

# EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

(Minister for Health)

## **Mental Health (Treatment and Care) Amendment Bill 2005**

This exposure draft has been prepared for the purpose of providing a legal regime for the administration of electroconvulsive therapy to patients in emergency situations.

The substantive provisions which are designed to implement this legal change are found in—

- new subdivision 7.2.4 (inserted by clause 11);
- new section 83 (inserted by clause 13); and
- new section 105 (inserted by clause 15).

The remaining provisions are restatements of the existing law, incorporating minor technical and consequential amendments.



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## Mental Health (Treatment and Care) Amendment Bill 2005

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## **Mental Health (Treatment and Care) Amendment Bill 2005**

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### **A Bill for**

An Act to amend the *Mental Health (Treatment and Care) Act 1994*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Mental Health (Treatment and Care) Amendment Act 2005*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Mental Health (Treatment and Care) Act 1994*.

*Note* This Act also amends the following legislation (see sch 1):

- *Children and Young People Act 1999*
- *Crimes Act 1900*
- *Guardianship and Management of Property Act 1991*
- *Health Professionals Legislation Amendment Act 2004*
- *Powers of Attorney Act 1956*.

**4 Definitions for Act**  
**Section 4, definition of *convulsive therapy***

*omit*

**5 Section 4, definitions (as amended)**

*relocate to dictionary*

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**6 Section 4, remainder**

*substitute*

**3 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*electroconvulsive therapy*—see section 55.’ means that the term ‘electroconvulsive therapy’ is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**4 Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**7 Offences against Act—application of Criminal Code etc  
Section 4A, note 1**

*substitute*

*Note 1* *Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 55B (Offence—electroconvulsive therapy without consent)
- s 55C (Offence—electroconvulsive therapy more than 10 times since consent)

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- s 55D (Offence—electroconvulsive therapy after consent withdrawn)
- s 55I (Offence—electroconvulsive therapy without electroconvulsive therapy order)
- s 55J (Offence—electroconvulsive therapy more than 10 times since electroconvulsive therapy order)
- s 55K (Offence—electroconvulsive therapy after order consent withdrawn)
- s 56 (Offence—electroconvulsive therapy without doctor’s consent)
- s 57 (1) (Doctor must record electroconvulsive therapy)
- s 57 (2)
- s 57 (3)
- s 58 (Electroconvulsive therapy records to be kept for 5 years)
- s 119B (2) (Identity cards for mental health officers).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

## **8 Treatment during detention**

### **Section 44 (1), new note**

*insert*

*Note* Special provisions apply for the emergency administration of electroconvulsive therapy (see subdiv 7.2.4).

## **9 Division 7.2 heading**

*substitute*

### **Division 7.2 Electroconvulsive therapy**



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**10 Section 55***substitute***Subdivision 7.2.1 What is *electroconvulsive therapy*?****55 What is *electroconvulsive therapy*?**

For this Act:

*electroconvulsive therapy* means a procedure for the induction of an epileptiform convulsion in a person.**Subdivision 7.2.2 Informed consent for electroconvulsive therapy****55A Electroconvulsive therapy may be administered with consent**

A doctor, or person authorised by a doctor, may administer electroconvulsive therapy to a person who is not the subject of a psychiatric treatment order if—

- (a) the person gives informed consent to the administration of the electroconvulsive therapy; and
- (b) the person has not had electroconvulsive therapy administered 10 or more times since the consent; and
- (c) the person has not withdrawn the consent, either orally or in writing.

**55B Offence—electroconvulsive therapy without consent**

- (1) A doctor commits an offence if—
  - (a) a person has not given informed consent to the administration of electroconvulsive therapy; and

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- (b) the doctor—
  - (i) administers electroconvulsive therapy to the person; or
  - (ii) authorises the administration of electroconvulsive therapy to the person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to the administration of electroconvulsive therapy to a person in accordance with—
  - (a) an electroconvulsive therapy order in force in relation to the person; or
  - (b) an emergency electroconvulsive therapy order in force in relation to the person.

**55C Offence—electroconvulsive therapy more than 10 times since consent**

- (1) A doctor commits an offence if—
  - (a) a person has given informed consent to the administration of electroconvulsive therapy; and
  - (b) electroconvulsive therapy has been administered to the person 10 or more times since the person consented; and
  - (c) the doctor—
    - (i) administers electroconvulsive therapy to the person; or
    - (ii) authorises the administration of electroconvulsive therapy to the person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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- (2) Subsection (1) does not apply to the administration of electroconvulsive therapy to a person in accordance with—
- (a) an electroconvulsive therapy order in force in relation to the person; or
  - (b) an emergency electroconvulsive therapy order in force in relation to the person.

**55D Offence—electroconvulsive therapy after consent withdrawn**

- (1) A doctor commits an offence if—
- (a) a person has given informed consent to the administration of electroconvulsive therapy; and
  - (b) the person withdraws the consent, whether orally or in writing; and
  - (c) after the consent is withdrawn, the doctor—
    - (i) administers electroconvulsive therapy to the person; or
    - (ii) authorises the administration of electroconvulsive therapy to the person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to the administration of electroconvulsive therapy to a person in accordance with—
- (a) an electroconvulsive therapy order in force in relation to the person; or
  - (b) an emergency electroconvulsive therapy order in force in relation to the person.

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### **Subdivision 7.2.3 Electroconvulsive therapy orders**

#### **55E Electroconvulsive therapy may be administered under electroconvulsive therapy order**

A doctor, or person authorised by a doctor, may administer electroconvulsive therapy to a person who is the subject of a psychiatric treatment order if—

- (a) there is an electroconvulsive therapy order in force in relation to the person; and
- (b) the person has not had electroconvulsive therapy administered 10 or more times since the electroconvulsive therapy order was made; and
- (c) if the electroconvulsive therapy order states that the person had the capacity to consent to the order, and gave informed consent to the order—the person has not withdrawn the consent, either orally or in writing.

#### **55F Application for electroconvulsive therapy order**

- (1) The chief psychiatrist or a doctor may apply for an order (an *electroconvulsive therapy order*) for the administration of electroconvulsive therapy to a person if—
  - (a) a psychiatric treatment order is in force in relation to the person; and
  - (b) the chief psychiatrist or doctor believes on reasonable grounds that—
    - (i) the administration of electroconvulsive therapy is likely to result in substantial benefit to the person; and
    - (ii) either—

- (A) all other reasonable forms of treatment available have been tried but have not been successful; or
  - (B) the treatment is the most appropriate treatment reasonably available.
- (2) The application must be supported by the evidence of a psychiatrist other than the applicant.

**55G Criteria for making electroconvulsive therapy order**

The tribunal may make an electroconvulsive therapy order in relation to a person who is the subject of a psychiatric treatment order if—

- (a) the person—
  - (i) has given informed consent to the administration of electroconvulsive therapy; and
  - (ii) has not withdrawn the consent, either orally or in writing; or
- (b) the tribunal is satisfied that—
  - (i) the person is, because of mental illness, incapable of weighing the considerations involved in deciding whether or not to consent to the administration of electroconvulsive therapy; and
  - (ii) the administration of electroconvulsive therapy is likely to result in substantial benefit to the person; and
  - (iii) either—
    - (A) all other reasonable forms of treatment available have been tried but have not been successful; or

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- (B) the treatment is the most appropriate treatment reasonably available.

**55H Content of electroconvulsive therapy order**

An electroconvulsive therapy order made in relation to a person must—

- (a) state that the person may be given electroconvulsive therapy; and
- (b) include a statement that the person—
  - (i) has the capacity to consent to the order, and gives informed consent; or
  - (ii) does not have the capacity to consent to the order.

*Note* The tribunal must give a copy of the order to certain people (see s 105).

**55I Offence—electroconvulsive therapy without electroconvulsive therapy order**

- (1) A doctor commits an offence if—
  - (a) a psychiatric treatment order is in force in relation to a person; and
  - (b) an electroconvulsive therapy order is not in force in relation to the person; and
  - (c) the doctor—
    - (i) administers electroconvulsive therapy to the person; or
    - (ii) authorises the administration of electroconvulsive therapy to the person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to the administration of electroconvulsive therapy to a person in accordance with an emergency electroconvulsive therapy order in force in relation to the person.

**55J Offence—electroconvulsive therapy more than 10 times since electroconvulsive therapy order**

- (1) A doctor commits an offence if—
- (a) a psychiatric treatment order is in force in relation to a person; and
  - (b) an electroconvulsive therapy order is in force in relation to the person; and
  - (c) electroconvulsive therapy has been administered to the person 10 or more times since the tribunal made the electroconvulsive therapy order; and
  - (d) the doctor—
    - (i) administers electroconvulsive therapy to the person; or
    - (ii) authorises the administration of electroconvulsive therapy to the person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to the administration of electroconvulsive therapy to a person in accordance with an emergency electroconvulsive therapy order in force in relation to the person.

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**55K Offence—electroconvulsive therapy after order consent withdrawn**

- (1) A doctor commits an offence if—
- (a) a psychiatric treatment order is in force in relation to a person; and
  - (b) an electroconvulsive therapy order is in force in relation to the person; and
  - (c) the electroconvulsive therapy order states that the person has the capacity to consent to the order, and gives informed consent; and
  - (d) the person withdraws the consent, whether orally or in writing; and
  - (e) after the consent is withdrawn, the doctor—
    - (i) administers electroconvulsive therapy to the person; or
    - (ii) authorises the administration of electroconvulsive therapy to the person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to the administration of electroconvulsive therapy to a person in accordance with an emergency electroconvulsive therapy order in force in relation to the person.

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**11 New subdivision 7.2.4**

*insert*

**Subdivision 7.2.4 Emergency electroconvulsive therapy orders****55L Electroconvulsive therapy may be administered under emergency electroconvulsive therapy order**

A doctor, or person authorised by a doctor, may administer electroconvulsive therapy to a person if—

- (a) there is an emergency electroconvulsive therapy order in force in relation to the person; and
- (b) the electroconvulsive therapy is administered in accordance with the emergency electroconvulsive therapy order.

**55M Application for emergency electroconvulsive therapy order**

- (1) The chief psychiatrist and a doctor may jointly apply for an order (an *emergency electroconvulsive therapy order*) for the emergency administration of electroconvulsive therapy to a person if the chief psychiatrist and doctor believe on reasonable grounds that—
  - (a) the person has a mental illness; and
  - (b) the administration of the electroconvulsive therapy is necessary to—
    - (i) save the person's life; or
    - (ii) prevent the person from suffering irreparable harm.
- (2) The application must be accompanied by—

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- (a) if a psychiatric treatment order is in force in relation to the person—an application for an electroconvulsive therapy order in relation to the person; or
- (b) an application for both a psychiatric treatment order and an electroconvulsive therapy order in relation to the person.

**55N Criteria for making emergency electroconvulsive therapy order**

The tribunal may make an emergency electroconvulsive therapy order in relation to a person if satisfied that—

- (a) the person has a mental illness; and
- (b) the person is, because of the mental illness, incapable of weighing the considerations involved in deciding whether or not to consent to the administration of electroconvulsive therapy; and
- (c) the administration of electroconvulsive therapy is necessary to—
  - (i) save the person’s life; or
  - (ii) prevent the person from suffering irreparable harm.

**55O Content of an emergency electroconvulsive therapy order**

An emergency electroconvulsive therapy order made in relation to a person must state that—

- (a) a stated number of electroconvulsive therapy sessions may be administered to the person; and

- (b) the order expires a stated number of days, but no more than 7 days, after it is made.

*Note* The tribunal must give a copy of the order to certain people within 24 hours (see s 105).

**55P Conflict between orders**

If an emergency electroconvulsive therapy order is in force in relation to a person and the tribunal makes another order in relation to the person, the emergency electroconvulsive therapy order ceases to be in force.

**12 Sections 56 to 58**

*substitute*

**Subdivision 7.2.5 Only doctor or authorised person to administer electroconvulsive therapy**

**56 Offence—electroconvulsive therapy without doctor’s consent**

A person commits an offence if—

- (a) the person administers electroconvulsive therapy to someone else; and
- (b) the person is not a doctor; and
- (c) the person is not authorised by a doctor to administer the electroconvulsive therapy.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

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### **Subdivision 7.2.6 Records of electroconvulsive therapy**

#### **57 Doctor must record electroconvulsive therapy**

- (1) A doctor commits an offence if the doctor—
  - (a) administers electroconvulsive therapy to a person; and
  - (b) does not make a record of the administration.Maximum penalty: 20 penalty units.
- (2) A doctor commits an offence if the doctor—
  - (a) authorises the administration of electroconvulsive therapy to a person; and
  - (b) does not make a record of the authorisation.Maximum penalty: 20 penalty units.
- (3) A doctor commits an offence if the doctor does not give a record of electroconvulsive therapy mentioned in subsection (1) or (2) to a person in charge of the psychiatric institution where the therapy is, or is to be, administered.

Maximum penalty: 20 penalty units.

#### **58 Electroconvulsive therapy records to be kept for 5 years**

A person in charge of a psychiatric institution commits an offence if the person does not keep a record of electroconvulsive therapy given under section 57 (3) for at least 5 years after the day the record is given.

Maximum penalty: 20 penalty units.

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**13 Section 83***substitute***83 When tribunal may be constituted by presidential member**

The tribunal may be constituted by only a presidential member for the purpose of the following matters:

- (a) making an order for an assessment under section 16;
- (b) making an order for a person's removal under section 18;
- (c) making an order for a person's detention under section 41 (2);
- (d) making an order for a person's release under section 46;
- (e) making an emergency electroconvulsive therapy order under section 55N.

**83A When tribunal must be constituted by more members**

- (1) This section applies to the tribunal constituted by the following members:
  - (a) a presidential member; and
  - (b) a psychiatrist member, psychologist member or mental health services member, selected by the president; and
  - (c) a community member.

*Note* For par (b), the president must select the kind of member the president considers most suitable for the matter (see s 83C).

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(2) The tribunal must be constituted as mentioned in subsection (1) for the purpose of the following matters:

(a) making a mental health order;

*Note* A **mental health order** is a psychiatric treatment order, a community care order or a restriction order:

- a psychiatric treatment order is made under s 28;
- a community care order is made under s 36;
- a restriction order is made under s 30 or s 36B.

(b) reviewing a mental health order under section 36L;

(c) making an electroconvulsive therapy order under section 55G;

(d) reviewing a person's fitness to plead under section 68;

(e) making a recommendation about a mentally dysfunctional or mentally ill person under section 70;

(f) reviewing an order for detention under section 72;

(g) reviewing a condition in force in relation to a person released from detention under section 73.

### **83B Change of tribunal membership during matter**

(1) This section applies to the tribunal constituted as mentioned in section 83A.

(2) If a non-presidential member ceases to be a member, or to be available for the proceeding, before the matter is decided, the presidential member and the remaining non-presidential member may finish the proceeding.

(3) However, if the presidential member believes that it would be prejudicial to the interests of the person who is the subject of the proceeding, the proceeding must be finished by the tribunal

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constituted by the presidential member, the remaining non-presidential member and—

- (a) if the remaining non-presidential member is a community member—a psychiatrist member, psychologist member or mental health services member, selected by the president; or
- (b) if the remaining non-presidential member is not a community member—a community member.

*Note* For par (a), the president must select the kind of member the president considers most suitable for the matter (see s 83C).

- (4) If the tribunal is reconstituted under subsection (3), the reconstituted tribunal may have regard to any evidence or information, or documents produced to the tribunal as previously constituted.

### **83C President to select most suitable members**

If the president must select a member of the tribunal under section 83A (1) (b) or section 83B (3) (a) for a matter, the president must select the kind of member the president considers most suitable for the matter.

### **83D When magistrate must not be tribunal member**

A magistrate must not constitute the tribunal under section 83, or be a member of the tribunal under section 83A or section 83B, if the proceeding before the tribunal—

- (a) relates to an order made by the magistrate requiring a person to submit to the jurisdiction of the tribunal; or
- (b) arises from a finding made by the magistrate under the *Magistrates Court Act 1930*, part 3.5 (Proceedings for indictable offences) in relation to a person; or

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- (c) arises from a decision made by the magistrate in relation to bail for a person.

**14 Deciding questions  
Section 85 (2)**

*substitute*

- (2) If there is a division of opinion about another question arising in a proceeding, the question is decided—
  - (a) according to the opinion of the majority of members constituting the tribunal; or
  - (b) if there is no majority on the question—according to the opinion of the presidential member.

**15 Section 105**

*substitute*

**105 Who is given a copy of the order?**

- (1) The registrar must give a copy of a tribunal order to—
  - (a) the person who is the subject of the order; and
  - (b) if the person has a representative—the representative; and
  - (c) if the person is a child—the child’s parents; and
  - (d) if the person has a guardian—the guardian; and
  - (e) if the person has made a power of attorney under the *Powers of Attorney Act 1956*—the donee under the power of attorney; and



- (f) if the person has made a power of attorney under the *Medical Treatment Act 1994*—the grantee under the power of attorney; and
  - (g) the community advocate; and
  - (h) if the person was referred to the tribunal under section 15 (Referrals)—the referring officer; and
  - (i) if the person was ordered to submit to the jurisdiction of the tribunal by a court—the court; and
  - (j) if the order requires the person to be admitted to a facility or institution—the person in charge of that facility or institution; and
  - (k) any other person stated in the order under section 104 (b).
- (2) The registrar must also give a copy of the following tribunal orders to the chief psychiatrist:
- (a) a psychiatric treatment order;
  - (b) a restriction order in relation to a person subject to a psychiatric treatment order;
  - (c) an electroconvulsive therapy order;
  - (d) an emergency electroconvulsive therapy order.
- (3) The registrar must also give a copy of the following tribunal orders to the care coordinator:
- (a) a community care order;
  - (b) a restriction order in relation to a person subject to a community care order.

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- (4) The tribunal must give a copy of an emergency electroconvulsive therapy order to the relevant people mentioned in subsection (1) and (2) within 24 hours after the order is made.

*Note* For how documents may be served, see the Legislation Act, pt 19.5.

## **16 New dictionary**

*insert*

### **Dictionary**

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- chief executive (see s 163)
- child
- community advocate
- director of public prosecutions
- discrimination commissioner
- doctor
- domestic partner (see s 169 (1))
- expire
- guardianship tribunal
- lawyer
- magistrate
- Magistrates Court
- make
- parent
- police officer
- proceeding

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- registrar
- Supreme Court
- writing.

***agreement***, for part 5A (Interstate application of mental health laws)—see section 48B.

***corresponding law***, for part 5A (Interstate application of mental health laws)—see section 48B.

***custodial order***, for part 5A (Interstate application of mental health laws)—see section 48B.

***electroconvulsive therapy***—see section 55.

***electroconvulsive therapy order***—see section 55F.

***emergency electroconvulsive therapy order***—see section 55M.

***informed consent***, for part 7 (Electroconvulsive therapy and psychiatric surgery)—see section 54.

***interstate custodial patient***, for part 5A (Interstate application of mental health laws)—see section 48B.

***interstate non-custodial order***, for part 5A (Interstate application of mental health laws)—see section 48B.

***licence***, for part 12 (Private psychiatric institutions)—see section 123.

***licensed premises***, for part 12 (Private psychiatric institutions)—see section 123.

***licensee***, for part 12 (Private psychiatric institutions)—see section 123.

***non-custodial order***, for part 5A (Interstate application of mental health laws)—see section 48B.

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*psychiatric institution*, for part 12 (Private psychiatric institutions)—see section 123.

*responsible person*, for part 6 (Rights of mentally dysfunctional or mentally ill persons)—see section 49.

*State*, for part 5A (Interstate application of mental health laws)—see section 48B.

## **17 Further amendments**

*omit*

convulsive therapy

*substitute*

electroconvulsive therapy

*in*

- section 11 (d)
- section 29 (1) (b) (i)
- part 7 heading
- section 54 (3), definition of *procedure*, paragraph (a)
- section 142 (1) (a)
- section 142 (2) (a)
- section 143 (a)

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## **Schedule 1      Consequential amendments**

(see s 3)

### **Part 1.1              Children and Young People Act 1999**

#### **[1.1]      Dictionary, definitions of *mental dysfunction*, *mental health order* and *mental illness***

*omit*

section 4

*substitute*

dictionary

### **Part 1.2              Crimes Act 1900**

#### **[1.2]      Section 300, definition of *mental health order***

*substitute*

*mental health order*—see the *Mental Health (Treatment and Care) Act 1994*, dictionary.

#### **[1.3]      Section 300, definition of *mental illness***

*omit*

section 4

*substitute*

dictionary

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**[1.4] Section 309 (4), definitions of *approved health facility* and *approved mental health facility***

*omit*

section 4

*substitute*

dictionary

**[1.5] Section 334 (3) (d)**

*omit*

section 26 or 27

*substitute*

section 26 (What tribunal must take into account) or section 27  
(Tribunal may not order particular drugs etc)

## **Part 1.3 Guardianship and Management of Property Act 1991**

**[1.6] Section 70 (1)**

*omit*

psychiatric illness, convulsive therapy

*substitute*

mental illness, electroconvulsive therapy

**[1.7] Section 70 (1), new note**

*insert*

*Note* Treatment for mental illness, including electroconvulsive therapy and psychiatric surgery, is dealt with in the *Mental Health (Treatment and Care) Act 1994*.

**[1.8] Dictionary, definition of *convulsive therapy***

*omit*

**[1.9] Dictionary, new definitions**

*insert*

*electroconvulsive therapy*—see the *Mental Health (Treatment and Care) Act 1994*, section 55.

*mental illness*—see the *Mental Health (Treatment and Care) Act 1994*, dictionary.

**[1.10] Dictionary, definition of *prescribed medical procedure*, paragraph (f)**

*omit*

psychiatric illness, convulsive therapy

*substitute*

mental illness, electroconvulsive therapy

**[1.11] Dictionary, definition of *psychiatric illness***

*omit*

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**[1.12] Dictionary, definition of *psychiatric surgery***

*substitute*

*psychiatric surgery*—see the *Mental Health (Treatment and Care) Act 1994*, dictionary.

## **Part 1.4 Health Professionals Legislation Amendment Act 2004**

**[1.13] Schedule 6, amendment 6.9**

*substitute*

**[6.9] Dictionary, definition of *mental health nurse***

*substitute*

*mental health nurse* means a person registered as a nurse under the *Health Professionals Act 2004* in the specialist area of mental health nurse.

*Note* Under the *Mutual Recognition Act 1992* (Cwlth), s 25 people registered as nurses in a specialty in a State may be deemed to be registered in the specialty in the ACT.

## **Part 1.5 Powers of Attorney Act 1956**

**[1.14] Section 13 (3)**

*omit*

psychiatric illness, convulsive therapy

*substitute*

mental illness, electroconvulsive therapy

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**[1.15] Section 13 (3), new note**

*insert*

*Note* Treatment for mental illness, including electroconvulsive therapy and psychiatric surgery, is dealt with in the *Mental Health (Treatment and Care) Act 1994*.

**[1.16] Section 13 (4)**

*omit*

psychiatric illness, convulsive therapy

*substitute*

mental illness, electroconvulsive therapy

**[1.17] Section 13 (5)**

*substitute*

(5) In this section:

***electroconvulsive therapy***—see the *Mental Health (Treatment and Care) Act 1994*, dictionary.

***mental illness***—see the *Mental Health (Treatment and Care) Act 1994*, dictionary.

***psychiatric surgery***—see the *Mental Health (Treatment and Care) Act 1994*, dictionary.

## **EXPOSURE DRAFT**

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2005.

**2 Notification**

Notified under the Legislation Act on 2005.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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## EXPOSURE DRAFT