



Australian Capital Territory

Mental Health (Treatment and Care) Amendment Act 2007

A2007-43

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Mental Health (Treatment and Care) Amendment Act 2007

A2007-43

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

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

J2007-531

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Mental Health (Treatment and Care) Amendment Act 2007*.

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*.

**4 Offences against Act—application of Criminal Code etc
Section 4A, note 1, 3rd dot point**

substitute

- s 55C (Offence—electroconvulsive therapy on 10 or more occasions since consent)

5 Section 4A, note 1, 6th dot point

substitute

- s 55J (Offence—electroconvulsive therapy on 10 or more occasions since electroconvulsive therapy order)

6 Section 5 heading

substitute

5 People not to be regarded as mentally dysfunctional or mentally ill

7 Section 5

omit everything before paragraph (a), substitute

For this Act, a person is not to be regarded as mentally dysfunctional or mentally ill only because of any of the following:

**8 Definitions for pt 5A
Section 48B, definitions of *custodial order* and
*non-custodial order***

omit

**9 Transfer of custodial patients from ACT
Section 48G (1) (b)**

substitute

- (b) is subject to a psychiatric treatment order and is being detained under—
- (i) a restriction order made under section 30; or
 - (ii) action taken under section 35 (Powers in relation to detention, restraint etc) or section 36K (Contravention of psychiatric treatment order or community care order);

**10 Application of Act to persons transferred to ACT
under s 48K
Section 48L (d)**

omit

custodial order

substitute

custody order

11 Division 5A.4 heading

substitute

Division 5A.4 Psychiatric treatment orders and interstate non-custodial orders

12 Section 48M heading

substitute

48M Psychiatric treatment orders relating to interstate people

13 Section 48M

omit everything before paragraph (a), substitute

- (1) A psychiatric treatment order may be made under division 4.4 even though the affected person does not reside in the ACT, if—

14 New section 48M (2)

insert

- (2) However, a restriction order mentioned in section 31 (a) (ii) may not be made in relation to the affected person.

15 Section 55C heading

substitute

55C Offence—electroconvulsive therapy on 10 or more occasions since consent

16 Section 55J heading

substitute

55J Offence—electroconvulsive therapy on 10 or more occasions since electroconvulsive therapy order

17 **Mental health officers
Section 119 (2)**

omit

or social worker

insert

, occupational therapist or social worker

18 **Dictionary, definition of *custodial order***

omit

19 **Dictionary, definition of *non-custodial order***

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 22 November 2007.

2 Notification

Notified under the Legislation Act on 12 December 2007.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Mental Health (Treatment and Care) Amendment Bill 2007, which was passed by the Legislative Assembly on 6 December 2007.

Clerk of the Legislative Assembly

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