

2007

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Mental Health (Treatment and Care) Amendment Bill 2007

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(Minister for Health)

Mental Health (Treatment and Care) Amendment Bill 2007

A Bill for

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 **1 Name of Act**
- 2 This Act is the *Mental Health (Treatment and Care) Amendment*
3 *Act 2007*.
- 4 **2 Commencement**
- 5 This Act commences on the day after its notification day.
- 6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).
- 8 **3 Legislation amended**
- 9 This Act amends the *Mental Health (Treatment and Care) Act 1994*.
- 10 **4 Offences against Act—application of Criminal Code etc**
11 **Section 4A, note 1, 3rd dot point**
- 12 *substitute*
- 13 • s 55C (Offence—electroconvulsive therapy on 10 or more
14 occasions since consent)
- 15 **5 Section 4A, note 1, 6th dot point**
- 16 *substitute*
- 17 • s 55J (Offence—electroconvulsive therapy on 10 or more
18 occasions since electroconvulsive therapy order)
- 19 **6 Section 5 heading**
- 20 *substitute*
- 21 **5 People not to be regarded as mentally dysfunctional or**
22 **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

1	11	Division 5A.4 heading
2		<i>substitute</i>
3	Division 5A.4	Psychiatric treatment orders and
4		interstate non-custodial orders
5	12	Section 48M heading
6		<i>substitute</i>
7	48M	Psychiatric treatment orders relating to interstate people
8	13	Section 48M
9		<i>omit everything before paragraph (a), substitute</i>
10	(1)	A psychiatric treatment order may be made under division 4.4 even
11		though the affected person does not reside in the ACT, if—
12	14	New section 48M (2)
13		<i>insert</i>
14	(2)	However, a restriction order mentioned in section 31 (a) (ii) may not
15		be made in relation to the affected person.
16	15	Section 55C heading
17		<i>substitute</i>
18	55C	Offence—electroconvulsive therapy on 10 or more
19		occasions since consent
20	16	Section 55J heading
21		<i>substitute</i>
22	55J	Offence—electroconvulsive therapy on 10 or more
23		occasions since electroconvulsive therapy order

- 1 **17** **Mental health officers**
2 **Section 119 (2)**
- 3 *omit*
4 or social worker
5 *insert*
6 , occupational therapist or social worker
- 7 **18** **Dictionary, definition of *custodial order***
- 8 *omit*
- 9 **19** **Dictionary, definition of *non-custodial order***
- 10 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2007.

2 Notification

Notified under the Legislation Act on 2007.

3 Republications of amended laws

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

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