



AUSTRALIAN CAPITAL TERRITORY

Mental Health (Treatment and Care) Amendment Act 2000

No 52 of 2000

An Act to amend the *Mental Health (Treatment and Care) Act 1994*

[Notified in ACT Gazette No. 40: 5 October 2000]

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 2000*.

2 Commencement

This Act commences on the day it is notified in the Gazette.

3 Act amended

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

4 Apprehension

Section 37 is amended by omitting from paragraph (2) (a) “the person is mentally dysfunctional” and substituting “a person is mentally dysfunctional”.

5 Detention

Section 38 is amended by adding at the end the following subsection:

“(2) If a doctor or mental health officer believes on reasonable grounds that a person who has voluntarily attended an approved health facility is a person to whom paragraphs 37 (2) (a) to (d) apply, the doctor or mental health officer may detain the person at the facility and, while the person is so detained, the person in charge of the facility may exercise the powers mentioned in paragraphs (1) (a) to (c) in relation to the person detained.”.

6 Examination by doctor

Section 40 is amended by adding at the end the following subsection:

“(2) The person in charge of an approved mental health facility must ensure that a person detained at the facility under subsection 38 (2) is examined by a doctor employed at the facility within 4 hours of being detained.”.

Endnote

Act amended

- 1 Reprinted as at 10 November 1999 (Republication No 2). See also Acts 2000 Nos 2 and 17.

[Presentation speech made in Assembly on 25 May 2000]