

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 3, 1955.

An Act to confer power on the Master in Lunacy to deal in certain circumstances with property in New South Wales of mentally defective, insane or lunatic patients confined in other British countries; for this purpose to amend the Lunacy Act, 1898-1952; and for purposes connected therewith. [Assented to, 8th March, 1955.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Lunacy (Amendment) Act, 1955."

Short title and citation.



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*Lunacy (Amendment).*

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(2) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898-1955.

Amendment  
of Act No. 45,  
1898.  
New Part  
VIII.

2. The Lunacy Act, 1898-1952, is amended—

(a) by inserting next after Part VIII the following new Part:—

PART VIII.

*Special provisions relating to the property of  
mental patients residing outside New South  
Wales.*

Interpreta-  
tion and  
application  
of Part.

167A. (1) In this Part of this Act—

“Reciprocating state” means any part of Her Majesty’s dominions outside New South Wales which has been declared under subsection two of this section to be a reciprocating state for the purposes of this Part of this Act.

(2) Where the Governor is satisfied that the laws in force in any part of Her Majesty’s dominions outside New South Wales are such as to enable powers to be exercised in that part in cases of insane patients residing in New South Wales substantially similar to the powers conferred by this Part of this Act in cases of mentally defective, insane or lunatic patients residing in that part, the Governor may by proclamation published in the Gazette declare that part to be a reciprocating state for the purposes of this Part of this Act, and thereupon that part shall become a reciprocating state within the meaning of this Part of this Act.

(3) The Governor may, by proclamation published in the Gazette, revoke or vary any proclamation under this section.

(4)



*Lunacy (Amendment).*

(4) References in the foregoing provisions of this section to Her Majesty's dominions outside New South Wales shall be construed as including references to any territory which is under Her Majesty's protection and to any territory the subject of a trusteeship agreement approved by the General Assembly of the United Nations which is under the administration of a government of any part of Her Majesty's dominions.

167B. (1) If the officer charged by the laws of a reciprocating state with the care, recovery, collection, preservation and administration of the property and estates of mentally defective, insane or lunatic patients in any hospital, **asylum or other institution situated in that state** and authorised for the reception and care of persons of unsound mind—

Powers of Master as to property in New South Wales of mental patient confined in reciprocating state.

(a) certifies in writing under his hand and seal to the Master that any person is a mentally defective, insane or lunatic patient residing in that state and is confined in any such hospital, asylum or other institution and that he is possessed of or entitled to or appears to be entitled to or interested in real or personal property in New South Wales; and

(b) by instrument in writing under his hand and seal authorises the Master to collect, recover, manage, sell or otherwise dispose of and administer such property or to make inquiry respecting such property,

the Master shall have and may exercise over and in respect of such property the same powers of collection, recovery, management, sale, disposition, administration, and inquiry as he would have had and may have exercised over such

property



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*Lunacy (Amendment).*

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property if such mentally defective, insane or lunatic patient had been resident in New South Wales and an insane patient within the meaning of this Act; and the provisions of this Act apply in respect of such property accordingly.

(2) Where the Master has, pursuant to any such authority as is referred to in paragraph (b) of subsection one of this section and in the exercise of the powers conferred upon him by that subsection, received any moneys or properties, the Master may, after—

(a) payment of all costs, charges and expenses incurred in the exercise of those powers pursuant to that authority; and

(b) satisfying or providing for the following debts and claims of which he has notice, namely, debts of the mentally defective, insane or lunatic patient named in such authority owing to persons resident in New South Wales and the claims of persons so resident against that patient,

pay over or deliver the balance of such moneys or properties to the officer of the reciprocating state who signed such authority or his successor in office, without seeing to the application thereof, and without incurring any liability in respect of such payment over or delivery, and shall duly account to that officer or his successor for that balance.

Sec. 1.  
(Consequential.)

(b) by inserting in section one next after the matter relating to Part VIII the following matter:—

**PART VIIIA.**—*Special provisions relating to the property of mental patients residing outside New South Wales—ss. 167A, 167B.*

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1955.

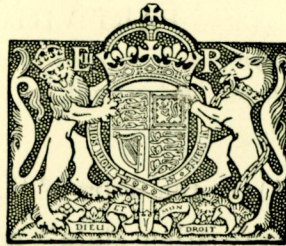


*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 24 February, 1955.*

## New South Wales



ANNO QUARTO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 3, 1955.

An Act to confer power on the Master in Lunacy to deal in certain circumstances with property in New South Wales of mentally defective, insane or lunatic patients confined in other British countries; for this purpose to amend the Lunacy Act, 1898-1952: and for purposes connected therewith. [Assented to, 8th March, 1955.]

**BE** it enacted by the Queen'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:—

**1.** (1) This Act may be cited as the "Lunacy (Amendment) Act, 1955."

Short title  
and  
citation.

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*



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*Lunacy (Amendment).*

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(2) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898-1955.

Amendment  
of Act No. 45,  
1898.  
New Part  
VIII.

2. The Lunacy Act, 1898-1952, is amended—

(a) by inserting next after Part VIII the following new Part:—

PART VIII.

*Special provisions relating to the property of  
mental patients residing outside New South  
Wales.*

Interpreta-  
tion and  
application  
of Part.

167A. (1) In this Part of this Act—

“Reciprocating state” means any part of Her Majesty’s dominions outside New South Wales which has been declared under subsection two of this section to be a reciprocating state for the purposes of this Part of this Act.

(2) Where the Governor is satisfied that the laws in force in any part of Her Majesty’s dominions outside New South Wales are such as to enable powers to be exercised in that part in cases of insane patients residing in New South Wales substantially similar to the powers conferred by this Part of this Act in cases of mentally defective, insane or lunatic patients residing in that part, the Governor may by proclamation published in the Gazette declare that part to be a reciprocating state for the purposes of this Part of this Act, and thereupon that part shall become a reciprocating state within the meaning of this Part of this Act.

(3) The Governor may, by proclamation published in the Gazette, revoke or vary any proclamation under this section.

(4)



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*Lunacy (Amendment).*

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(4) References in the foregoing provisions of this section to Her Majesty's dominions outside New South Wales shall be construed as including references to any territory which is under Her Majesty's protection and to any territory the subject of a trusteeship agreement approved by the General Assembly of the United Nations which is under the administration of a government of any part of Her Majesty's dominions.

167B. (1) If the officer charged by the laws of a reciprocating state with the care, recovery, collection, preservation and administration of the property and estates of mentally defective, insane or lunatic patients in any hospital, **asylum or other institution situated in that state** and authorised for the reception and care of persons of unsound mind—

Powers of Master as to property in New South Wales of mental patient confined in reciprocating state.

- (a) certifies in writing under his hand and seal to the Master that any person is a mentally defective, insane or lunatic patient residing in that state and is confined in any such hospital, asylum or other institution and that he is possessed of or entitled to or appears to be entitled to or interested in real or personal property in New South Wales; and
- (b) by instrument in writing under his hand and seal authorises the Master to collect, recover, manage, sell or otherwise dispose of and administer such property or to make inquiry respecting such property,

the Master shall have and may exercise over and in respect of such property the same powers of collection, recovery, management, sale, disposition, administration, and inquiry as he would have had and may have exercised over such property



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*Lunacy (Amendment).*

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property if such mentally defective, insane or lunatic patient had been resident in New South Wales and an insane patient within the meaning of this Act; and the provisions of this Act apply in respect of such property accordingly.

(2) Where the Master has, pursuant to any such authority as is referred to in paragraph (b) of subsection one of this section and in the exercise of the powers conferred upon him by that subsection, received any moneys or properties, the Master may, after—

- (a) payment of all costs, charges and expenses incurred in the exercise of those powers pursuant to that authority; and
- (b) satisfying or providing for the following debts and claims of which he has notice, namely, debts of the mentally defective, insane or lunatic patient named in such authority owing to persons resident in New South Wales and the claims of persons so resident against that patient,

pay over or deliver the balance of such moneys or properties to the officer of the reciprocating state who signed such authority or his successor in office, without seeing to the application thereof, and without incurring any liability in respect of such payment over or delivery, and shall duly account to that officer or his successor for that balance.

Sec. 1.  
(Consequential)

- (b) by inserting in section one next after the matter relating to Part VIII the following matter:—

PART VIII A.—*Special provisions relating to the property of mental patients residing outside New South Wales—ss. 167A, 167B.*

*In the name and on behalf of Her Majesty I assent to this Act.*

J. NORTHCOTT,  
Governor.

*Government House,  
Sydney, 8th March, 1955.*

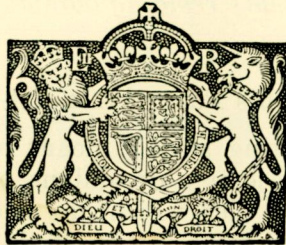


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 17 February, 1955.*

## New South Wales



ANNO QUARTO

## ELIZABETHÆ II REGINÆ

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Act No. , 1955.

An Act to confer power on the Master in Lunacy to deal in certain circumstances with property in New South Wales of mentally defective, insane or lunatic patients confined in other British countries; for this purpose to amend the Lunacy Act, 1898-1952; and for purposes connected therewith.

**B**E it enacted by the Queen'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:—

**1.** (1) This Act may be cited as the "Lunacy (Amendment) Act, 1955."

Short title  
and  
citation.



*Lunacy (Amendment).*

(2) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898-1955.

2. The Lunacy Act, 1898-1952, is amended—

Amendment  
of Act No. 45,  
1898.  
New Part  
VIIIa.

5 (a) by inserting next after Part VIII the following new Part:—

PART VIIIa.

*Special provisions relating to the property of mental patients residing outside New South Wales.*

10

167A. (1) In this Part of this Act—

Interpreta-  
tion and  
application  
of Part.

15

“Reciprocating state” means any part of Her Majesty’s dominions outside New South Wales which has been declared under subsection two of this section to be a reciprocating state for the purposes of this Part of this Act.

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(2) Where the Governor is satisfied that the laws in force in any part of Her Majesty’s dominions outside New South Wales are such as to enable powers to be exercised in that part in cases of insane patients residing in New South Wales substantially similar to the powers conferred by this Part of this Act in cases of mentally defective, insane or lunatic patients residing in that part, the Governor may by proclamation published in the Gazette declare that part to be a reciprocating state for the purposes of this Part of this Act, and thereupon that part shall become a reciprocating state within the meaning of this Part of this Act.

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(3) The Governor may, by proclamation published in the Gazette, revoke or vary any proclamation under this section.

(4)



*Lunacy (Amendment).*

5 (4) References in the foregoing provisions of this section to Her Majesty's dominions outside New South Wales shall be construed as including references to any territory which is under Her Majesty's protection and to any territory the subject of a trusteeship agreement approved by the General Assembly of the United Nations which is under the administration of a government of any part of Her Majesty's dominions.

10 167B. (1) If the officer charged by the laws of a reciprocating state with the care, recovery, collection, preservation and administration of the property and estates of mentally defective, insane or lunatic patients in any hospital, asylum or other institution situated in that state and authorised for the reception and care of persons of unsound mind—

Powers of Master as to property in New South Wales of mental patient confined in reciprocating state.

20 (a) certifies in writing under his hand and seal to the Master that any person is a mentally defective, insane or lunatic patient residing in that state and is confined in any such hospital, asylum or other institution and that he is possessed of or entitled to or appears to be entitled to or interested in real or personal property in New South Wales; and

30 (b) by instrument in writing under his hand and seal authorises the Master to collect, recover, manage, sell or otherwise dispose of and administer such property or to make inquiry respecting such property,

35 the Master shall have and may exercise over and in respect of such property the same powers of collection, recovery, management, sale, disposition, administration, and inquiry as he would have had and may have exercised over such property



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*Lunacy (Amendment).*

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5 property if such mentally defective, insane or lunatic patient had been resident in New South Wales and an insane patient within the meaning of this Act; and the provisions of this Act apply in respect of such property accordingly.

10 (2) Where the Master has, pursuant to any such authority as is referred to in paragraph (b) of subsection one of this section and in the exercise of the powers conferred upon him by that subsection, received any moneys or properties, the Master may, after—

15 (a) payment of all costs, charges and expenses incurred in the exercise of those powers pursuant to that authority; and

20 (b) satisfying or providing for the following debts and claims of which he has notice, namely, debts of the mentally defective, insane or lunatic patient named in such authority owing to persons resident in New South Wales and the claims of persons so resident against that patient,

25 pay over or deliver the balance of such moneys or properties to the officer of the reciprocating state who signed such authority or his successor in office, without seeing to the application thereof, and without incurring any liability in respect of such payment over or delivery, and shall duly account to that officer or his successor for that balance.

30 (b) by inserting in section one next after the matter relating to Part VIII the following matter:— (Consequential.)

35 PART VIIIA.—*Special provisions relating to the property of mental patients residing outside New South Wales—ss. 167A, 167B.*



No. , 1954.

---

## A BILL

To confer power on the Master in Lunacy to deal in certain circumstances with property in New South Wales of mentally defective, insane or lunatic patients confined in other British countries; for this purpose to amend the Lunacy Act, 1898-1952; and for purposes connected therewith.

[MR. O'SULLIVAN;—21 *September*, 1954.]

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**BE** it enacted by the Queen'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:—

**1.** (1) This Act may be cited as the "Lunacy (Amendment) Act, 1954."

Short title  
and  
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*Lunacy (Amendment).*

(2) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898-1954.

2. The Lunacy Act, 1898-1952, is amended—

5 (a) by inserting next after Part VIII the following new Part:—

Amendment  
of Act No. 45,  
1898.  
New Part  
VIII.

PART VIII A.

*Special provisions relating to the property of  
10 mental patients residing outside New South  
Wales.*

167A. (1) In this Part of this Act—

15 “Reciprocating state” means any part of Her Majesty’s dominions outside New South Wales which has been declared under subsection two of this section to be a reciprocating state for the purposes of this Part of this Act.

Interpreta-  
tion and  
application  
of Part.

20 (2) Where the Governor is satisfied that the laws in force in any part of Her Majesty’s dominions outside New South Wales are such as to enable powers to be exercised in that part in cases of insane patients residing in New South Wales substantially similar to the powers conferred by this Part of this Act in cases of mentally defective, insane or lunatic patients residing in that part, the Governor may by proclamation published in the Gazette  
25 declare that part to be a reciprocating state for the purposes of this Part of this Act, and there-  
30 upon that part shall become a reciprocating state within the meaning of this Part of this Act.

35 (3) The Governor may, by proclamation published in the Gazette, revoke or vary any proclamation under this section.

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*Lunacy (Amendment).*

5 (4) References in the foregoing provisions of this section to Her Majesty's dominions outside New South Wales shall be construed as including references to any territory which is under Her Majesty's protection and to any territory the subject of a trusteeship agreement approved by the General Assembly of the United Nations which is under the administration of a government of any part of Her Majesty's dominions.

10 167B. (1) If the officer charged by the laws of a reciprocating state with the care, recovery, collection, preservation and administration of the property and estates of mentally defective, insane or lunatic patients in any hospital, asylum or other institution situated in that state and authorised for the reception and care of persons of unsound mind—

Powers of Master as to property in New South Wales of mental patient confined in reciprocating state.

20 (a) certifies in writing under his hand and seal to the Master that any person is a mentally defective, insane or lunatic patient residing in that state and is confined in any such hospital, asylum or other institution and that he is possessed of or entitled to or appears to be entitled to or interested in real or personal property in New South Wales; and

30 (b) by instrument in writing under his hand and seal authorises the Master to collect, recover, manage, sell or otherwise dispose of and administer such property or to make inquiry respecting such property,

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*Lunacy (Amendment).*

property if such mentally defective, insane or lunatic patient had been resident in New South Wales and an insane patient within the meaning of this Act; and the provisions of this Act apply in respect of such property accordingly.

(2) Where the Master has, pursuant to any such authority as is referred to in paragraph (b) of subsection one of this section and in the exercise of the powers conferred upon him by that subsection, received any moneys or properties, the Master may, after—

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(b) satisfying or providing for the following debts and claims of which he has notice, namely, debts of the mentally defective, insane or lunatic patient named in such authority owing to persons resident in New South Wales and the claims of persons so resident against that patient,

pay over or deliver the balance of such moneys or properties to the officer of the reciprocating state who signed such authority or his successor in office, without seeing to the application thereof, and without incurring any liability in respect of such payment over or delivery, and shall duly account to that officer or his successor for that balance.

(b) by inserting in section one next after the matter relating to Part VIII the following matter:—

PART VIIIA.—*Special provisions relating to the property of mental patients residing outside New South Wales—ss. 167A, 167B.*

Sec. 1.  
(Consequential.)



## LUNACY (AMENDMENT) BILL, 1954.

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### EXPLANATORY NOTE.

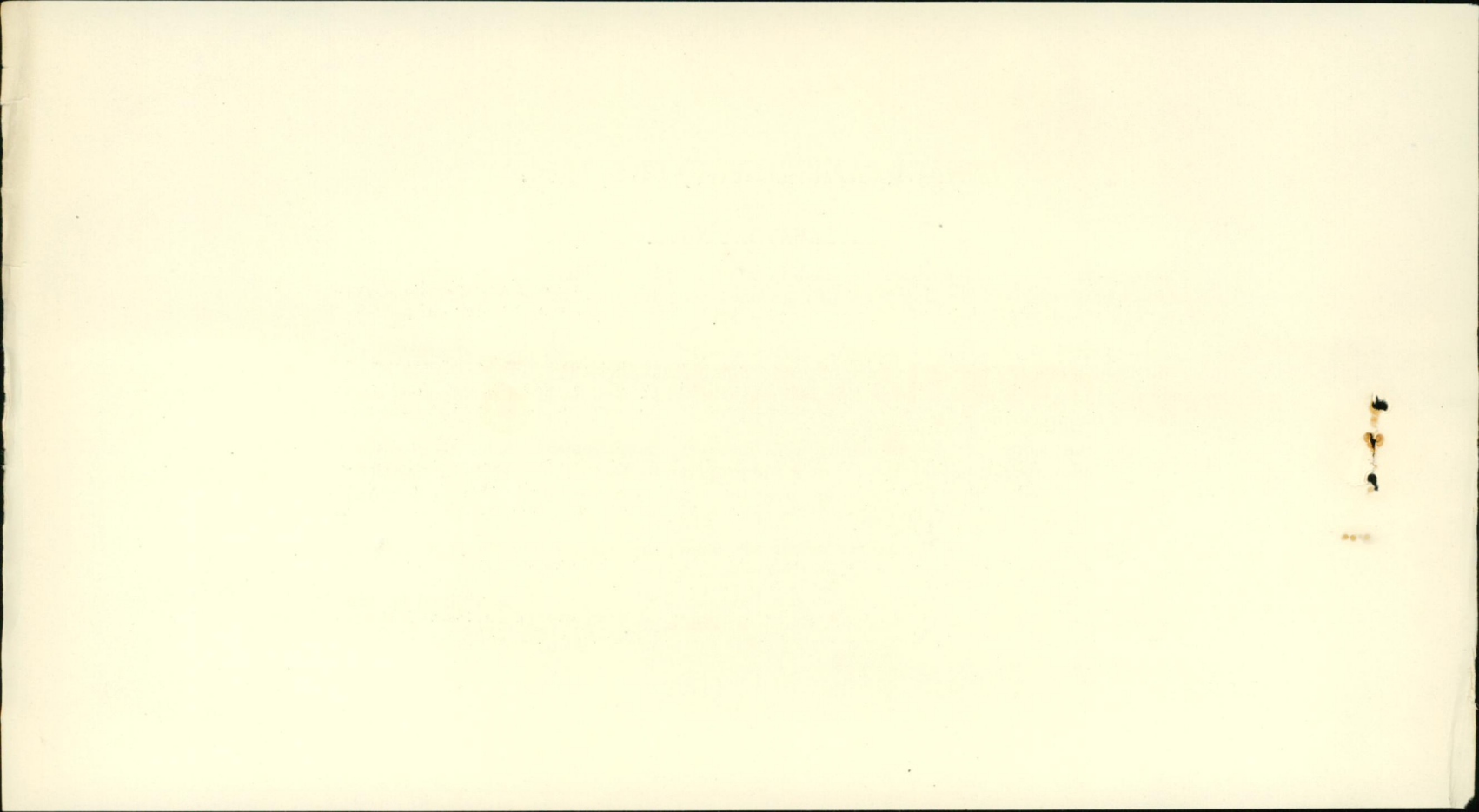
FREQUENTLY a mental patient confined in another part of Her Majesty's dominions (more particularly in another State of the Commonwealth) has real or personal property in New South Wales.

The object of this Bill is to confer upon the Master in Lunacy, upon the request of the proper officer of another part of those dominions whose laws contain provisions similar to those being enacted in this Bill and which has been declared by the Governor to be a reciprocating state—

- (a) the same powers of collection, recovery, management, sale, disposition, administration and inquiry over the property in New South Wales of a patient confined in that part as he has over the property of an insane patient confined in New South Wales; and
- (b) power to pay to the proper officer who made the request moneys or properties received in the exercise of the powers so conferred.

Provisions similar to those being enacted in this Bill are already contained in the lunacy laws of Victoria, Queensland, South Australia and New Zealand.







No. , 1954.

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## A BILL

To confer power on the Master in Lunacy to deal in certain circumstances with property in New South Wales of mentally defective, insane or lunatic patients confined in other British countries; for this purpose to amend the Lunacy Act, 1898-1952; and for purposes connected therewith.

[MR. O'SULLIVAN;—21 *September*, 1954.]

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(2) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898-1954.

2. The Lunacy Act, 1898-1952, is amended—

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5 (a) by inserting next after Part VIII the following new Part:—

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10 167B. (1) If the officer charged by the laws of a reciprocating state with the care, recovery, collection, preservation and administration of the property and estates of mentally defective, insane or lunatic patients in any hospital, asylum or other institution situated in that state and authorised for the reception and care of persons of unsound mind—

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*Lunacy (Amendment).*

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Sec. 1.  
(Consequential.)

35 PART VIII A.—*Special provisions relating to the property of mental patients residing outside New South Wales—ss. 167A, 167B.*