A."

Further amend-
ment of Act No.
45, 1898.

4. The Principal Act is further amended—

Sec. 4.

(a) by inserting at the end of section four the following subsection:—

(2) A person may be received into and detained in a reception house upon the certificate of one medical practitioner in the form of Schedule 2A; a person may also be received into and detained in a reception house on his own written request or on the written request of a relative or friend, if the medical officer
of

of the reception house certifies at the foot of such written request that in his opinion the person proposed for admission is a suitable case for admission to the reception house for observation and treatment.

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Where any person is admitted to a reception house under this subsection the fact of his admission shall as soon as practicable be notified to a police constable by the medical officer or officer in charge of the reception house, and that constable shall bring any such person before two justices as if he had been found by a constable wandering at large.

- (b) by inserting next after Schedule Two the following new Schedule:—

New
Schedule 2A.

SCHEDULE 2A.

I, the undersigned medical practitioner, hereby certify that on the day of , 19 , I personally examined [*name of person in full*], and am of opinion that he is a suitable case for admission to the [*name of institution*] for observation and treatment.

Dated this day of , one thousand nine hundred and .

[*Signature*]

[*Place of abode*]