

No. 4704.

An Act to make provision for the Care of
Mentally Defective Persons and Mentally
Retarded Children and for other purposes.

[18th December, 1939.]

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 Victoria in this
present Parliament assembled and by the authority of the
same as follows (that is to say):—

1. (1) This Act may be cited as the *Mental Deficiency Act* 1939 and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Short title
and
commencement.

(2) This Act is divided into Parts Divisions and Sub- Division of Act.
divisions as follows :—

Part I.—Preliminary.

Part II.—Institutions Clinics and Officers.

Part

Part III. -- De- fectives and Re- tarded Chil- dren	Division 1.— Reception	Subdivision 1.—Reception on Request.
		Subdivision 2.—Reception on Order of Justices.
		Subdivision 3.—Reception of Prisoners and Persons before Courts.
	Division 2.—Transfers, Escapes.	Probation,
	Division 3.—Official Visitors.	
	Division 4.—Examination and Discharge.	

Part IV.—Administration of Estates and Maintenance.

Part V.—Miscellaneous.

PART I.—PRELIMINARY.

Interpretation. 2. (1) In this Act unless inconsistent with the context or subject-matter—

“ Age.” “ Age ” means, in the absence of positive evidence as to age, the apparent age.

“ Approved psychiatrist.” “ Approved psychiatrist ” means psychiatrist approved whether generally or in any particular case by the Director in writing.

“ Clinic.” “ Clinic ” means clinic established by the Governor in Council under this Act and includes auxiliary clinic so established.

“ Clinic psychiatrist.” “ Clinic psychiatrist ” means psychiatrist appointed under this Act to be a clinic psychiatrist.

“ Defective.” “ Defective ” means a person belonging to any of the following classes of persons :—

(a) Imbeciles—that is to say persons in whose case there exists mental defectiveness which is so pronounced that they are incapable of managing themselves or their affairs or, in the case of children, of being taught to do so ;

(b) Feeble-minded persons—that is to say persons not less than sixteen years of age in whose case there exists mental defectiveness which though not amounting to imbecility is

is yet so pronounced that they require care supervision and control for their own protection or for the protection of others ;

- (c) Moral defectives—that is to say persons not less than sixteen years of age in whose case there exists mental defectiveness coupled with strongly vicious or criminal propensities, and who require care supervision and control for their own protection or for the protection of others.

“ Director ” means the Director of Mental Hygiene under the Lunacy Acts or (as the case requires) any Board subsequently appointed to take over any powers or duties of the Director of Mental Hygiene. “ Director.” Nos. 3721 &c.

“ Ill-treat ” means ill-treat whether by any act or by any omission. “ Ill-treat.”

“ Institution ” means a State institution or a registered institution. “ Institution.”

“ Intoxicants ” includes any intoxicating liquor and any sedative narcotic or stimulating drug or preparation. “ Intoxicants.”

“ Licensee ” of a registered institution means the person for the time being holding under this Act a licence with respect to such institution which is in force. “ Licensee.”

“ Medical practitioner ” means legally qualified medical practitioner. “ Medical practitioner.”

“ Mental defectiveness ” means a condition of arrested or incomplete development of mind existing from birth or from an early age whether arising from inherent causes or induced by disease or injury and of such a kind as to render the person affected incapable of adjusting himself to his social environments and as to necessitate external care supervision or control of such person. “ Mental defectiveness.”

“ Mental hospital ” means mental hospital under the Lunacy Acts. “ Mental hospital.” Nos. 3721 &c.

“ Official visitor ” means official visitor appointed pursuant to this Act. “ Official visitor.”

“ Ordinary school ” includes—
(a) any State school (not being a special school) within the meaning of the *Education Act* 1928 ; and
(b) any “ Ordinary school.” See No. 3671 ss. 3, 24, Part VI.

(b) any school registered under Part VI. of the *Education Act 1928*.

"Parent." Nos. 3605 &c.	"Parent" includes step-parent and adopter within the meaning of the Adoption of Children Acts.
"Part."	"Part" means Part of this Act.
"Prescribed."	"Prescribed" means prescribed by this Act or the regulations.
"Psychiatrist."	"Psychiatrist" means a medical practitioner with experience in the treatment of mental disorders and defects.
"Receiving house." Nos. 3721 &c.	"Receiving house" means receiving house under the Lunacy Acts.
"Registered institution."	"Registered institution" means institution in respect of which there is in force a licence under this Act to receive defectives or retarded children therein.
"Regulations."	"Regulations" means regulations made under this Act.
"Retarded child."	"Retarded child" means person under sixteen years of age in whose case there exists mental retardation which though not amounting to imbecility is yet so pronounced that he may become a feeble-minded person and who appears to be permanently incapable by reason of such mental retardation of receiving proper benefit from the instruction given in ordinary schools.
"Schedule."	"Schedule" means Schedule to this Act.
"State institution."	"State institution" means an institution for defectives or retarded children established as a State institution by the Governor in Council under this Act.
"Subdivision."	"Subdivision" means subdivision of a Division of a Part of this Act.
"Superintendent."	"Superintendent" means any medical or other superintendent of or any person in charge of an institution and includes the licensee of any registered institution.

References to defectives or retarded children in institutions.

(2) Any reference in this Act to a defective or retarded child received into or in or detained in an institution shall (unless inconsistent with the context or subject-matter) be taken to include a reference to such a defective or retarded child whilst absent therefrom by reason of his being on trial leave or parole or otherwise.

3. At the end of the interpretation of "Patient" in sub-section (1) of section three of the *Lunacy Act* 1928 as amended by any Act there shall be inserted the expression "but does not include any person detained in an institution under the *Mental Deficiency Act* 1939 or allowed to be absent therefrom on trial leave or parole or otherwise".

Amendment of
No. 3721 s. 3 (1)
as amended by
No. 4157 s. 2.
Interpretation.
"Patient."

4. At the end of paragraph (b) of section five of the *Hospitals and Charities Act* 1928 there shall be inserted the expression "or any institution within the meaning of the *Mental Deficiency Act* 1939".

Amendment of
No. 3699 s. 5.
Exemption of
institutions
under this Act
from operation
of No. 3699.

5. Without affecting any other provisions of the *Coroners Act* 1928 or the law relating to coroners, a defective or retarded child who dies while he is in fact in a State institution shall not be deemed to be a person who dies "while detained in any mental hospital" within the meaning of section six of that Act as amended by any Act.

As to
jurisdiction
of coroner.

No. 3661 s. 6
(1) (a) as
amended by
No. 4157 s. 2.

6. Save as otherwise expressly provided by this Act, nothing in this Act shall affect—

Saving as to
Nos. 3721 &c.,
3671 &c.

- (a) any power exercisable with respect to lunatics or lunatic patients under any Act ; or
- (b) any provision of the Education Acts with respect to special schools.

PART II.—INSTITUTIONS CLINICS AND OFFICERS.

7. The Governor in Council may—

- (a) establish and maintain such State institutions as the Governor in Council deems necessary for the reception detention observation examination supervision instruction training occupation protection control care treatment employment and maintenance of defectives and retarded children ; and
- (b) abolish any such institution.

State
institutions.
Comp. (Tas.) 11
Geo. V. No. 50
s. 53.

8. (1) The Chief Secretary upon the application of any person to keep any place for the reception detention observation examination supervision instruction training occupation protection control care treatment employment or maintenance of defectives or retarded children may, on payment (except in any case where the Chief Secretary is satisfied that the institution is not to be conducted for profit)

Registered
institutions.
Comp. 3 & 4
Geo. V. c. 28
s. 36.

profit) of the prescribed fee and if satisfied of the fitness in all respects of the premises and of the locality thereof and of the applicant and of the sufficiency of the equipment of the premises, grant to the applicant a licence to receive defectives or retarded children therein but no licence shall be granted authorizing the reception of both defectives and retarded children in the same registered institution.

(2) A licence so granted shall operate in accordance with the terms of such licence and shall continue in force for the period for which it is granted or until revoked or resigned under this Act and may be renewed or transferred as prescribed.

(3) A place in respect of which such a licence is in force is in this Act referred to as a "registered institution".

Registered
institutions
for specified
religious
denominations.
Comp. No. 3664
s. 323.

9. If any registered institution is established for any religious denomination or denominations exclusively the Chief Secretary may approve of the same for such denomination or denominations exclusively, and in such case no defective or retarded child shall be sent to received into or detained in such registered institution unless he is a member of the denomination or one of the denominations for which such registered institution is approved.

State aid to
registered
institutions.
Ib. s. 324.

10. The licensee of every registered institution shall be entitled to receive, out of any money appropriated by Parliament for the purpose, for the maintenance of each defective or retarded child detained in such registered institution during the preceding year or any part thereof such sum as the Minister determines, but any such sum in respect of any defective or retarded child together with any other amount received by the institution for or towards the maintenance of such defective or retarded child shall not exceed a sum equal to the average cost of maintaining a defective or retarded child in such institution during such year or such part thereof.

Revocation of
licence for
registered
institution.
Ib. s. 325.

11. (1) If at any time on the report of the Director the Chief Secretary is dissatisfied with the condition or management of any registered institution or with the fitness of the premises or of the locality or of the superintendent thereof or with the sufficiency of the equipment of the premises the Chief Secretary may revoke the licence of such registered institution.

(2) The Chief Secretary shall not revoke the licence of any registered institution until the lapse of two months after

after the transmission by him to the superintendent of such registered institution of a duplicate of the report of the Director.

12. (1) The Governor in Council may—

(a) establish clinics, with such auxiliary clinics as he deems necessary, for the purposes of—

- (i) the study and diagnosis of mental deficiency and mental retardation ;
- (ii) the examination and classification of defectives and retarded children ;
- (iii) the instruction of members of the staff of institutions ;
- (iv) the training of clinical and other assistants ; and
- (v) any other purpose appertaining to all or any of the foregoing purposes ;

(b) assign a name to any such clinic or auxiliary clinic ; and

(c) abolish any such clinic or auxiliary clinic.

(2) The Governor in Council by arrangement with the committee or other governing body of any hospital may—

(a) establish an auxiliary clinic at the hospital ; or

(b) if in connexion with the hospital there is provided by the committee or other governing body thereof a clinic for all or any of the purposes aforesaid, arrange for the co-operation of the staff thereof with a clinic psychiatrist and the staff of any clinic or auxiliary clinic established by the Governor in Council.

Clinics.

Comp. (Tas.) 11
Geo. V. No. 50
s. 15.

Clinics at
hospitals.

13. (1) For the purposes of the administration of this Act there shall be appointed such clinic psychiatrists clinic officers superintendents matrons nurses trained social service workers and other officers and employés as are necessary.

Officers and
employés.

(2) All persons so appointed shall be officers or employés of the Department of Mental Hygiene and shall be appointed in the same manner as such officers or employés are appointed.

(3) The Minister with the consent of the Minister administering the Department concerned may for the purposes of this Act make use of the services of any of the officers or employés in any department or branch of the public service.

Use of services
of officers &c.
of public
service.

PART III.—DEFECTIVES AND RETARDED CHILDREN.

DIVISION 1.—RECEPTION.

Subdivision 1.—Reception on Request.

Reception on
request of
parent or
guardian.

14. (1) A person who appears to be a defective or a retarded child may be received into and detained in an institution—

(a) if under the age of sixteen years—on the request of his parent or guardian ;

(b) if not less than sixteen years of age—

(i) on the request of his parent or guardian accompanied by a certificate in the form in the First Schedule or to the like effect signed by a medical practitioner not more than twenty-eight days before the date of such reception and stating that such person is in the opinion of the medical practitioner apparently a defective ; or

(ii) on the request of such person.

First Schedule.

Form of
request.

(2) Every such request shall be in writing in the prescribed form.

As to voluntary
boarders.

(3) No person shall be received into an institution on his own request unless a clinic psychiatrist or the medical superintendent of the institution satisfies himself and certifies that such person fully understands the nature and effect of the request.

Subdivision 2.—Reception on Order of Justices.

Apprehension
of defectives
and retarded
children
wandering at
large &c.

Comp. No. 3721
s. 20.

15. (1) Upon information on oath before a justice that a person who appears to be a defective or a retarded child—

(a) is without sufficient means of support ; or

(b) is wandering at large ; or

(c) has been discovered under circumstances that denote a purpose of committing some offence against the law—

Second
Schedule.

such justice may by order in the form in the Second Schedule or to the like effect under his hand require a member of the police force to apprehend such person and bring him before two justices.

(2) Any member of the police force finding any such person so wandering or under such circumstances as aforesaid may without any such order apprehend him and take him before two justices.

16. (1) Any

16. (1) Any member of the police force who has knowledge that any person who appears to be a defective or a retarded child—

(a) is not under proper care and control; or

(b) is cruelly treated or neglected by any person having or assuming the care or charge of him—

shall forthwith give information thereof upon oath to a justice.

(2) A justice upon such information or upon the information upon oath of any person whomsoever to the like effect shall—

(a) himself visit and examine such person and make inquiry into the case; or

(b) by an order under his hand in the form in the Third Schedule or to the like effect direct and authorize some medical practitioner to visit and examine such person and make such inquiry and report in writing to such justice his opinion thereon.

(3) If upon such personal visit examination and inquiry by such justice or upon the report of such medical practitioner it appears to such justice that such person is a defective or a retarded child and—

(a) is not under proper care and control; or

(b) is cruelly treated or neglected by any person having or assuming the care or charge of him—

the justice may by order in the form in the Fourth Schedule or to the like effect under his hand require any member of the police force to apprehend such person and take him before two justices.

17. (1) Any justice upon complaint made before him on oath that there is reason to suspect that any person who appears to be a defective or a retarded child is detained in contravention of any of the provisions of this Act in any house room premises or place may give authority by special warrant under his hand in the form in the Fifth Schedule or to the like effect to any member of the police force to enter with a medical practitioner and with such assistants as may be found necessary into such house room premises or place, and if necessary to use force for making such entry whether by breaking open doors or otherwise.

Apprehension
of defectives
and retarded
children
not taken care
of or cruelly
treated.
Comp. No. 3721
s. 21.

Third
Schedule.

Fourth
Schedule.

Issue of search
warrant when
defective
or retarded
child is
suspected to
be detained
without
authority.
Ib. s. 22.
Fifth
Schedule.

(2) If

(2) If on such entry any person is found to be so detained and the medical practitioner is of opinion that such person is a defective or a retarded child the member of the police force executing such warrant shall apprehend such person and bring him before two justices.

Course to be
pursued when
the defective
or retarded
child
is brought
before the
justices.
Comp. No. 3721
s. 23.

18. The justices before whom any person is brought in pursuance of this subdivision shall call to their assistance a medical practitioner who has previously examined such person, and if upon examination of such person and such medical practitioner and upon other proof (if any) such justices are satisfied that such person is a defective or a retarded child and—

- (a) is without sufficient means of support ; or
- (b) was wandering at large ; or
- (c) was discovered under circumstances that denote a purpose of committing some offence against the law ; or
- (d) is not under proper care and control ; or
- (e) is cruelly treated or neglected by any person having or assuming the charge of him ; or
- (f) was detained in contravention of any of the provisions of this Act in any house room premises or place—

and is a proper person to be placed in an institution, the said justices may by an order under their hands in the form in the Sixth Schedule or to the like effect direct such person to be received into some institution to be named in such order, and such person shall be forthwith conveyed to and upon production of such order shall be received into and detained in such institution accordingly.

Sixth
Schedule.

Examination
by justices
Ib. s. 24.

19. (1) The said justices may examine such person and any witness in the matter at any convenient place and proceed in all respects as if such person were brought before them at a court of petty sessions.

Suspension
of order.
Seventh
Schedule.

(2) The justices may by an order in the form in the Seventh Schedule or to the like effect suspend for any period not exceeding fourteen days the execution of any order made under the last preceding section, and in the meantime give such directions or make such arrangements for the proper care and control of such person as they consider necessary.

(3) If the medical practitioner by whom such person is examined certifies in writing that such person is not in a
fit

fit state to be removed, the removal of such person shall be suspended until such or some other medical practitioner certifies in writing that such person is fit to be removed.

(4) Notwithstanding anything in this Act any relative or friend may retain or take such person under his own care if he satisfies the justices before whom such person is brought that such person will be given proper care and attention.

Relative's
right to
custody.

20. (1) The justices causing any person to be examined by any medical practitioner under the provisions of this subdivision shall grant a certificate in the form in the Eighth Schedule or to the like effect for the payment of such reasonable remuneration to such medical practitioner for the examination of such person and all other reasonable expenses in or about the examination of such person and the bringing of him before such justices and (in case he is ordered to be received into any institution) of conveying him thereto as to such justices seem proper.

Justices to order
payment of a
fee to any
medical
practitioner
&c. called in
to examine
any person.

Comp. No. 3721
s. 25.

Eighth
Schedule.

(2) Where such justices after due inquiry are of the opinion and certify that such remuneration and expenses cannot be obtained from the estate of the person examined or from his parent or guardian such remuneration and expenses shall be paid out of any sum voted by Parliament for the purposes of this Act, but where such justices do not so certify such remuneration and expenses may be obtained from the estate of the person examined or may be recovered from his parent or guardian before a court of petty sessions as a civil debt recoverable summarily.

(3) In every such case payment shall be subject to the approval of the Director whose decision shall be final and without appeal.

Subdivision 3.—Reception of Prisoners and Persons before Courts.

21. (1) If any person while imprisoned or detained in any gaol or reformatory or other place of confinement under any sentence or under a charge of any offence or for not finding bail for good behaviour or to keep the peace or to answer a criminal charge or in consequence of any summary conviction or order by any justice appears to be a defective or a retarded child it shall be lawful for the Chief Secretary, upon receipt of a certificate in the prescribed form from a
clinic

Removal of
prisoners to
institutions.
Ib. s. 66.

clinic psychiatrist or the Government Medical Officer, to direct by duplicate order under his hand that such person shall be removed to such institution as the Chief Secretary thinks proper and appoints.

Orders for
reception of
convicted
persons.

(2) Where a person is by a court of competent jurisdiction convicted of any criminal offence the court, on production of a certificate by a clinic psychiatrist or by an approved psychiatrist that such person is a defective or a retarded child, may in lieu of passing sentence or making an order for committal as aforesaid order such person to be removed into some institution to be named in such order, and such person shall be forthwith conveyed to and upon the production of such order and certificate shall be received into and detained in such institution accordingly.

Period during
which prisoner
detained in
institution not
to be deducted
from sentence
unless
otherwise
directed.
Comp. No. 3721
s. 67.

(3) The time or any part of the time during which any person removed to any institution pursuant to this section is detained therein shall not be deducted from his term of imprisonment unless the Director or the superintendent of such institution certifies that such deduction should be made.

Orders for
reception of
certain children
brought before
children's
court.

22. Where a child is brought before a children's court and is found liable to be committed—

(a) to a reformatory school or to bail of any person in place thereof; or

(b) to the care of the Children's Welfare Department or to the care of some approved person or institution under Division eight of Part I. of the *Children's Welfare Act 1928*—

No. 3654
ss. 61-76.

the court on production of a certificate by a clinic psychiatrist or by an approved psychiatrist that such child is a defective or a retarded child may in lieu of passing sentence or making an order for committal as aforesaid order such child to be removed into some institution to be named in such order, and such child shall be forthwith conveyed to and upon the production of such order and certificate shall be received into and detained in such institution accordingly.

DIVISION 2.—TRANSFERS, PROBATION, ESCAPES.

Transfers.

23. Where the mental condition of a defective or of a retarded child who is in an institution becomes or is found to be such that he ought to be transferred from such institution

Transfers from
institutions
to mental
hospitals &c.
Comp. 3 & 4
Geo. V. c. 28
s.16.

institution to a mental hospital or a receiving house the Director shall cause such steps to be taken as are necessary for having an order made under the Lunacy Acts for the reception of such person into a mental hospital or receiving house and for his removal thereto, and a clinic psychiatrist or the medical superintendent or any medical officer of the institution may for that purpose issue any certificate which is required by the Lunacy Acts : Nos. 3721 &c.

Provided that where such person has been placed in the institution on the request of his parent or guardian the Director shall not cause such steps to be taken until he has given the parent or guardian, wherever practicable, an opportunity of taking them himself.

24. Where the mental condition of a person detained in a mental hospital (not being a hospital for the criminal insane) or in a receiving house is found to be such that he ought to be transferred to an institution, the Director on the recommendation of a clinic psychiatrist or of the medical superintendent of such hospital or house may by order in writing direct that such person be transferred to an institution named in such order, and such person shall be transferred to and detained in such institution accordingly. Transfers from mental hospitals to institutions.

25. (1) The Director may by order in writing direct that any person (not being a person removed to an institution pursuant to the provisions of section twenty-one of this Act) detained in an institution be transferred from that institution to another institution, and such person shall be transferred to and detained in such other institution accordingly. Transfer to another institution.

(2) The Chief Secretary may by order in writing direct that any person removed to an institution pursuant to the provisions of section twenty-one of this Act be transferred from that institution to another institution, and such person shall be transferred to and detained in such other institution accordingly.

(3) No person shall be transferred under this section from a registered institution established for any religious denomination or denominations exclusively to another institution unless—

(a) the superintendent of such registered institution has requested that such person be transferred therefrom to another institution ; or

(b) the

- (b) the Director has in writing given to the superintendent of such registered institution some good reason why such person should be transferred from such registered institution to another institution.

Probation.

Trial leave &c.
Comp. No. 3721
s. 93.

26. (1) The superintendent of any institution may with the consent in writing of the Director—

- (a) send or take under proper control any defective or retarded child to any specified place for any definite time for the benefit of his health or for the purposes of education or training; or
- (b) permit any defective or retarded child (not being a defective or retarded child removed to an institution pursuant to the provisions of section twenty-one of this Act) to be absent from any institution upon trial leave or upon parole (whether or not subject to the supervision of any person) for such period as is thought fit, and from time to time without the return of such defective or retarded child renew such leave or parole.

(2) Before giving such consent the Director may require the approval in writing of any person who signed the request for the reception of such defective or retarded child or of the person by whom the last payment on account of the maintenance of such defective or retarded child has been made.

(3) The Director may of his own authority—

- (a) permit any defective or retarded child (not being a defective or retarded child removed to an institution pursuant to the provisions of section twenty-one of this Act) to be absent from any institution upon trial leave or upon parole (whether or not subject to the supervision of any person) for such period as he thinks fit; and
- (b) from time to time without the return of such defective or retarded child renew such leave or parole.

(4) The Chief Secretary may—

- (a) permit any defective or retarded child who has been removed to an institution pursuant to the provisions of section twenty-one of this Act to be absent

absent therefrom upon trial leave or upon parole (whether or not subject to the control of any person) for such period as he thinks fit; and

(b) from time to time without the return of such defective or retarded child renew such leave or parole.

(5) Any defective or retarded child absent under the provisions of this section may be returned to the institution before the expiration of the trial leave or parole and be received therein.

(6) The superintendent Director or Chief Secretary may rescind any permission given by him to a defective or retarded child under this section and require the return forthwith of such defective or retarded child to the institution.

Escapes.

27. If a defective or retarded child in any institution or absent from any institution upon trial leave or upon parole or otherwise escapes he may be apprehended without warrant by any member of the police force or by the superintendent of the institution or by any person authorized in writing by such superintendent and brought back to the institution.

Apprehension
of escaped
persons.

Comp. 3 & 4
Geo. V. c. 28
s. 42.

DIVISION 3.—OFFICIAL VISITORS.

28. The Governor in Council—

(a) may appoint—

(i) not less than three justices (of whom at least one shall be a medical practitioner and at least one shall be a woman) to be official visitors to visit institutions within a radius of twenty miles of the post office situate at the corner of Bourke and Elizabeth streets in the city of Melbourne; and

(ii) not less than two justices to be official visitors for each institution beyond that radius; and

(b) may remove any such official visitor and appoint some other person in his place.

Appointment
and removal
of official
visitors.

Comp. No. 3721
s. 74.

29. For the purposes of this Act the provisions of sections seventy-six to eighty-six of the *Lunacy Act* 1928 as amended by any Act shall with such adaptations as are necessary extend and apply with respect to official visitors

Extension of
No. 3721
ss. 76-86 as
amended by
Nos. 4157 s. 2,
4264 s. 2, for
purposes of
this Act.

defectives

Inspection by
official visitors
&c.

defectives retarded children and institutions under this Act, and in particular and without affecting the generality of the foregoing for the purposes of such extension and application the said sections shall unless inconsistent with the context or subject-matter be read and construed as if—

- (a) any reference therein to an official visitor were a reference to an official visitor appointed under this Act ;
- (b) any reference therein to a patient were a reference to a defective or a retarded child under this Act ;
- (c) any reference therein to a hospital were a reference to an institution under this Act ;
- (d) any reference therein to a private mental home were a reference to a registered institution under this Act ; and
- (e) any reference therein to the *Lunacy Act* 1928 were a reference to this Act.

Power to
official visitor
to order
examination
of defectives
and retarded
children
by clinic
psychiatrist.

30. (1) An official visitor may order the examination by a clinic psychiatrist of any person detained in an institution.

(2) A clinic psychiatrist shall thereupon make such examination and report in writing to the Chief Secretary the result of such examination.

DIVISION 4.—EXAMINATION AND DISCHARGE.

Examination
on reception.

31. (1) Where a person is received into an institution pursuant to subdivision one or subdivision two of Division one of this Part, within twenty-eight days of his being so received—

- (a) the medical superintendent of the institution ;
and
- (b) a clinic psychiatrist or an approved psychiatrist—
shall thoroughly examine such person and certify in writing whether he is or is not a defective or a retarded child, and if a defective to which class of defectives he apparently belongs, and such superintendent and psychiatrist shall forthwith forward to the Director every such certificate or a duplicate thereof.

(2) Any

(2) Any person received into an institution pursuant to subdivision one or subdivision two of Division one of this Part shall be discharged therefrom—

Discharge
if within
twenty-eight
days after
reception not
certified as
defective or
retarded child.

(a) at the end of a period of twenty-eight days if by the expiration of such period certificates as required by the last preceding sub-section have not been given with respect to such person ; or

(b) on the giving of such a certificate which certifies that such person is not a defective or a retarded child.

32. (1) No person shall be detained in any institution unless he is further examined from time to time as hereinafter provided.

Periodical
examinations.
Comp. No. 3721
ss. 88, 90.

(2) Every person during his detention as a defective or as a retarded child in any institution shall be thoroughly examined at least once during the first six months and after the first six months at least once every twelve months during the next five years and thereafter at least once every two years by a clinic psychiatrist or by an approved psychiatrist as to the mental condition and the general health of such person, and such psychiatrist shall forthwith certify the result of each such examination to the Director in such form as the Director from time to time directs.

(3) For the purpose of this section the period or periods during which a person has been detained in any one or more institutions shall be counted in determining the duration of his detention.

(4) The preceding provisions of this section shall be read as in aid of and not as in derogation from the other provisions of this Part.

Saving.

33. Nothing in this Part shall be read or construed as preventing any medical practitioner at the request of the parent or guardian of any person detained in an institution from examining such person.

Saving of right
to examination
by independent
doctor.

34. (1) The Director may of his own authority order the discharge of any person (not being a person removed to an institution pursuant to the provisions of section twenty-one of this Act) detained in any institution, and such person shall be discharged accordingly.

Discharge by
Director.
Ib. s. 99.

(2) (a) When

(2) (a) When a clinic psychiatrist or an approved psychiatrist or any official visitor or the medical superintendent of any institution certifies in writing to the Director that any person (not being a person removed to an institution pursuant to the provisions of section twenty-one of this Act) is detained therein without sufficient cause, the Director upon the receipt of such certificate may if he thinks fit order the discharge of such person, and such person shall be discharged accordingly.

(b) No official visitor shall sign such a certificate without previously conferring with the medical superintendent of the institution if the latter so desires nor without forwarding to the Director the reasons (if any) of such superintendent why such person should not be discharged.

Discharge by
Chief Secretary.
Comp. No. 3721
s. 66 (2).

35. In the case of any person who has been removed to an institution pursuant to the provisions of section twenty-one of this Act if the Director or a clinic psychiatrist certifies in writing that such person should no longer be detained in an institution the Chief Secretary shall—

(a) if such person remains subject to be continued in custody—issue his order in duplicate to the superintendent of the institution directing that such person be removed to the gaol reformatory or other place of confinement whence he has been taken or to some other gaol reformatory or place of confinement to be dealt with according to law; or

(b) if such person does not remain subject to be continued in custody—direct that he be discharged, and he shall be discharged accordingly.

Persons
admitted when
under sixteen
to be discharged
on reaching
sixteen unless
further
certificate
given.

36. A person who while under the age of sixteen years has been received into an institution (not being a person removed to an institution pursuant to the provisions of section twenty-one of this Act) shall be discharged from the institution at the expiration of a period of twenty-eight days after attaining the age of sixteen years unless before the expiration of that period a certificate is given to the Director by a clinic psychiatrist or the medical superintendent of the institution that such person should be further detained in an institution.

37. A

37. A person who has been received into an institution on his own request shall be discharged from the institution within three days after he in writing requests the superintendent thereof to discharge him.

Discharge of
voluntary
boarders.

PART IV.—ADMINISTRATION OF ESTATES AND MAINTENANCE.

38. The provisions for the time being in force of Part V. of the *Lunacy Act* 1928 as amended by any Act or of any corresponding subsequent enactment relating to the Public Trustee so far as such provisions relate to the administration or management of the estates of patients (other than lunatics so found) within the meaning of any such Act or enactment shall with such adaptations as are necessary extend and apply to the administration and management of the estates of defectives and retarded children received into institutions under this Act.

Application
of Nos. 3721
Part V., 4654
&c. to
administration
of estates of
persons in
institutions.

39. The provisions for the time being in force of Part VII. of the *Lunacy Act* 1928 as amended by any Act shall with such adaptations as are necessary extend and apply with respect to the maintenance of defectives and retarded children received into State institutions under this Act.

Application
of Nos. 3721
Part VII., 4654
&c. to
maintenance
of persons in
State
institutions.

40. Without affecting the generality of the foregoing provisions of this Part, for the purposes of the extension and application by this Part of any provisions of any Act or enactment such Act or enactment shall unless inconsistent with the context or subject-matter be read and construed as if—

Modification of
Nos. 3721
Parts V. and
VII., 4654
&c. for
purposes of
this Part.

- (a) any reference therein to a patient or lunatic patient or lunatic were a reference to a defective or a retarded child under this Act ;
- (b) any reference therein to a mental hospital were a reference to a State institution under this Act ;
- (c) any reference therein to a private mental home were a reference to a registered institution under this Act ;
- (d) any reference therein to a hospital were a reference to an institution under this Act ; and
- (e) any reference therein to any such Act or enactment or any provision thereof were a reference to this Act or the corresponding provision thereof.

PART V.—MISCELLANEOUS.

Administrative Provisions.

Delegation of
powers of
Director.

41. The Governor in Council may by Order published in the *Government Gazette* delegate to any officer of the public service named in such Order who is a medical practitioner any of the powers and duties of the Director under this Act, and during the period of such delegation such officer may perform and discharge any of such powers and duties as effectually as if he were the Director, but no such delegation shall, unless otherwise expressly provided in the Order, deprive the Director of the right to exercise any such power or perform any such duty.

Information to
be supplied to
Director by
superintendents
of institutions.

42. The superintendent of every institution—

(a) shall send or cause to be sent to the Director notice in writing in the prescribed form of the reception, discharge, removal, transfer, absence upon trial leave or upon parole or otherwise, return, escape, recapture or death of any defective or retarded child in such institution within forty-eight hours after the reception and without unnecessary delay after the discharge, removal, transfer, absence, return, escape, recapture or death occurs; and

(b) on failure to do so, shall be guilty of an offence against this Act.

Powers
of officers
conveying
persons
to or from
institutions &c.
Comp. 3 & 4
Geo. V. c. 28
s. 62.

43. For the purpose of conveying a person to or from an institution or of apprehending and bringing him back to the institution in case of his escape or refusal to return the superintendent of the institution or any officer of the institution authorized in writing by the superintendent shall for that purpose and while engaged in that duty have all such powers protection and privileges as a constable has whether by the common law or by virtue of any Act.

General power
of amendment
of orders and
certificates.
Comp. No. 3721
s. 29.

44. (1) If on or after the reception of any person into any institution it appears that any order or request or any medical certificate or any other document under any of the provisions of this Act upon which he has been received is in any respect incorrect or defective, such order request medical certificate or other document may at any time within fourteen days next after the reception of such person be amended by and on the sole authority of the person or persons signing the same.

(2) No

(2) No such amendment shall have any force or effect unless the same receives the sanction in writing of and under the hand of the Director.

(3) If any such order request certificate or other document is at any time deemed by the Director to be incorrect or defective, and the same is not amended to the satisfaction of the Director within fourteen days after the receipt by the superintendent of such institution of a direction in writing from the Director requiring amendment of the same, the Director may if he thinks fit make an order for the discharge of such person from such institution and he shall be discharged accordingly.

(4) If in any proceedings before the Supreme Court of Victoria it appears that any such order request certificate or other document is in any respect incorrect or defective the court may if it thinks fit amend such order request certificate or document and such amendment shall be as valid and effectual as if it had been duly made under the foregoing provisions of this section.

Amendment of documents by court.

Comp. No. 3721 s. 254.

Offences and Penalties.

45. (1) Any person who without the consent in writing of the Director undertakes the care and control elsewhere than in an institution of more than one person who is a defective or a retarded child or is placed under his care as being a defective or a retarded child shall be guilty of a misdemeanour.

Offences with respect to the keeping of defectives and retarded children.

Comp. 3 & 4 Geo. V. c. 28 s. 51.

(2) Nothing in this section shall apply to or affect—

Savings.

(a) persons who in accordance with the Lunacy Acts, the Children's Welfare Acts, the Crimes Acts, the *Gaols Act* 1928, or any other enactment receive or detain any person in accordance with any such Act or enactment, notwithstanding that the person so received and detained is a defective or a retarded child; or

Nos. 3721, 3654, 3664, 3690, &c.

(b) persons who by reason of any tie of relationship (whether traced through lawful wedlock or not) or of marriage or by reason of adoption have the charge of defectives or retarded children.

46. Any person being the superintendent of an institution who detains a defective or a retarded child after his detention has ceased to be lawful or exercises any power conferred upon such superintendent as such by or under this Act after such power has expired shall be guilty of a misdemeanour

Offence to detain defective or retarded child after detention has ceased to be lawful.

Ib.

misdemeanour unless he proves that he was unaware that such detention had ceased to be lawful or that such power had expired (as the case may be).

Offences in
relation to
institutions &c.
Comp. 3 & 4
Geo. V. c. 28
s. 53.

47. Any person who—

- (a) secretes a defective or a retarded child in any institution ; or
- (b) knowingly assists or induces or attempts to induce any defective or retarded child in an institution or allowed to leave an institution upon trial leave or upon parole or otherwise to escape or to break any condition of his leave or parole ; or
- (c) knowingly prevents or attempts to prevent any defective or retarded child escaped from an institution from returning to that institution—

shall be guilty of an offence against this Act.

Ill-treatment
and neglect,
Ib. s. 55.

48. (1) If any superintendent officer nurse attendant servant or other person employed in or about any institution in which a defective or retarded child is or any person acting or assisting in the management or control of any such institution ill-treats or wilfully neglects the defective or retarded child, he shall be guilty of a misdemeanour.

(2) If any person having charge of a defective or retarded child (including the charge of a defective or retarded child by reason of any tie of relationship, whether traced through lawful wedlock or not, or by reason of marriage or adoption or otherwise) or any employé of any such person ill-treats abandons or wilfully neglects the defective or retarded child, he shall be guilty of a misdemeanour.

Amendment of
No. 3664 s. 50
as amended by
No. 4157 s. 2.
Abuse of
female
defective.

49. In sub-section (1) of section fifty of the *Crimes Act 1928* as amended by any Act—

- (a) before the words “benevolent asylum” (wherever occurring) there shall be inserted the expression “institution within the meaning of the *Mental Deficiency Act 1939* or”; and
- (b) in paragraph (b) after the expression “*Lunacy Act 1928*” there shall be inserted the expression “or being a defective within the meaning of the *Mental Deficiency Act 1939*”.

50. Any

50. Any person who obstructs—

- (a) the Director or any officer of the Department of Mental Hygiene ;
- (b) any official visitor ;
- (c) any clinic psychiatrist or any officer of any clinic or auxiliary clinic established by the Governor in Council under this Act ;
- (d) the Minister or any person authorized pursuant to this Act to make any inquiry ; or
- (e) any person authorized by or under this Act to exercise any power or discharge any duty for the purposes of this Act—

Obstruction.
Comp 3 & 4
Geo. V. c. 28
s. 54.

in the exercise of any power conferred or the discharge of any duty imposed by or under this Act shall be guilty of an offence against this Act.

51. Any person who—

- (a) in any book statement record or return knowingly makes any false or misleading entry as to any matter as to which he is by this Act or the regulations required to make an entry ; or
- (b) for the purpose of obtaining any licence under this Act or the renewal or transfer of any such licence knowingly supplies any untrue or incorrect information plan description or notice---

False entries,
untrue
information &c.
Ib. ss. 57, 58.

shall be guilty of a misdemeanour.

52. (1) Every medical practitioner who signs any certificate or does any other act not hereby declared to be a misdemeanour contrary to any of the provisions herein contained shall be liable to a penalty of not more than Fifty pounds.

Offences relating
to medical
certificates &c.
Comp. No. 3721
s. 262.

(2) Every medical practitioner who falsely states or certifies anything in any certificate or statement under this Act, and any person who signs any certificate under this Act in which he describes himself as a medical practitioner not being such, shall be guilty of a misdemeanour.

53. (1) Any person guilty of an offence against this Act declared to be a misdemeanour shall be liable to imprisonment for a term of not more than two years or to a penalty of not more than One hundred pounds or to both such imprisonment and such penalty.

Penalty for
misdemeanours.
Comp. 3 & 4
Geo. V. c. 28
s. 60.

Penalty for
other offences.

(2) Any person guilty of any other offence against this Act shall be liable to imprisonment for a term of not more than three months or to a penalty of not more than Fifty pounds or to both such imprisonment and such penalty.

No liability
for acts in
good faith.

Comp. No. 3721
s. 255.

54. (1) No person shall be liable to any civil or criminal proceedings for any act done by him in pursuance of or in the execution or intended execution of this Act, whether on the ground of want of jurisdiction power or authority or any other ground, if such person acted in good faith and with reasonable care.

Saving.

(2) Nothing in this section shall be construed so as to deprive any person of any defence which he would have independently of this section.

Protection of
superintendents
&c.

Ib. s. 263.

55. (1) Every superintendent of an institution and every other person authorized by or under this Act to receive or take charge of a defective or of a retarded child upon an order who receives or has received a proper order in pursuance of this Act accompanied by any certificate or document required by this Act for the reception or taking charge of any person as a defective or as a retarded child and the assistants and servants of every such superintendent or other person shall have power and authority to take charge of receive and detain such defective or retarded child until he dies or is removed or discharged by due authority, and in case of the escape at any time of such defective or retarded child to retake him at any time and again to detain him as aforesaid.

(2) In every indictment information action or other proceeding which is preferred or brought against any such superintendent or other person authorized as aforesaid, or against any assistant or servant of any such superintendent or authorized person, for taking confining detaining or retaking any person as a defective or as a retarded child the party complained of may plead such order and any such certificate or document in defence to any such indictment information action or other proceeding as aforesaid, and such order and any such certificate or document shall as respects such party be a justification for taking confining detaining or retaking such defective or retarded child.

(3) No

(3) No action shall lie against any person for or on account of any act matter or thing whatsoever done or to be done or commanded to be done by him in the execution or purported execution of this Act unless such action is commenced within three months after the cause of action or complaint arose.

Regulations.

56. (1) The Governor in Council may make regulations Regulations.
for or with respect to—

(a) the procedure to be followed with respect to any matter under this Act ;

(b) applications for and the granting, transfer, renewal, revocation and resignation of licences for registered institutions and the particulars to be supplied with such applications :

(c) the inspection of State institutions and the management and inspection of registered institutions, the appointment and qualifications of licensees and officers of registered institutions, the powers and duties of official visitors clinic psychiatrists officers of clinics superintendents and other officers of institutions and other persons engaged in the administration of this Act. the classification treatment employment and visitation of defectives and retarded children in institutions, and the staff and equipment of registered institutions ;

(d) the reception of defectives and retarded children into and their discharge from institutions, the notifications to be made of such reception or discharge or of the death of defectives in institutions, the records to be kept with respect to defectives and retarded children in institutions and the production or transmission of such records or copies thereof ;

(e) the detention, observation, examination, supervision, instruction, training, occupation, protection, control, care, treatment, employment, maintenance and assistance of defectives and retarded children and restricting or regulating the bodily restraint or seclusion of defectives and retarded children ;

(f) the

- (f) the prohibition or regulation of the supply of intoxicants to or for the use of defectives and retarded children ;
- (g) the visiting (by relatives and other persons) of defectives and retarded children in institutions ;
- (h) the transfer of defectives and retarded children from or to institutions, the absence of defectives and retarded children from institutions upon trial leave or upon parole or otherwise and their visitation during such absence ;
- (i) the appointment and removal of probation officers and their powers and duties ;
- (j) the holding of inquiries ;
- (k) the study of improved methods of investigating diagnosing and treating mental deficiency and mental retardation and of the examination classification training and instruction of defectives and retarded children and matters related thereto, and the carrying out of all or any of the objects for which clinics may be established ;
- (l) the payment for the maintenance of defectives and retarded children in institutions or in any class or classes of institutions ;
- (m) prescribing reasonable fees to be paid in respect of any matters arising under this Act or the regulations ;
- (n) prescribing forms for use under this Act or the regulations (and any such forms or forms to the like effect shall be sufficient in law) ;
- (o) prescribing penalties (not exceeding Fifty pounds) for any breach of the regulations ; and
- (p) generally, all matters and things by this Act authorized or required to be prescribed or necessary or expedient to be prescribed for fully and effectually carrying out and giving force and effect to the objects of this Act.

Publication of
regulations.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament, and a copy thereof shall be sent to each member of Parliament.

SCHEDULES

SCHEDULES.

FIRST SCHEDULE.

FORM OF MEDICAL CERTIFICATE.

Section 14

Comp.
No. 3721
Fifth
Schedule.

I the undersigned being a medical practitioner hereby certify that I
on the day of One thousand nine
hundred and at
in the State of Victoria personally examined R.S. of [*insert residence and
occupation if any*] and that the said R.S. is in my opinion apparently
a mental defective and a proper person to be taken charge of and
detained in an institution and that I have formed this opinion upon
the following grounds, viz. :—

1. Facts indicating mental deficiency observed by myself [*here
state the facts*].

2. Other facts (if any) indicating mental deficiency communicated
to me by others [*here state the information and from whom*].

Dated this day of One thousand
nine hundred and at in
the State of Victoria.

Signature
Qualifications
Place of abode

SECOND SCHEDULE.

Section 15.

Ib. Second
Schedule
(No. 1).

ORDER OF JUSTICE FOR THE APPREHENSION OF A PERSON WHO APPEARS
TO BE A DEFECTIVE OR A RETARDED CHILD AND WITHOUT SUFFICIENT
MEANS OF SUPPORT, ETC.

In the Bailiwick.

To a member of the Police Force of Victoria and to all
other members of the said Force.

Whereas it hath been made to appear to me the undersigned a justice
of the peace by information upon oath that R.S. of [*insert residence and
occupation if any*] a person who appears to be a defective [*or a retarded
child*] is without sufficient means of support [*or is wandering at large*] [*or
has been discovered under circumstances that denote a purpose of
committing some offence against the law*]. Now I require you to
apprehend the said R.S. and bring him before any two justices.

Given under my hand this day of One thousand
nine hundred and at in the said Bailiwick.

J.P.

THIRD

Section 16.

Comp. No. 3721
Second
Schedule
(No. 2).

THIRD SCHEDULE.

ORDER OF JUSTICE FOR THE EXAMINATION OF A PERSON WHO APPEARS
TO BE A DEFECTIVE OR A RETARDED CHILD AND NOT UNDER PROPER
CARE AND CONTROL ETC.

In the Bailiwick.

Whereas it has been made to appear to me the undersigned justice upon information upon oath that R.S. of [*here insert residence and occupation if any*] a person who appears to be a defective [*or a retarded child*] is not under proper care and control [*or is cruelly treated or neglected by a person having or assuming the care or charge of him*]. Now I hereby direct and authorize you A.B., a medical practitioner, to visit and examine the said R.S. and make inquiry and report to me in writing your opinion thereon.

Given under my hand this day of One thousand
nine hundred and at in the said Bailiwick.

J.P.

To A.B.

Medical Practitioner residing at

Section 16.

Ib. Third
Schedule.

FOURTH SCHEDULE.

ORDER OF JUSTICE FOR THE APPREHENSION OF A PERSON WHO APPEARS
TO BE A DEFECTIVE OR A RETARDED CHILD AND NOT UNDER PROPER
CARE AND CONTROL ETC.

In the Bailiwick.

To M.N. a member of the Police Force of Victoria and to all other members of the said Force.

Whereas it hath been made to appear to me the undersigned a justice of the peace upon information upon oath that R.S. of [*insert residence and occupation if any*] a person who appears to be a defective [*or a retarded child*] is not under proper care and control [*or is cruelly treated or neglected by a person having or assuming the care or charge of him*] and whereas it appears to me upon a personal visit to and examination of the said R.S. and inquiry by me into the matter so appearing upon such information [*or upon the report of a medical practitioner directed and authorized by me by an order under my hand to visit and examine the said R.S. and to inquire into the matter so appearing upon such information and to report to me in writing his opinion thereupon*] that the said R.S. is a defective [*or a retarded child*] and is not under proper care and control [*or is cruelly treated or neglected by the said person having or assuming the care or charge of him*]. Now I require you M.N. to apprehend the said R.S. and take him before any two justices.

Given under my hand this day of One thousand
nine hundred and at in the said Bailiwick.

J.P.

FIFTH

FIFTH SCHEDULE.

FORM OF WARRANT.

Section 17.

Comp. No. 3721

Fourth
Schedule.

To a member of the Police Force.

Whereas it appears to me the undersigned a justice of the peace in and for the Bailiwick in Victoria by the information on oath of J.K. of in the said Bailiwick that R.S. a person who appears to be a defective [or a retarded child] is detained in contravention of the provisions of the *Mental Deficiency Act 1939* in [house room premises or place] known as [here insert a description of the house room premises or place] this is therefore in the name of Our Lord the King to require you with [a medical practitioner to be named] and with such assistants as you may find necessary to enter into the said house [room premises or place] and if necessary to use force for making such entry whether by breaking open doors or otherwise.

If on such entry the said R.S. be found to be so detained and the said [medical practitioner] certify in writing that in his opinion the said R.S. is a defective [or a retarded child] then you shall apprehend the said R.S. and bring him before two justices of the peace to be dealt with according to law and for so doing this shall be your warrant.

Given under my hand this day of One thousand
nine hundred and at in the said Bailiwick.

J.P.

SIXTH SCHEDULE.

ORDER FOR RECEPTION INTO AN INSTITUTION.

Section 18.

Ib. Sixth
Schedule
(No. 1).

In the Bailiwick.

We the undersigned justices having called to our assistance A.B. a medical practitioner and having examined R.S. of [insert residence and occupation if any] who has been brought before us as appearing to be a defective [or a retarded child] and having made such inquiry relative to the said R.S. as we have deemed necessary and being upon such examination [if other evidence of the mental defectiveness or mental retardation add "with other proof"] satisfied that the said R.S. is a defective [or a retarded child] and is without sufficient means of support [or was wandering at large] [or was discovered under circumstances that denoted a purpose of committing some offence against the law] [or is not under proper care and control] [or is cruelly treated or neglected by N.O. a person having the care or charge of him] [or was detained in contravention of any of the provisions of the *Mental Deficiency Act 1939* in any house or room or premises or place] and that he is a proper person to be placed in an institution do hereby direct you K.L. the superintendent of the institution at to receive into the said institution the said R.S.

Given under our hands this day of One thousand
nine hundred and at in the said Bailiwick.

J.P.

J.P.

SEVENTH

Section 19.

Comp. No. 3721
Sixth
Schedule (No. 2).

SEVENTH SCHEDULE.

ORDER OF JUSTICES SUSPENDING THE EXECUTION OF AN ORDER FOR
RECEPTION INTO AN INSTITUTION.

In the Bailiwick.

To M.N. a member of the Police Force of Victoria and to all other
members of the said Force.

Whereas we the undersigned justices have given an order under our
hands under the *Mental Deficiency Act 1939* directing that R.S. of [*here
insert residence and occupation if any*] be received into the institution
at , and whereas we deem it expedient to suspend the
execution of such order, and whereas arrangements have been made at
for the proper care and control of the said R.S. Now we hereby
direct that the execution of the said order shall be suspended for a period
of days and we do further direct you M.N. to convey the said
R.S. to the said place there to be kept under proper care and control until
his removal to the said institution.

Given under our hands this day of One thousand
nine hundred and at in the said Bailiwick.

J.P.

J.P.

Section 20.

Ib. Eighth
Schedule.

EIGHTH SCHEDULE.

CERTIFICATE FOR PAYMENT OR REMUNERATION TO MEDICAL PRACTITIONER
AND OF OTHER EXPENSES.

We the undersigned do hereby certify that the sum of is* a
reasonable remuneration to be paid to A.B. a medical practitioner by
whom R.S. of [*insert residence and occupation if any*] was by us caused
to be examined under the provisions of the *Mental Deficiency Act 1939*
for the examination of the said R.S. [*and that we are of opinion that
such sum cannot be obtained from the estate of the said R.S. or from
his parent or guardian*].

Given under our hands this day of One thousand
nine hundred and at in the Bailiwick.

J.P.

J.P.

To the Director of Mental Hygiene.

[* *If the sum to be certified be for any expenses other than remuneration of a medical
practitioner here insert what such expenses are for instead of or in addition to what follows
the asterisk in the above form.*]