

## **Unvalidated References:**

*Public Health Act 1973*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

.....  
Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

Chapter 226E.

***Public Health (Mental Disorders) Regulation 1962***



## ARRANGEMENT OF SECTIONS.

### **PART I – PRELIMINARY.**

1. Interpretation.  
“Hospital Orders”  
“the Medical Superintendent”  
“staff member”

### **PART II – THE MEDICAL SUPERINTENDENT.**

2. Appointment of Medical Superintendents.
3. Responsibilities of Medical Superintendents.
4. Reports.
5. Hospital Orders.
6. Delegation.

### **PART III – STAFF.**

7. Appointment of staff.
8. Knowledge of Act, etc.
9. General responsibilities of staff members.
10. Duties of medical staff members.
11. Duties of Senior Mental Nurses.
12. Duties of Mental Nurses and Aides.
13. Entry into female wards.

### **PART IV – RESTRAINT AND SECLUSION OF PATIENTS.**

14. Authority to impose restraint or seclusion.
15. Limitations on restraint and seclusion generally.
16. Special limitations on restraint.

### **PART V – MISCELLANEOUS.**

17. Visitors to patients.
18. Unauthorized entry into mental hospitals.
19. Forms.
20. General penalty.

### **SCHEDULE 1**

#### ***Public Health (Mental Disorders) Regulation 1962***

MADE under the *Public Health Act 1973*.

Dated                      200 .

**PART I. – PRELIMINARY.**

**1. INTERPRETATION.**

In this Regulation, unless the contrary intention appears–

**“Hospital Orders”** means Hospital Orders made or issued under Section 5;

**“the Medical Superintendent”**, in relation to a mental hospital, does not include a Deputy Medical Superintendent or an Assistant Medical Superintendent;

**“staff member”** means a person (other than the Medical Superintendent) appointed under Section 7 for a mental hospital, and in relation to a particular mental hospital means such a person appointed for that hospital.

**PART II. – THE MEDICAL SUPERINTENDENT.**

**2. APPOINTMENT OF MEDICAL SUPERINTENDENTS.**

The Minister may, by writing under his hand, appoint a Medical Officer or Medical Assistant to be the Medical Superintendent of a mental hospital.

**3. RESPONSIBILITIES OF MEDICAL SUPERINTENDENTS.**

The Medical Superintendent is responsible for–

- (a) the proper care and custody of patients in the mental hospital; and
- (b) the general administration and interior economy of the mental hospital; and
- (c) the proper and efficient performance by staff members of their duties.

**4. REPORTS.**

(1) The Medical Superintendent shall report immediately to the Departmental Head any matter affecting–

- (a) the efficiency of a staff member; or
- (b) the administration of the mental hospital; or
- (c) a patient in the mental hospital,

that in his opinion should be brought to the attention of the Departmental Head.

(2) The Medical Superintendent shall comply with any requests of the Departmental Head for reports, at such intervals and on such matters as are specified by the Departmental Head.

**5. HOSPITAL ORDERS.**

(1) The Medical Superintendent may, by writing under his hand, issue Hospital Orders, not inconsistent with the Act and this Regulation, in respect of the care and custody of the patients or the administration of the mental hospital.

(2) A copy of Hospital Orders issued under Subsection (1) shall be forwarded to the Departmental Head who, by writing under his hand addressed to the Medical Superintendent, may annul them or any portion of them.

**6. DELEGATION.**

The Medical Superintendent may, by writing under his hand, delegate to a Deputy Medical Superintendent or an Assistant Medical Superintendent all or any of his powers and functions under this Regulation (except this power of delegation) in relation to the mental hospital for which he is appointed.

**PART III. – STAFF.**

**7. APPOINTMENT OF STAFF.**

(1) The Minister may, by writing under his hand, appoint a Medical Officer or Medical Assistant to be—

- (a) a Deputy Medical Superintendent; or
- (b) an Assistant Medical Superintendent,

of a mental hospital.

(2) The Medical Superintendent may, by writing under his hand, appoint a Medical Officer or Medical Assistant to be a Medical Officer or Medical Assistant, as the case may be, for a mental hospital.

(3) The Medical Superintendent may, by writing under his hand, appoint a qualified person who is a Medical Assistant, to be—

- (a) a Senior Mental Nurse; or
- (b) a Mental Nurse,

for a mental hospital.

(4) The Medical Superintendent may, by writing under his hand, appoint a person to be an Aide in a mental hospital.

**8. KNOWLEDGE OF ACT, ETC.**

Each staff member shall be conversant with and observe—

- (a) the Act; and
- (b) this Regulation; and
- (c) the Hospital Orders in force in relation to the mental hospital.

**9. GENERAL RESPONSIBILITIES OF STAFF MEMBERS.**

A staff member is responsible for the care and safe custody of patients committed to his charge.

**10. DUTIES OF MEDICAL STAFF MEMBERS.**

A Deputy Medical Superintendent, Assistant Medical Superintendent, Medical Officer or Medical Assistant appointed under Section 7 shall carry out such duties as are assigned to him by the Medical Superintendent.

**11. DUTIES OF SENIOR MENTAL NURSES.**

(1) A Senior Mental Nurse shall carry out such duties as are assigned to him by the Medical Superintendent, and, in particular, is responsible for—

- (a) the nursing care and safe custody of the patients; and

(b) the efficient performance of their duties by Mental Nurses and Aides.

(2) In addition to such periodical reports as the Medical Superintendent requires, a Senior Mental Nurse shall inform the Medical Superintendent immediately of—

(a) the absconding, attempted absconding or threatened absconding of a patient; or

(b) the suicide, attempted suicide or threatened suicide of a patient; or

(c) any untoward incident that he thinks should be brought to the notice of the Medical Superintendent.

**12. DUTIES OF MENTAL NURSES AND AIDES.**

(1) A Mental Nurse or Aide shall carry out such duties as are assigned to him by a Senior Mental Nurse.

(2) A Mental Nurse or Aide who is exercising the direct care, custody or supervision of a patient shall not relinquish the care, custody or supervision of him to a person other than a staff member.

**13. ENTRY INTO FEMALE WARDS.**

A male staff member must not enter a part of the mental hospital set aside for female patients except in the course of his duties.

Penalty: A fine not exceeding K200.00.



**PART IV. – RESTRAINT AND SECLUSION OF PATIENTS.**

**14. AUTHORITY TO IMPOSE RESTRAINT OR SECLUSION.**

(1) Subject to this Part, the Medical Superintendent may direct—

- (a) the mechanical means of restraint that may be applied to a patient; or
- (b) the method of application of them; or
- (c) the circumstances in which a patient may be placed in seclusion.

(2) A patient shall not be placed under mechanical restraint or in seclusion otherwise than in accordance with directions given under Subsection (1).

Penalty: A fine not exceeding K200.00.

**15. LIMITATIONS ON RESTRAINT AND SECLUSION GENERALLY.**

(1) A patient shall not be mechanically restrained or placed in seclusion—

- (a) for a purpose other than the protection of himself or other persons; or
- (b) as a punishment.

(2) A mechanical restraint shall not be applied to a patient in a manner that causes, or is likely to cause, needless pain or discomfort to a patient.

Penalty: A fine not exceeding K200.00.

**16. SPECIAL LIMITATIONS ON RESTRAINT.**

(1) A patient shall be mechanically restrained only on the instructions of the Medical Superintendent or a Medical Officer.

(2) This section does not prevent the temporary mechanical restraint, by a staff member, of a patient who is an immediate danger to himself or other persons.

(3) Where mechanical restraint is imposed on a patient, it shall be reported immediately to the Medical Superintendent.

**PART V. – MISCELLANEOUS.**

**17. VISITORS TO PATIENTS.**

(1) The Medical Superintendent may permit a person to visit a patient subject to such conditions as the Medical Superintendent thinks proper.

(2) While he is in the mental hospital, a person who is permitted to visit a patient under Subsection (1) must comply promptly with any directions given to him by the Medical Superintendent or a staff member.

Penalty: A fine not exceeding K200.00.

(3) A person who fails to comply with a direction or condition given or made under this section may be removed immediately from the mental hospital.

(4) This section does not apply to a Visitor appointed under Section 84 of the Act.

**18. UNAUTHORIZED ENTRY INTO MENTAL HOSPITALS.**

A person who, without lawful excuse (proof of which is on him), enters or is in a mental hospital without the written permission of the Medical Superintendent, or of a staff member authorized for the purpose by the Medical Superintendent, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**19. FORMS.**

(1) An order under Section 115(1) of the Act for the removal of a patient from one mental hospital to another shall be in Form 1.

(2) An order under Section 122 of the Act for the discharge of a patient shall be in Form 2.

(3) A certificate, under Section 125 of the Act, of proficiency in the administration of electro-convulsive treatment shall be in Form 3.

**20. GENERAL PENALTY.**

A person who contravenes or fails to comply with—

(a) a provision of this Regulation; or

(b) an order, direction or notice made or given under this Regulation,

is guilty of an offence, and where no other penalty is provided is liable to a fine not exceeding K200.00.

**SCHEDULE 1**

**Sch. 1**

*Public Health (Mental Disorders) Regulation 9999*

***PAPUA NEW GUINEA.***

***Public Health Act 1973.***

***Form 1 – Transfer Order.***

Act, Sec. 115(1).    Form 1.&#x2013;Reg., Sec. 19(1).

To the Medical Superintendent of the . . . Mental Hospital; and to . . . :

WHEREAS I have ordered that . . . , who is detained as a patient in . . . Mental Hospital, be removed from that Mental Hospital and transferred to . . . Mental Hospital:

Now I require you, the Medical Superintendent of the . . . Mental Hospital, to deliver up the patient to . . . at . . .

AND I require you, . . . , to bring the patient, or cause him to be brought, to the . . . Mental Hospital and to deliver him to the officer-in-charge of the . . . Mental Hospital.

Dated . . . , 20 . . .

Minister.

***PAPUA NEW GUINEA.***

***Public Health Act 1973.***

***Form 2 – Magistrate’s Order of Discharge.***

Act, Sec. 122.

Form 2.&break;Reg., Sec. 19(2).

WHEREAS . . . , a relative (or friend) of . . . , a patient detained in the . . . Mental Hospital, has applied to me to have the patient delivered over to his care and custody:

AND WHEREAS I have consulted . . . , the Visitors (or a Visitor, being a Medical officer):

AND WHEREAS . . . has undertaken in writing to my satisfaction that (*name of patient*) will be properly taken care of and will be prevented from doing injury to himself or others:

NOW THEREFORE, I order that (*name of patient*) be discharged from the . . . Mental Hospital.

Dated . . . , 20 . . . .

Magistrate.

***PAPUA NEW GUINEA.***

***Public Health Act 1973.***

***Form 3 – Certificate of Proficiency in Administration of Electro-convulsive Treatment.***

Act, Sec. 125.

Form 3.&#x2013;Reg., Sec. 19(3).



This is to certify that . . . , of . . . , is proficient in the administration of electro-convulsive treatment.

Dated . . . , 20 . . . .

Minister.

*Public Health (Mental Disorders) Regulation 1962*