



Australian Capital Territory

Mental Health (Treatment and Care) Act 1994 (repealed)

A1994-44

Republication No 51

Effective: 1 March 2016

Republication date: 1 March 2016

As repealed by [A2015-38](#) s 148
(republishing for amendments by [A2014-51](#) and [A2015-38](#), relocation of provisions to [Mental Health Act 2015](#) and repeal)

Many cross-references in this Act now refer to sections that have been renumbered and relocated to the Mental Health Act 2015. See Endnote 4 at the end of this republication for information about the amendment history of those sections.

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Mental Health (Treatment and Care) Act 1994* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 March 2016.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Mental Health (Treatment and Care) Act 1994 (repealed)

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R51
01/03/16

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Australian Capital Territory

Mental Health (Treatment and Care) Act 1994 (repealed)

An Act to provide for the treatment, care or support, rehabilitation and protection of people with a mental disorder or mental illness and the promotion of mental health and wellbeing, and for other purposes

Chapter 1 Preliminary

1 Name of Act

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

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.

4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

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 on 10 or more occasions since consent)
- s 55D (Offence—electroconvulsive therapy after consent withdrawn)
- s 55I (Offence—electroconvulsive therapy without electroconvulsive therapy order)
- s 55J (Offence—electroconvulsive therapy on 10 or more occasions 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)

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*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

**Chapter 2 Objects and important
concepts**

**Chapter 3 Rights of people with mental
disorder or mental illness**

Chapter 4 Assessments

Chapter 5 Mental health orders

Chapter 6 Emergency detention

39 Statement of action taken

- (1) A police officer, authorised ambulance paramedic, doctor or mental health officer who takes a person to an approved mental health facility under section 37 must give the person in charge of the facility a written statement containing a description of the action taken under that section, including the following:
 - (a) the name and address (if known) of the person taken to the facility;
 - (b) the date and time when the person was taken to the facility;
 - (c) detailed reasons for taking the action;
 - (d) the extent of the force or assistance used to enter any premises, or to apprehend the person and take the person to the facility.
- (2) The person in charge of the approved mental health facility must enter the statement in the person's record.

41A Notification of Magistrates Court about emergency detention or release from emergency detention

- (1) The person in charge of an approved mental health facility—
 - (a) shall notify the Magistrates Court of the results of an examination conducted by a doctor under an order under the [Crimes Act](#), section 309 (1); and
 - (b) if, after examination by the doctor—
 - (i) the person is to be detained for treatment, care or support—shall ensure that the person is detained for the purposes of receiving that treatment, care or support; or

- (ii) the person is not to be detained for treatment, care or support, or is to be released after being detained—shall release the person into the custody of a police officer.
- (2) If the person is detained at the facility under section 38 or section 41, the person in charge of the facility must notify the court of the reasons for the detention.

41AB Treatment during detention

- (1) The person in charge of a mental health facility at which a person is detained under section 41 shall ensure that during the period of detention—
- (a) any custody under which the person detained is kept; and
 - (b) any confinement or other restraint to which the person detained is subjected; and
 - (c) any treatment, care or support administered to the person detained;

is the minimum necessary to prevent any immediate and substantial risk of the person detained causing harm to himself or herself or to another person.

Note Special provisions apply for the emergency administration of electroconvulsive therapy (see div 9.2.4).

- (2) Subsection (1) does not apply if a person has a mental illness for which, in the opinion of a psychiatrist, the most appropriate treatment is long acting medication.
- (3) In determining whether to administer long acting medication, the psychiatrist shall take into account the likely deterioration in the person's condition within 3 days of his or her examination of the person.

46 Orders for release

- (1) If satisfied that the detention of a person under section 41 (1) or (2) is no longer justified then, subject to subsection (2)—

- (a) the doctor who examined the person under section 43; or
- (b) the chief psychiatrist; or
- (c) the ACAT;

must, as soon as practicable, order the release of the person before the period of detention authorised under that subsection expires.

- (2) If the person detained under section 41 (1) or (2) is an accused person to whom an order under the [Crimes Act](#), section 309 (1) applies—

- (a) the doctor who examined the person under section 43; or
- (b) the chief psychiatrist; or
- (c) the ACAT;

must, as soon as practicable, notify the person in charge of an approved mental health facility if satisfied that the detention of the person is no longer justified.

47 Duty to release

- (1) A person in charge of an approved mental health facility shall ensure that a person detained at that facility under section 41 (1) or (2)—

- (a) is released in accordance with an order under section 46; or
- (b) if no such order is made and subject to any other order of the ACAT—is released at the expiration of the period of detention authorised under section 41 (1) or (2).

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

- (2) If the person in charge of an approved mental health facility is notified under section 46 (2), he or she shall, as soon as practicable, discharge the person to whom the notification relates into the custody of a police officer.

Chapter 7 Forensic mental health

Chapter 8 Correctional patients

Chapter 9 Electroconvulsive therapy and psychiatric surgery

Part 9.1 Consent

54 Informed consent

- (1) For this chapter, a person gives *informed consent* to a procedure if the consent is given by the person after—
 - (a) the person has been given a clear explanation of the procedure that contains sufficient information to enable the person to make a balanced judgment about whether or not to consent to the procedure; and
 - (b) the person has been given an adequate description (without exaggeration or concealment) of the benefits, discomfort and risks involved in the procedure; and
 - (c) the person has been advised of all alternative treatments reasonably available that may be of benefit to the person; and
 - (d) the person has been given an opportunity to ask any questions about the procedure, those questions have been answered and the person appears to have understood the answers; and
 - (e) a full disclosure has been made to the person of any financial relationship between the person seeking to obtain the consent, the doctor who is proposing to conduct the procedure or both (as the case may be) and the psychiatric institution at which it is proposed to conduct the procedure; and

- (f) the person has been given, has read and appears to have understood a notice stating that—
 - (i) the person has the right to obtain independent legal and medical advice and any other independent advice or assistance before giving informed consent; and
 - (ii) the person is free to refuse or withdraw consent and to have the procedure discontinued at any time; and
 - (g) the person has been given an information statement.
- (2) For this chapter, informed consent shall be given in writing signed by the person giving the consent and witnessed by a person, other than the person seeking to obtain the consent or the doctor who is proposing to conduct the procedure.
- (3) In this section:
- procedure* means—
- (a) the administration of electroconvulsive therapy; or
 - (b) the performance of psychiatric surgery.

Part 9.2 Electroconvulsive therapy

Division 9.2.1 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.

Division 9.2.2 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 on 10 or more occasions 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
 - (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) This section 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 on 10 or more occasions 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 on 10 or more occasions 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.

- (2) This section 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) This section 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.

Division 9.2.3 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 on 10 or more occasions 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 ACAT 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 ACAT 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
 - (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 ACAT must give a copy of the order to certain people (see s 87).

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) This section 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 on 10 or more occasions 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 on 10 or more occasions since the ACAT 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) This section 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.

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) This section 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.

Division 9.2.4 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 is at least 16 years old; and
 - (b) the person has a mental illness; and
 - (c) the administration of the electroconvulsive therapy is necessary to save the person's life.
- (2) The application must be accompanied by—
 - (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.

Note 1 The ACAT must give a copy of the application and accompanying documents to the following people as soon as practicable (and not longer than 24 hours) after the application is lodged:

- the public advocate
- if the person is a child—the CYP director-general (see s 79).

Note 2 Certain people are entitled to appear and give evidence, and be represented, at the proceeding including the following:

- the person who is the subject of the proceeding
- the public advocate
- the discrimination commissioner.

Other people are also entitled to appear (see s 80).

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

- (1) The ACAT may make an emergency electroconvulsive therapy order in relation to a person if satisfied that—
 - (a) the person is at least 16 years old; and
 - (b) the person has a mental illness; and
 - (c) 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
 - (d) the administration of electroconvulsive therapy is necessary to save the person's life; and
 - (e) either—
 - (i) all other reasonable forms of treatment available have been tried but have not been successful; or
 - (ii) the treatment is the most appropriate treatment reasonably available.
- (2) In making an emergency electroconvulsive therapy order in relation to a person, the ACAT must take into account the following:
 - (a) the views and wishes of the person, so far as they can be found out;
 - (b) the views and wishes of the people responsible for the day-to-day care of the person, so far as those views and wishes are made known to the ACAT;
 - (c) the views of the people appearing at the proceeding.
- (3) To remove any doubt, section 85 (Notice of hearing) does not apply to the making of an emergency electroconvulsive therapy order in relation to a person.

55O Content of an emergency electroconvulsive therapy order

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

- (a) electroconvulsive therapy may be administered to the person on a stated number of occasions (not more than 3); and
- (b) the order expires a stated number of days (not more than 7) after it is made.

Note The ACAT must give a copy of the order to certain people within 24 hours (see s 87).

55P Conflict between orders

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

Division 9.2.5 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.

Division 9.2.6 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, including whether the administration was in accordance with an order of the ACAT or was voluntary.

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, including whether the administration is to be in accordance with an order of the ACAT or is voluntary.

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.

Part 9.3 Psychiatric surgery

59 Performance on persons subject to orders of ACAT

Psychiatric surgery may be performed on a person under this part despite any order of the ACAT in force in relation to the person.

60 Approval and consent required

A doctor shall not knowingly perform psychiatric surgery on a person—

- (a) except in accordance with the approval of the chief psychiatrist; or
- (b) after he or she is informed under section 66 that the person refuses to have the surgery performed.

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

61 Application for approval

An application for the approval of the chief psychiatrist for the performance of psychiatric surgery—

- (a) shall be made in writing by the doctor proposing to perform the surgery; and
- (b) shall be delivered to the chief psychiatrist together with—
 - (i) a copy of the informed consent of the person on whom it is proposed the surgery will be performed; or
 - (ii) a copy of an order of the Supreme Court under section 65.

62 Application to be considered by committee

- (1) The chief psychiatrist must, as soon as practicable after receiving an application under section 61, give a copy of the application to the chairperson of the committee appointed under section 67.
- (2) The chairperson must as soon as practicable after receiving the application—
 - (a) tell the following people in writing of the application:
 - (i) if the person on whom the surgery is proposed to be performed (the *subject person*) is a child—each person with parental responsibility for the child under the *Children and Young People Act 2008*, division 1.3.2 (Parental responsibility);
 - (ii) if the subject person has a guardian under the *Guardianship and Management of Property Act 1991*—the guardian;
 - (iii) if the subject person has an attorney under the *Powers of Attorney Act 2006*—the attorney;
 - (iv) if the subject person has a nominated person—the nominated person;
 - (v) if a health attorney is involved in the treatment, care or support of the subject person—the health attorney; and
 - (b) convene a meeting of the committee to consider the application; and
 - (c) give a written report to the chief psychiatrist that includes the following:
 - (i) the committee’s recommendation about whether or not the chief psychiatrist should approve the performance of the psychiatric surgery;

- (ii) if the committee recommends approval of the surgery—
the conditions (if any) to which the approval should be subject;
 - (iii) the committee's reasons for making the recommendations in the report.
- (3) The committee must not recommend that the chief psychiatrist approve the performance of psychiatric surgery unless—
 - (a) the committee believes on reasonable grounds that—
 - (i) the surgery will result in substantial benefit to the subject person; and
 - (ii) all alternative forms of treatment reasonably available have failed, or are likely to fail, to benefit the subject person; and
 - (b) the recommendation is supported by the psychiatrist and the neurosurgeon on the committee.
- (4) The chief psychiatrist must ensure that a copy of the committee's report is placed on the subject person's record.

63 Chief psychiatrist may require further information

- (1) The chief psychiatrist shall, at the request of a committee and by notice in writing delivered to the doctor, require the doctor who made the application under section 61 to produce to the chief psychiatrist the documents or other information specified in the notice.
- (2) Where a requirement is imposed under subsection (1), the committee is not required to give further consideration to the application until the documents and other information specified in the notice are produced to the chief psychiatrist.

- (3) The chief psychiatrist shall deliver any documents and other information produced in compliance with a requirement under subsection (1) to the chairperson of the committee.
- (4) Nothing in this section authorises the chief psychiatrist to require the production of documents or other information, other than documents or information relevant to the application being considered by the committee.

64 Chief psychiatrist to act on committee's recommendation

The chief psychiatrist shall deal with an application under section 61 in accordance with the committee's recommendations.

65 Consent of Supreme Court

Where the Supreme Court is, on application by a doctor, satisfied that—

- (a) the person in relation to whom the application is made has a mental illness; and
- (b) the person does not have decision-making capacity to consent to the surgery and has not refused to consent to the surgery; and
- (c) there are grounds for believing that the performance of such surgery is likely to result in substantial benefit to the person; and
- (d) all alternative forms of treatment reasonably available have failed, or are likely to fail, to benefit the person;

the court may, by order, consent to the performance of psychiatric surgery on the person.

66 Refusal of surgery

- (1) A person—
- (a) who has given informed consent to the performance of psychiatric surgery; or
 - (b) in respect of whom the Supreme Court has made an order consenting to the performance of such surgery under section 65;

may, before the psychiatric surgery is performed, inform the chief psychiatrist or any other person, either orally or in writing, that he or she refuses to have the surgery performed.

- (2) A person (other than the chief psychiatrist) who is informed that another person refuses to have psychiatric surgery performed on himself or herself shall inform the chief psychiatrist of the refusal.

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

- (3) If the chief psychiatrist has approved psychiatric surgery under section 64 and is informed under this section that the person refuses to have the surgery, the chief psychiatrist must—
- (a) immediately inform the doctor who is to perform the surgery of the refusal; and
 - (b) ensure that written documentation of the refusal is placed on the person's record.
- (4) Where the chief psychiatrist is informed under subsection (1) or (2) that a person refuses to have psychiatric surgery performed—
- (a) any informed consent to the performance of the surgery given by the person, or any order made by the Supreme Court under section 65 in respect of the person, ceases to have effect; and

- (b) if, immediately before the date of the refusal, an application for the approval of the performance of the surgery has been made but has not been determined—the application is to be taken to have been withdrawn on that date; and
- (c) any approval given by the chief psychiatrist for the performance of the surgery ceases to have effect.

67 Committees

- (1) For the purposes of section 62, the Minister shall appoint a committee consisting of—
 - (a) a psychiatrist; and
 - (b) a neurosurgeon; and
 - (c) a legal practitioner; and
 - (d) a clinical psychologist; and
 - (e) a social worker.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

- (2) The Minister shall appoint a member of a committee to be the chairperson of the committee.
- (3) A member of a committee shall be paid such remuneration and allowances (if any) as are prescribed.
- (4) The chairperson of a committee shall convene meetings of the committee.

- (5) Subject to section 62 (3) (b), a question arising at a meeting of a committee shall be decided in accordance with the opinion of a majority of members of the committee.
- (6) The chairperson and each member of the committee must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the committee's functions.

Chapter 10	Referrals by courts under Crimes Act and Children and Young People Act 2008
Chapter 11	ACAT procedural matters
Chapter 12	Administration

Chapter 13 Private psychiatric facilities

Part 13.1 Interpretation

123 Definitions—ch 13

In this chapter:

inspector means an inspector appointed under section 132.

licence means a licence issued under this chapter.

licensed premises means the premises at which a psychiatric facility is, or is proposed to be, conducted and in relation to which a licence is issued.

licensee means a person to whom a licence is issued under this chapter.

psychiatric facility means a hospital or other facility for the treatment, care or support, rehabilitation or accommodation of people who have a mental illness, other than—

- (a) a recognised hospital within the meaning of the [Health Insurance Act 1973](#) (Cwlth); or
- (b) a facility conducted by the Territory.

Part 13.2 Licences

124 Owner or manager to be licensed

A person shall not conduct a psychiatric facility on his or her own behalf, or on behalf of another person, without a licence.

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

125 Issue of licence

- (1) The Minister may, on application, issue a licence to a person in respect of the premises specified in the licence.
- (2) An application shall be in writing and shall be lodged with the Minister.

Note A fee may be determined under s 146 (Determination of fees) for this section.

- (3) The Minister shall not issue a licence unless satisfied that the applicant is a fit and proper person to hold a licence and that—
 - (a) the structural and sanitary condition and the location of the premises in respect of which the application is made are satisfactory, having regard to the interests of the persons who will receive treatment, care or support, or reside, at the premises; and
 - (b) the facilities in case of fire or flood at those premises are adequate; and
 - (c) the cooking and ablution facilities at those premises are adequate; and
 - (d) the accommodation provided for patients, residents and members of staff at those premises are adequate.

- (4) A licence shall be issued subject to conditions as to—
- (a) the maximum number of persons for whom treatment, care or support, rehabilitation or accommodation may be provided at the licensed premises; and
 - (b) the classes of persons for whom treatment, care or support, rehabilitation or accommodation may be provided at the licensed premises.
- (5) A licence may be issued subject to such other conditions (if any) as the Minister thinks necessary, including but not limited to conditions as to any of the following:
- (a) the minimum number of staff to be employed at the licensed premises;
 - (b) the qualifications of the staff;
 - (c) the treatment that may be provided at the licensed premises;
 - (d) the measures to be taken to ensure the health and safety of patients, residents and members of staff on the licensed premises;
 - (e) the insurance to be carried by the licensee against any liability arising from the conduct of a psychiatric facility on the licensed premises;
 - (f) the recreational and educational facilities to be provided at the licensed premises for patients and residents;
 - (g) the management of the licensed premises.

126 Term and renewal of licence

- (1) A licence remains in force for the period of 12 months commencing on the day on which the licence is issued and may be renewed in accordance with this section.

- (2) A licensee may, at any time before the expiration of the period referred to in subsection (1) or the last period of renewal, as the case may be, apply to the Minister for a renewal of the licence.
- (3) An application shall be in writing and shall be lodged with the Minister.

Note A fee may be determined under s 146 (Determination of fees) for this section.

- (4) If the Minister is satisfied of the matters referred to in section 125 (3), the Minister shall renew the licence for a further period of 12 months commencing on the expiration of the period referred to in subsection (1) or the last period of renewal, as the case requires.

127 Variation and revocation of conditions

- (1) On application in writing by the licensee and if satisfied that it is in the best interests of the patients and residents at the licensed premises, the Minister may—
 - (a) vary a condition imposed under section 125 (4) or (5) in the manner specified in the application; or
 - (b) revoke a condition imposed under section 125 (5); or
 - (c) impose a condition specified in the application.
- (2) If satisfied that it is in the best interests of the patients and residents at the licensed premises—
 - (a) to vary a condition imposed under section 125 (4) or (5); or
 - (b) to revoke a condition imposed under section 125 (5); or
 - (c) to impose a condition;

the Minister may, by notice in writing served on the licensee, require the licensee, within 28 days after the date of the notice, to show cause why that condition should not be varied in the manner specified in the notice or should not be revoked or imposed.

- (3) The Minister may, after the expiration of 28 days after the date of the notice, vary in the manner specified in the notice, or revoke or impose, the condition specified in the notice.
- (4) A decision of the Minister under subsection (1) or (3) takes effect on the day after the day on which the notice under section 137 (1) is given to the licensee or on such later day as may be specified in that notice.

128 Surrender of licence

- (1) A licensee may surrender the licence by notice in writing signed by the licensee and lodged with the Minister together with the licence.
- (2) A surrender takes effect on the date of the notice or on such later day as may be specified in the notice.

129 Cancellation of licence

- (1) If satisfied that a licensee has failed to comply with a condition of the licence, the Minister may, by notice in writing served on the licensee, require the licensee, within 28 days after the date of the notice, to show cause why the licence should not be cancelled.
- (2) The Minister may, after the expiration of 28 days after the date of the notice, cancel the licence.
- (3) The cancellation of a licence under this section takes effect on the day after the day on which the notice under section 137 (1) is given to the licensee or on such later day as may be specified in that notice.

130 Emergency cancellation

- (1) Despite section 129, if satisfied that circumstances exist in relation to licensed premises that give rise to an immediate risk of harm to the health or safety of patients or residents on the licensed premises, the Minister may, by notice in writing served on the licensee, cancel the licence.

- (2) A notice under subsection (1) shall set out—
 - (a) the terms of the decision; and
 - (b) the findings on material questions of fact, referring to the evidence or other material on which those findings were made; and
 - (c) the reasons for the decision.
- (3) The cancellation of a licence under this section takes effect on the day after the day on which the notice is served on the licensee.
- (4) Where a licence is cancelled under subsection (1), the former licensee may apply for restoration of the licence on the ground that, because of a specified change in the circumstances referred to in subsection (1) that has occurred since the date of cancellation, the licence should be restored.
- (5) The Minister may restore the licence if satisfied that, because of the change specified in the application, it should be restored.

131 Effect of cancellation

Where a licence is cancelled under section 129 or 130, the former licensee shall not—

- (a) admit any person for treatment, care or support, rehabilitation or accommodation at the premises to which the licence related on or after the day on which the cancellation takes effect; or
- (b) permit treatment, care or support, rehabilitation or accommodation to be provided on those premises after the expiration of 1 month after that day.

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

Part 13.3 Inspectors

132 Appointment of inspectors

- (1) The Minister may appoint a person as an inspector for this chapter.
- (2) An inspector must exercise functions for this chapter that the chief psychiatrist directs.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

133 Identity cards

- (1) The Minister shall issue to each inspector an identity card that specifies the name and appointment of the inspector and on which appears a recent photograph of the inspector.
- (2) A person appointed to be an inspector shall not, without reasonable excuse, fail to return his or her identity card to the Minister on ceasing to be an inspector.

Maximum penalty (subsection (2)): 1 penalty unit.

134 Powers of inspection

- (1) An inspector may, at any time of the day, enter any licensed premises and—
 - (a) inspect the premises and any equipment used at the premises in connection with the treatment, care or support, rehabilitation or accommodation of patients or residents; and

- (b) inspect any books, documents or other records that are in the possession of the occupier of the premises, or to which the occupier has access, relating to the conduct of the psychiatric facility at those premises; and
 - (c) require the occupier of the premises to furnish the inspector with any information, books, documents or other records that are in the possession of the occupier, or to which the occupier has access, relating to the conduct of the psychiatric facility at those premises.
- (2) An inspector who enters premises under subsection (1) is not authorised to remain on the premises if, when requested to do so by the occupier of the premises, the inspector does not show his or her identity card to the occupier.
 - (3) A person is not required to furnish material to an inspector under subsection (1) (c) if, when requested to do so by the person, the inspector does not show his or her identity card to the person.
 - (4) Where an inspector enters premises under subsection (1), a reference in this section to the *occupier* of the premises includes a reference to a person the inspector believes on reasonable grounds to be the occupier, or the person in charge, of those premises.

135 Failing to comply with requirement of inspector

A person shall not, without reasonable excuse, fail to comply with a requirement to furnish material under section 134 (1) (c).

Maximum penalty: 50 penalty units.

Part 13.4 **Miscellaneous**

138 **Unauthorised treatment, care or support**

A licensee is guilty of an offence if the licensee allows treatment, care or support for mental illness to be given to a person at the licensed premises after the licensee receives notice that the person is the subject of an order of the ACAT that does not authorise the giving of that treatment, care or support to that person at the psychiatric facility conducted at those premises.

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

Chapter 14 Mental health advisory council

Chapter 15 Interstate application of mental health laws

Part 15.1 Preliminary

139CA Object of ch 15

The object of this chapter is to provide for—

- (a) the interstate transfer of patients under mental health legislation; and
- (b) the interstate recognition of documents that authorise the detention of persons under mental health legislation; and
- (c) the treatment in the ACT of persons subject to mental health orders or similar orders made in other States; and
- (d) the apprehension of persons subject to certain interstate warrants or orders, or otherwise liable to apprehension, under mental health legislation.

139CB Definitions—ch 15

In this chapter:

agreement means an agreement made under section 139CC.

corresponding law means a law of another State which is declared to be a corresponding law under section 139CD (1).

interstate custodial patient means a person who is declared to be an interstate custodial patient under section 139CD (2).

interstate non-custodial order means an order which is declared to be an interstate non-custodial order under section 139CD (4).

State includes Territory.

139CC Authority to enter into agreements

- (1) The Minister may enter into an agreement with a Minister of another State for or with respect to the application of mental health laws of the ACT or the other State, the transfer, detention and apprehension of persons in the ACT and the other State under mental health laws and administrative matters and other matters ancillary to, or consequential on, any of those matters or other matters contained in this chapter.
- (2) Nothing in this section limits the power of the Minister to enter into any agreement relating to mental health laws.
- (3) An agreement under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

139CD Recognition of interstate laws and orders

- (1) The regulations may declare that a specified law of another State relating to mental health is a corresponding law for this chapter.
- (2) The regulations may declare that a specified class of persons, being persons who under a corresponding law are required to be detained at a hospital or other facility or in the custody of a person, are interstate custodial patients for this chapter.
- (3) The regulations may declare that a class of interstate custodial patients corresponds to 1 of the following:
 - (a) persons being detained under section 38, with the detention having commenced at a specified time;
 - (b) persons being detained under section 41, with the detention having commenced at a specified time;
 - (c) persons subject to a specified custody order that was made at a specified time.

- (4) The regulations may declare that a specified class of orders made under a corresponding law, being orders which require the treatment of a person but not the holding of the person in custody, are interstate non-custodial orders for this chapter.

139CE Territory officers may exercise functions under corresponding laws

Subject to any agreement under section 139CC, a person authorised by the Minister for this section may exercise any function conferred on him or her by or under a corresponding law or an agreement under section 139CC.

Part 15.2 Transfer of persons from ACT

139CF Emergency admission of persons to health facilities in other States

- (1) A person who may be apprehended and detained at an approved health facility under section 37 may be taken to a health facility in another State for detention instead, if this is permitted by or under a corresponding law of the other State.
- (2) A person may be taken to a health facility in another State under this section by—
 - (a) a person who is authorised by this Act to apprehend the person and deliver him or her to an approved health facility, if this is permitted by or under the law of the other State; or
 - (b) any other person who is authorised to do so by the regulations or under a provision of a corresponding law of the other State.
- (3) The regulations may provide for or with respect to—
 - (a) the handing over of custody of a person referred to in subsection (1) by persons in the ACT; and
 - (b) the persons (including interstate persons) who may take such a person to a health facility in another State under this section; and
 - (c) the health facilities to which a person may be taken under this section.

139CG Transfer of custodial patients from ACT

- (1) A person who—
 - (a) is being detained at an approved health facility or an approved mental health facility under section 38 or 41; or

(b) is subject to a psychiatric treatment order and is being detained under—

(i) a restriction order made under section 36X or section 36ZF; or

(ii) action taken under a relevant provision;

may be transferred to a health facility in another State, if the transfer is permitted by or under a provision of a corresponding law of the other State and is in accordance with the regulations.

(2) A person may be taken to a health facility in another State under this section by a person who is authorised to do so by the regulations or under a provision of a corresponding law of the other State.

(3) The regulations may provide for or with respect to—

(a) procedures for authorising the transfer of a person under this section and for notifying any such transfer or proposed transfer; and

(b) criteria for authorising the transfer of a person under this section; and

(c) the handing over of custody of such a person by persons in the ACT; and

(d) the persons (including interstate persons) who may take a person to a health facility in another State under this section; and

(e) the health facilities to which a patient may be taken under this section.

(4) In this section:

relevant provision means—

(a) section 36ZC (Powers in relation to psychiatric treatment order); or

- (b) section 36ZO (Contravention of mental health order); or
- (c) section 36ZP (Contravention of mental health order—absconding from facility); or
- (d) section 48ZG (Powers in relation to forensic psychiatric treatment order); or
- (e) section 48ZX (Contravention of forensic mental health order); or
- (f) section 48ZY (Contravention of forensic mental health order—absconding from facility).

139CH Application of Act to persons transferred interstate

- (1) Subject to the regulations, this Act ceases to apply to a person who is accepted into the custody of a responsible person at a health facility in another State under section 139CF or 139CG.
- (2) Where an agreement under section 139CC allows it, the regulations may provide for provisions of this Act to continue to apply in specified circumstances to a person after the person is accepted into the custody referred to in subsection (1).

Part 15.3 Transfer of persons to ACT

139CI Emergency admission of interstate persons to approved health facilities

- (1) A person who may be taken to and detained in a hospital or other facility in another State under a corresponding law of that State may instead be taken to and detained in an approved health facility in the ACT.
- (2) A person may be taken to an approved health facility in the ACT under this section by—
 - (a) a person who is authorised under section 37 to apprehend a person and take the person to an approved health facility, if this is permitted by or under a law of the other State; or
 - (b) any other person who is authorised to do so by the regulations or under a provision of a corresponding law of the other State.
- (3) The regulations may provide for or with respect to—
 - (a) the handing over of custody of a person referred to in subsection (1) to persons in the ACT; and
 - (b) the persons (including interstate persons) who may take such a person to an approved health facility in the ACT under this section; and
 - (c) the health facilities to which a person may be taken under this section.

139CJ Application of Act to persons detained under s 139CI

This Act applies to a person who is taken to and detained in an approved health facility under section 139CI as if it had been done under section 37.

139CK Transfer of interstate custodial patients to health facilities in ACT

- (1) An interstate custodial patient may be transferred to an approved health facility or an approved mental health facility in the ACT, if the transfer is authorised under a provision of a corresponding law of the other State and accepted by the person in charge of the facility.
- (2) An interstate custodial patient may be taken to a facility in the ACT under this section by a person who is authorised to do so by the regulations or under a provision of a corresponding law of the other State.
- (3) The person in charge of an approved health facility or an approved mental health facility shall not accept the transfer of an interstate custodial patient to the facility unless the person in charge is satisfied that the patient could reasonably be detained under this Act.
- (4) A regulation may make provision in relation to the following:
 - (a) the procedures for authorising and arranging the receipt of an interstate custodial patient under this section;
 - (b) a person (including an interstate person) who may take an interstate custodial patient to a facility in the ACT under this section;
 - (c) receiving custody of an interstate custodial patient by a person in the ACT;
 - (d) the period within which an interstate custodial patient must be reviewed by the ACAT after being transferred to a facility in the ACT.

139CL Application of Act to persons transferred to ACT under s 139CK

An interstate custodial patient who is transferred to an approved health facility or an approved mental health facility under section 139CK is subject to this Act—

- (a) where no regulation has been made under section 139CD (3) that applies to the patient—as if the patient had been first detained at the facility in accordance with section 38 at the time of admission to the facility; or
- (b) where a regulation made under section 139CD (3) (a) applies to the patient—as if the patient had been first detained at the facility in accordance with section 38 at the time specified in the regulation; or
- (c) where a regulation made under section 139CD (3) (b) applies to the patient—as if the patient had been first detained at the facility in accordance with section 41 at the time specified in the regulation; or
- (d) where a regulation made under section 139CD (3) (c) applies to the patient—as if the patient were subject to the custody order specified in the regulation.

Part 15.4 Psychiatric treatment orders and interstate non-custodial orders

139CM Psychiatric treatment orders relating to interstate people

- (1) A psychiatric treatment order may be made under part 5.4 even though the affected person does not reside in the ACT, if—
 - (a) the agencies responsible for implementing the order are located in the ACT; or
 - (b) the order is allowed under an agreement under section 139CC with the State where the person resides.
- (2) However, a restriction order mentioned in section 36Y (1) (a) (ii) or section 36ZG (1) (a) (ii) may not be made in relation to the affected person.

139CN Orders relating to ACT residents

- (1) Where a person (the *patient*) is subject to an interstate non-custodial order, persons who are authorised under the corresponding law of the State concerned to implement the order may treat the patient in the ACT and exercise other functions in the ACT for the purpose of implementing the order.
- (2) The regulations may provide for or with respect to—
 - (a) limiting the persons who may act under this section; and
 - (b) limiting the treatment that may be given or functions that may be exercised under this section.

Part 15.5 Apprehension of persons absent from custody or in breach of orders

139CO Recognition of apprehension orders

A warrant, order or other document issued under a corresponding law, being a document which authorises the apprehension of a person, is recognised in the ACT if the conditions for recognition set out in the regulations are met.

139CP Apprehension of interstate persons absent without leave or in breach of orders

- (1) Where a person—
 - (a) is the subject of a warrant, order or other document recognised in the ACT under section 139CO; or
 - (b) is otherwise liable to be apprehended, under a provision of a corresponding law under which the person may be apprehended and taken to a health facility;the person may be apprehended at any time—
 - (c) by a police officer; or
 - (d) by a person who is authorised to do so by the regulations or under a provision of a corresponding law of the other State.
- (2) A person who has been apprehended under this section may be—
 - (a) conveyed to and detained in an approved health facility in the ACT; or
 - (b) where it is permitted by a corresponding law of the other State concerned—conveyed to that State and there dealt with in accordance with the corresponding law.

- (3) This Act applies to a person conveyed to and detained in an approved health facility under subsection (2) (a) as if the person were first detained at the facility in accordance with section 38 at the time of admission to the facility.

139CQ Regulations relating to apprehension of persons

The regulations may provide for or with respect to—

- (a) the kinds of warrants, orders or other documents that may be recognised in the ACT for this chapter; and
- (b) the conditions (if any) to be met before a warrant, order or other document can be recognised in the ACT; and
- (c) the circumstances when a person is taken to be liable to be apprehended under a corresponding law; and
- (d) the persons (including interstate persons) who may apprehend a person under this section; and
- (e) the health facilities and places to which a person can be taken under this chapter (whether in the ACT or another State); and
- (f) the actions (including transfer to the other State) that may be taken in respect of a person detained under this chapter.

Chapter 16 Notification and review of decisions

Chapter 17 Miscellaneous

Schedule 1 Reviewable decisions

(see ch 16)

column 1 item	column 2 section	column 3 decision	column 4 entity
1A	48ZU	refuse to grant leave	applicant for leave
1B	48ZV	refuse to grant leave in emergency or special circumstances	applicant for leave
1C	48ZW	revoke leave	applicant for leave
1D	48ZZQ	refuse to grant leave	applicant for leave
1E	48ZZR	revoke leave for correctional patient	applicant for leave
1	125 (1)	refuse to issue licence	applicant for licence
2	126 (4)	refuse to renew licence	applicant for renewal of licence
3	127 (1) (a)	refuse to vary condition on licence	licensee
4	127 (1) (b)	refuse to revoke condition on licence	licensee

Schedule 1

Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
5	127 (1) (c)	refuse to impose condition on licence	licensee
6	127 (3)	vary condition on licence	licensee
7	127 (3)	revoke condition on licence	licensee
8	127 (3)	impose condition on licence	licensee
9	129 (2)	cancel licence	licensee
10	130 (5)	refuse to restore licence	former licensee

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:

- ACAT
- adult
- child
- correctional centre
- corrections officer
- detention place
- director-general (see s 163)
- director of public prosecutions
- discrimination commissioner
- doctor
- domestic partner (see s 169 (1))
- expire
- lawyer
- Magistrates Court
- nurse
- nurse practitioner
- parent
- police officer
- proceeding
- public advocate
- registrar
- reviewable decision notice
- Supreme Court
- writing.

ACAT mental health provision—see the [Children and Young People Act 2008](#), section 491.

advance agreement—see section 26.

advance consent direction—see section 27.

affected person, in relation to a forensic patient—see section 48ZZB.

affected person register, for part 7.2 (Affected people)—see section 48ZZD.

agreement, for chapter 15 (Interstate application of mental health laws)—see section 139CB.

approved community care facility means a facility approved under section 139E.

approved mental health facility means a facility approved under section 139D.

assessment means a psychiatric or psychological assessment.

assessment order means an order under section 36A.

authorised ambulance paramedic means a member of the ambulance service—

- (a) employed as a paramedic; and
- (b) authorised by the chief officer (ambulance service) to apprehend people with a mental disorder or mental illness.

care and protection order—see the [Children and Young People Act 2008](#), section 422.

care coordinator means the care coordinator appointed under section 120A.

carer—see section 12.

chief psychiatrist means the Chief Psychiatrist appointed under section 112.

child and adolescent psychiatrist means a psychiatrist who is a member of the Faculty of Child and Adolescent Psychiatry of the Royal Australian and New Zealand College of Psychiatrists.

close relative or close friend, of a person—see the [Guardianship and Management of Property Act 1991](#), section 32A.

community-based sentence, for part 7.1 (Forensic mental health orders)—see the [Crimes \(Sentence Administration\) Act 2005](#), section 264.

community care facility—

(a) means—

- (i) a facility, or part of a facility, for the treatment, care or support, protection, rehabilitation or accommodation of people with a mental disorder; or
- (ii) a prescribed psychiatric facility or a prescribed part of a psychiatric facility; but

(b) does not include a correctional centre or detention place.

community care order means an order made under section 36.

coordinating director-general means the director-general appointed under section 122D.

correctional patient—see section 48ZZI.

corrections director-general means the director-general responsible for the [Corrections Management Act 2007](#).

corrections order, for division 7.1.8 (Leave for detained people)—see section 48ZR.

corresponding law, for chapter 15 (Interstate application of mental health laws)—see section 139CB.

Crimes Act means the [Crimes Act 1900](#).

CYP director-general means the director-general responsible for the [Children and Young People Act 2008](#).

decision includes an order.

decision-making capacity—see section 7.

detainee—see the [Corrections Management Act 2007](#), section 6.

director-general, for part 7.2 (Affected people)—see section 48ZZA.

electroconvulsive therapy—see section 55.

electroconvulsive therapy order—see section 55F.

emergency assessment order means an order under section 36C.

emergency electroconvulsive therapy order—see section 55M.

entitled person—see section 121.

forensic mental health order means a forensic psychiatric treatment order or a forensic community care order.

forensic patient, for part 7.2 (Affected people)—see section 48ZZA.

general president, of the ACAT—see the [ACT Civil and Administrative Tribunal Act 2008](#), dictionary.

health attorney—see the [Guardianship and Management of Property Act 1991](#), section 32B (1).

information sharing entity, for part 12.5 (Sharing information—government agencies)—see section 122G.

information sharing protocol, for part 12.5 (Sharing information—government agencies)—see section 122H.

information statement means an information statement mentioned in section 15 (1) (b).

informed consent, for chapter 9 (Electroconvulsive therapy and psychiatric surgery)—see section 54.

inspector, for chapter 13 (Private psychiatric facilities)—see section 123.

interim care and protection order—see the [Children and Young People Act 2008](#), section 433.

interim therapeutic protection order—see the [Children and Young People Act 2008](#), section 543.

interstate custodial patient, for chapter 15 (Interstate application of mental health laws)—see section 139CB.

interstate non-custodial order, for chapter 15 (Interstate application of mental health laws)—see section 139CB.

licence, for chapter 13 (Private psychiatric facilities)—see section 123.

licensed premises, for chapter 13 (Private psychiatric facilities)—see section 123.

licensee, for chapter 13 (Private psychiatric facilities)—see section 123.

mental disorder—see section 9.

mental health facility—

- (a) means a facility for the treatment, care or support, rehabilitation or accommodation of people with a mental illness; and
- (b) includes a psychiatric facility.

mental health officer means a person appointed as a mental health officer under section 119.

mental health order means a psychiatric treatment order, a community care order or a restriction order.

mental health professional means a doctor, nurse, psychiatrist, psychologist, social worker or therapist (including occupational therapist) or other person who provides services for people with a mental disorder or mental illness.

mental illness—see section 10.

mental impairment—see the [Criminal Code](#), section 27.

neurosurgery means surgery on the brain of a person for the purpose of treating a pathological condition of the physical structure of the brain.

nominated person means a person nominated under section 19.

non-presidential member, of the ACAT—see the [ACT Civil and Administrative Tribunal Act 2008](#), dictionary.

official visitor—see section 121 (1).

order includes the variation or revocation of an order.

presidential member, of the ACAT—see the [ACT Civil and Administrative Tribunal Act 2008](#), dictionary.

principal official visitor means the principal official visitor appointed under section 122AA.

private psychiatric facility means a facility in relation to which a licence is issued under chapter 13 (Private psychiatric facilities).

proceeding means a proceeding on an application, or other proceeding in, the ACAT.

psychiatric facility—

- (a) for this Act generally—means a hospital or other facility for the treatment, care or support, rehabilitation or accommodation of people who have a mental illness, that is—
 - (i) a facility conducted by the Territory; or
 - (ii) a private psychiatric facility; and
- (b) for chapter 13 (Private psychiatric facilities)—see section 123.

psychiatric surgery means surgery on the brain of a person, other than neurosurgery.

psychiatric treatment order means an order made under section 28.

psychiatrist means a doctor who is registered under the [Health Practitioner Regulation National Law \(ACT\)](#) in the specialist area of psychiatry.

publish, for part 7.2 (Affected people)—see section 48ZZA.

registered affected person, in relation to a forensic patient—see section 48ZZC.

referring officer, in relation to a person, means—

- (a) the police officer—
 - (i) who arrests the person in connection with an offence; or
 - (ii) who is satisfied that there are sufficient grounds on which to charge the person in connection with an offence; or
 - (iii) who charges the person in connection with an offence;
- (b) a member of the staff of the director of public prosecutions who is responsible for the prosecution of an offence against the person; or
- (c) if the person is required to accept supervision by someone else as a condition of bail under the [Bail Act 1992](#)—that other person.

Note Under the [Bail Act 1992](#), s 25 (2) and s 26 (2), an adult may be supervised by the director of corrective services and a child may be supervised by the director-general under the [Children and Young People Act 2008](#).

relative, in relation to a person, means a domestic partner, parent, guardian, grandparent, uncle, aunt, brother, sister, half-brother, half-sister, cousin or child (being a child over the age of 18 years) of the person.

Note For the meaning of **domestic partner**, see [Legislation Act](#), s 169.

relevant information, for part 12.5 (Sharing information—government agencies)—see section 122G.

relevant official—

- (a) for a mental health order, for chapter 5 (Mental health orders)—see section 36N; or
- (b) for a forensic mental health order, for part 7.1 (Forensic mental health orders)—see section 48S.

relevant person—

- (a) for a mental health order application, for chapter 5 (Mental health orders)—see section 36N; and
- (b) for a forensic mental health order application, for part 7.1 (Forensic mental health orders)—see section 48S.

representative, of a treating team, for part 3.3 (Advance agreements and advance consent directions)—see section 24.

responsible person, for chapter 3 (Rights of people with mental disorder or mental illness)—see section 14.

restriction order means an order made under section 36X or section 36ZF.

reviewable decision, for chapter 16 (Notification and review of decisions)—see section 139CR.

State, for chapter 15 (Interstate application of mental health laws)—see section 139CB.

subject person, for chapter 11 (ACAT procedural matters)—see section 80.

transfer direction—see section 48ZZJ (3).

treating team, for a person with a mental disorder or mental illness, for part 3.3 (Advance agreements and advance consent directions)—see section 24.

treatment, care or support, for a mental disorder or mental illness—

- (a) means things done in the course of the exercise of professional skills to remedy the disorder or illness or lessen its ill effects or the pain or suffering it causes; and
- (b) includes the giving of medication and counselling, training, therapeutic and rehabilitation programs, care or support.

Examples—rehabilitation support

- 1 support to improve social confidence and integration
- 2 assistance to improve work skills

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

victims of crime commissioner means the victims of crime commissioner appointed under the [Victims of Crime Act 1994](#).

visitable place—see section 121.

young detainee—see the [Children and Young People Act 2008](#), section 95.

young offender—see the [Children and Young People Act 2008](#), dictionary.

young person—see the [Children and Young People Act 2008](#), section 12.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Mental Health (Treatment and Care) Act 1994 A1994-44

notified 7 September 1994 ([Gaz 1994 No S177](#))

s 1, s 2 commenced 7 September 1994

remainder commenced 6 February 1995 ([Gaz 1995 No S33](#))

as amended by

[Annual Reports \(Government Agencies\) \(Consequential Provisions\) Act 1995 A1995-25 sch](#)

notified 5 September 1995 ([Gaz 1995 No S212](#))

commenced 5 September 1995 (s 2)

[Health and Community Care Services \(Consequential Provisions\) Act 1996 A1996-35 sch](#)

notified 1 July 1996 ([Gaz 1996 No S130](#))

commenced 1 July 1996 (s 2)

[Legal Practitioners \(Consequential Amendments\) Act 1997 A1997-96 sch 1](#)

notified 1 December 1997 ([Gaz 1997 No S380](#))

s 1, s 2 commenced 1 December 1997 (s 2 (1))

sch 1 commenced 1 June 1998 (s 2 (2))

[Mental Health \(Treatment and Care\) \(Amendment\) Act 1997 A1997-104](#)

notified 24 December 1997 ([Gaz 1997 No S420](#))

commenced 24 December 1997 (s 2)

[Statute Law Revision \(Penalties\) Act 1998 A1998-54 sch](#)

notified 27 November 1998 ([Gaz 1998 No S207](#))

s 1, s 2 commenced 27 November 1998 (s 2 (1))

sch commenced 9 December 1998 (s 2 (2) and [Gaz 1998 No 49](#))

[Mental Health \(Treatment and Care\) \(Amendment\) Act 1998 A1998-70](#)

notified 23 December 1998 ([Gaz 1998 No S212](#))

commenced 23 December 1998 (s 2)

Endnotes

3 Legislation history

**Courts and Tribunals (Audio Visual and Audio Linking) Act 1999
A1999-22 pt 11**

notified 14 April 1999 ([Gaz 1999 No S16](#))
s 1, s 2 commenced 14 April 1999 (s 2 (1))
pt 11 commenced 1 September 1999 (s 2 and [Gaz 1999 No 35](#))

Mental Health (Treatment and Care) (Amendment) Act 1999 A1999-31

notified 25 June 1999 ([Gaz 1999 No S34](#))
ss 1-5 commenced 25 June 1999 (s 2 (1))
remainder commenced 1 October 1999 (s 2 (2))

**Mental Health (Treatment and Care) Amendment Act (No 2) 1999
A1999-62**

notified 10 November 1999 ([Gaz 1999 No 45](#))
commenced 10 November 1999 (s 2)

**Children and Young People (Consequential Amendments) Act 1999
A1999-64 sch 2**

notified 10 November 1999 ([Gaz 1999 No 45](#))
s 1, s 2 commenced 10 November 1999 (s 2 (1))
sch 2 commenced 10 May 2000 (s 2 (2))

Law Reform (Miscellaneous Provisions) Act 1999 A1999-66 sch 3

notified 10 November 1999 ([Gaz 1999 No 45](#))
sch 3 commenced 10 November 1999 (s 2)

**Justice and Community Safety Legislation Amendment Act 2000
(No 2) A2000-2 sch**

notified 9 March 2000 ([Gaz 2000 No 10](#))
sch commenced 9 March 2000 (s 2)

**Justice and Community Safety Legislation Amendment Act 2000
(No 3) A2000-17 sch 1**

notified 1 June 2000 ([Gaz 2000 No 22](#))
sch 1 commenced 1 June 2000 (s 2)

Mental Health (Treatment and Care) Amendment Act 2000 A2000-52

notified 5 October 2000 ([Gaz 2000 No 40](#))
commenced 5 October 2000 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 249
(as am by A2001-70 amdt 1.13)**

notified 26 July 2001 ([Gaz 2001 No 30](#))
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 249 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

Statute Law Amendment Act 2001 A2001-11 pt 1.4

notified 5 September 2001 ([Gaz 2001 No S65](#))
s 1, s 2 commenced 5 September 2001 (s IA s 10B)
amdt 1.40 commenced 12 September 2001 (amdt 1.40)
pt 1.4 remainder commenced 5 September 2001 (s 2)

**Justice and Community Safety Legislation Amendment Act 2001
A2001-70 sch 1**

notified LR 14 September 2001
amdt commenced 14 September 2001 (s 2 (5))

Statute Law Amendment Act 2002 A2002-30 pt 3.49

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.49 commenced 17 September 2002 (s 2 (1))

Mental Health (Treatment and Care) Amendment Act 2002 A2002-33

notified LR 8 October 2002
s 1, s 2 commenced 8 October 2002 (LA s 75 (1))
remainder commenced 9 October 2002 (s 2)

**Health and Community Care Services (Repeal and Consequential
Amendments) Act 2002 A2002-47 pt 1.3**

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
pt 1.3 commenced 31 December 2002 (s 2)

Statute Law Amendment Act 2002 (No 2) A2002-49 pt 3.12

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
pt 3.12 commenced 17 January 2003 (s 2 (1))

Endnotes

3 Legislation history

Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 sch 1 pt 1.24

notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))
pt 1.24 commenced 28 March 2003 (s 2)

Evidence (Miscellaneous Provisions) Amendment Act 2003 A2003-48 sch 2 pt 2.10

notified LR 31 October 2003
s 1, s 2 commenced 31 October 2003 (LA s 75 (1))
sch 2 pt 2.10 commenced 30 April 2004 (s 2 and LA s 79)

Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.21

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.21 commenced 13 April 2004 (s 2 and see [Annual Reports \(Government Agencies\) Act 2004 A2004-8](#), s 2 and [CN2004-5](#))

Nurse Practitioners Legislation Amendment Act 2004 A2004-10 pt 4

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
pt 4 commenced 27 May 2004 (s 2 and [CN2004-9](#))

Bail Amendment Act 2004 A2004-14 sch 2 pt 2.3

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.3 commenced 26 June 2004 (s 2)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.56

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.56 commenced 9 April 2004 (s 2 (1))

Crimes Amendment Act 2004 A2004-16 pt 3

notified LR 16 March 2004
s 1, s 2 commenced 16 March 2004 (LA s 75 (1))
pt 3 commenced 17 March 2004 (s 2)

**Health Professionals Legislation Amendment Act 2004 A2004-39
sch 6 pt 6.7 (as am by A2005-48 sch 1 pt 1.4)**

notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
sch 6 pt 6.7 commenced 17 January 2006 (s 2 and see [Health Professionals Act 2004 A2004-38](#), s 2 (as am by [A2005-28](#) amdt 1.1) and [CN2006-2](#))

Mental Health (Treatment and Care) Amendment Act 2004 A2004-44

notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
remainder commenced 12 August 2004 (s 2)

**Court Procedures (Consequential Amendments) Act 2004 A2004-60
sch 1 pt 1.55**

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.55 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

Crimes Amendment Act 2005 A2005-7 pt 5

notified LR 23 February 2005
s 1, s 2 commenced 23 February 2005 (LA s 75 (1))
pt 5 commenced 24 February 2005 (s 2)

**Public Advocate Act 2005 A2005-47 sch 1 pt 1.7 (as am by A2006-3
amdt 1.8)**

notified LR 2 September 2005
s 1, s 2 commenced 2 September 2005 (LA s 75 (1))
sch 1 pt 1.7 commenced 1 March 2006 (s 2 as am by [A2006-3](#) amdt 1.8))

Mental Health (Treatment and Care) Amendment Act 2005 A2005-48

notified LR 6 September 2005
s 1, s 2 commenced 6 September 2005 (LA s 75 (1))
sch 1 pt 1.4 commenced 17 January 2006 (LA s 79A and see [A2004-39](#))
remainder commenced 7 September 2005 (s 2)

Endnotes

3 Legislation history

Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 1 pt 1.22

notified LR 26 October 2005
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))
sch 1 pt 1.22 commenced 23 November 2005 (s 2)

Human Rights Commission Legislation Amendment Act 2006 A2006-3 amdt 1.8

notified LR 22 February 2006
s 1, s 2 commenced 22 February 2006 (LA s 75 (1))
amdt 1.8 commenced 23 February 2006 (s 2)

Note This Act only amends the [Public Advocate Act 2005 A2005-47](#)

Criminal Code (Mental Impairment) Amendment Act 2006 A2006-14 sch 1 pt 1.3

notified LR 6 April 2006
s 1, s 2 commenced 6 April 2006 (LA s 75 (1))
sch 1 pt 1.3 commenced 7 April 2006 (s 2)

Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.28

notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
sch 1 pt 1.28 commenced 2 June 2006 (s 2 (1) and see [Crimes \(Sentence Administration\) Act 2005 A2005-59 s 2](#), [Crimes \(Sentencing\) Act 2005 A2005-58, s 2](#) and LA s 79)

Health Legislation Amendment Act 2006 A2006-27 sch 2 pt 2.3

notified LR 14 June 2006
s 1, s 2 commenced 14 June 2006 (LA s 75 (1))
sch 2 pt 2.3 commenced 14 December 2006 (s 2 and LA s 79)

Justice and Community Safety Legislation Amendment Act 2006 A2006-40 sch 1 pt 1.11, sch 2 pt 2.24

notified LR 28 September 2006
s 1, s 2 commenced 28 September 2006 (LA s 75 (1))
sch 1 pt 1.11 commenced 19 October 2006 (s 2 (3))
sch 2 pt 2.24 commenced 29 September 2006 (s 2 (1))

Powers of Attorney Act 2006 A2006-50 sch 2 pt 2.3

notified LR 30 November 2006
s 1, s 2 commenced 30 November 2006 (LA s 75 (1))
sch 2 pt 2.3 commenced 30 May 2007 (s 2 and LA s 79)

Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.24

notified LR 6 December 2007

s 1, s 2 commenced 6 December 2007 (LA s 75 (1))

sch 3 pt 3.24 commenced 27 December 2007 (s 2)

Mental Health (Treatment and Care) Amendment Act 2007 A2007-43

notified LR 12 December 2007

s 1, s 2 commenced 12 December 2007 (LA s 75 (1))

remainder commenced 13 December 2007 (s 2)

**Children and Young People (Consequential Amendments) Act 2008
A2008-20 sch 3 pt 3.18, sch 4 pt 4.19**

notified LR 17 July 2008

s 1, s 2 commenced 17 July 2008 (LA s 75 (1))

s 3 commenced 18 July 2008 (s 2 (1))

sch 3 pt 3.18 commenced 27 October 2008 (s 2 (4) and see [Children and Young People Act 2008](#) A2008-19, s 2 and [CN2008-13](#))

sch 4 pt 4.19 commenced 27 February 2009 (s 2 (5) and see [Children and Young People Act 2008](#) A2008-19, s 2 and [CN2008-17](#) (and see [CN2008-13](#)))

**ACT Civil and Administrative Tribunal Legislation Amendment
Act 2008 A2008-36 sch 1 pt 1.38**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.38 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

Statute Law Amendment Act 2009 A2009-20 sch 1 pt 1.2, sch 3 pt 3.53

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 1 pt 1.2, sch 3 pt 3.53 commenced 22 September 2009 (s 2)

**Human Rights Commission Legislation Amendment Act 2010
A2010-5 pt 5**

notified LR 2 March 2010

s 1, s 2 commenced 2 March 2010 (LA s 75 (1))

pt 5 commenced 9 March 2010 (s 2)

Endnotes

3 Legislation history

Health Practitioner Regulation National Law (ACT) Act 2010 A2010-10 sch 2 pt 2.16

notified LR 31 March 2010
s 1, s 2 commenced 31 March 2010 (LA s 75 (1))
amdt 2.106 commenced 1 July 2012 (s 2 (2))
sch 2 pt 2.16 remainder commenced 1 July 2010 (s 2 (1) (a))

Statute Law Amendment Act 2011 A2011-3 sch 1 pt 1.4

notified LR 22 February 2011
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 March 2011 (s 2)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.114

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.114 commenced 1 July 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.38

notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 3 pt 3.38 commenced 12 December 2011 (s 2)

Official Visitor Act 2012 A2012-33 sch 1 pt 1.6

notified LR 15 June 2012
s 1, s 2 commenced 15 June 2012 (LA s 75 (1))
sch 1 pt 1.5 commenced 1 September 2013 (s 2 as am by [A2013-22](#)
s 4)

Official Visitor Amendment Act 2013 A2013-22 sch 1 pt 1.5

notified LR 17 June 2013
s 1, s 2 commenced 17 June 2013 (LA s 75 (1))
sch 1 pt 1.5 commenced 1 September 2013 (s 2 and see [Official
Visitor Act 2012 A2012-33 s 2 as am by this Act](#))

Mental Health (Treatment and Care) Amendment Act 2014 A2014-51 (as am by [A2015-38 amdt 2.54](#))

notified LR 12 November 2014
s 1, s 2 commenced 12 November 2014 (LA s 75 (1))
remainder commenced 1 March 2016 (s 2 (as am by [A2015-38](#)
amdt 2.54))

**Annual Reports (Government Agencies) Amendment Act 2015
A2015-16 sch 1 pt 1.17**

notified LR 27 May 2015
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))
sch 1 pt 1.17 commenced 3 June 2015 (s 2)

Mental Health Act 2015 A2015-38 sch 2 pt 2.1, sch 2 pt 2.2

notified LR 7 October 2015
s 1, s 2 commenced 7 October 2015 (LA s 75 (1))
sch 2 pt 2.2 (amdt 2.54) commenced 8 October 2015 (s 2 (2))
sch 2 pt 2.1 commenced 1 March 2016 (s 2 (1) and see [Mental Health \(Treatment and Care\) Amendment Act 2014 A2014-51](#), s 2 (as am by [A2015-38](#) amdt 2.54))

Note Sch 2 pt 2.2 (amdt 2.54) only amends the [Mental Health \(Treatment and Care\) Amendment Act 2014 A2014-51](#)

as repealed by

Mental Health Act 2015 A2015-38 s 148

notified LR 7 October 2015
s 1, s 2 commenced 7 October 2015 (LA s 75 (1))
s 148 commenced 1 March 2016 (s 2 (1) and see [Mental Health \(Treatment and Care\) Amendment Act 2014 A2014-51](#), s 2 as am by this Act amdt 2.54)

Endnotes

4 Amendment history

4 Amendment history

Title	
title	am A1999-31 s 4; A2014-51 s 4
Preliminary	
ch 1 hdg	(prev pt 1 hdg) renum as ch 1 hdg A2014-51 s 5
Preliminary	
pt 1 hdg	renum as ch 1 hdg
Name of Act	
s 1	sub A2014-51 s 6
Commencement	
s 2	om A2001-44 amdt 1.2866
Dictionary	
s 3	sub A1998-70 s 4 om A1999-31 s 5 ins A2005-48 s 7
Notes	
s 4	defs reloc to dict A2005-48 s 6 sub A2005-48 s 7 def child om A2000-2 sch def Children's Services Act om A1999-64 sch 2 def community advocate om A2000-2 sch def convulsive therapy om A2005-48 s 4 def council om A1999-31 s 6 def determined fee om A2001-44 amdt 1.2867 def director om A1999-31 s 6 def discrimination commissioner om A2000-2 sch def doctor om A2000-2 sch def lawyer om A1997-96 sch 1 def psychiatric illness om A1999-31 s 6 def spouse om A2003-14 amdt 1.81
Offences against Act—application of Criminal Code etc	
s 4A	ins A2004-10 s 8 am A2005-48 s 8; A2005-47 amdt 1.14; A2007-43 s 4, s 5; A2014-51 ss 7-10 note 1 am R51 LA
Objects and important concepts	
ch 2 hdg	ins A2014-51 s 11
Objectives	
pt 2 hdg	om A2014-51 s 11

Objects of Act

s 5 hdg sub [A2007-43](#) s 6
 s 5 pars renum R6 LA
 am [A2007-43](#) s 7
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 5 by [A2015-38](#) amdt 2.38

Principles applying to Act

s 6 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 6 by [A2015-38](#) amdt 2.38

Meaning of *decision-making capacity*

s 7 am [A1999-31](#) sch 1
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 7 by [A2015-38](#) amdt 2.38

Principles of decision-making capacity

s 8 am [A1996-35](#) sch; [A1999-31](#) s 7 and sch 1; [A2002-47](#)
 amdt 1.19
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 8 by [A2015-38](#) amdt 2.38

Meaning of *mental disorder*

s 9 am [A1999-31](#) sch 1; [A2000-2](#) sch
 sub [A2008-36](#) amdt 1.496
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 9 by [A2015-38](#) amdt 2.38

Meaning of *mental illness*

s 10 om [A2008-36](#) amdt 1.497
 ins [A2008-36](#) amdt 1.498
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 10 by [A2015-38](#) amdt 2.38

People not to be regarded as having mental disorder or mental illness

s 11 am [A1999-31](#) sch 1; [A2005-7](#) s 21; pars renum R21 LA (see
[A2005-7](#) s 22); [A2005-48](#) s 18; [A2006-14](#) amdt 1.41;
[A2007-39](#) amdt 3.99
 om [A2008-36](#) amdt 1.497
 ins [A2008-36](#) amdt 1.498
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 11 by [A2015-38](#) amdt 2.38

Meaning of *carer*

s 12 am [A2000-2](#) sch
 om [A2007-39](#) amdt 3.100
 ins [A2008-36](#) amdt 1.498
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 12 by [A2015-38](#) amdt 2.38

Endnotes

4 Amendment history

Registrar and deputy registrar

s 12A ins [A1999-66](#) sch 3
om [A2000-2](#) sch

Proceedings relating to children

s 13 hdg am [A1999-31](#) notes
s 13 am [A1999-31](#) sch 1; [A2001-44](#) amdt 1.2868
sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 13 by [A2015-38](#) amdt 2.39

Rights of people with mental disorder or mental illness

ch 3 hdg ins [A2014-51](#) s 11

Mental health tribunal

pt 3 hdg om [A2008-36](#) amdt 1.497

Rights in relation to information and communication

pt 3.1 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 3.1 by [A2015-38](#) amdt 2.39

Meaning of *responsible person*—pt 3.1

s 14 am [A1999-31](#) s 8 and sch 1; [A2001-44](#) amdt 1.2869,
amdt 1.2870
sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 14 by [A2015-38](#) amdt 2.39

Information to be given to people

s 15 am [A1999-31](#) sch 1; [A1999-62](#) s 5; [A2006-14](#) amdt 1.42
sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11; [A2015-38](#)
amdt 2.1, amdt 2.2
reloc to [Mental Health Act 2015](#) s 15 by [A2015-38](#) amdt 2.39

Information to be available at facilities

s 16 am [A1999-31](#) sch 1; [A1999-64](#) sch 2; [A2004-44](#) s 9; [A2005-47](#)
amdt 1.19; [A2006-14](#) amdt 1.43; [A2008-20](#) amdt 3.35
sub [A2008-36](#) amdt 1.498
am [A2011-52](#) amdt 3.138
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 16 by [A2015-38](#) amdt 2.39

Determination of ability to consent

s 16A ins [A1999-31](#) s 9
am [A2004-44](#) s 10
om [A2008-36](#) amdt 1.498

Communication

s 17 am [A1999-31](#) s 10
sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 17 by [A2015-38](#) amdt 2.39

Failure by owner of facility to comply with pt 3.1

s 18 sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 18 by [A2015-38](#) amdt 2.39

Nominated people

pt 3.2 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 3.2 by [A2015-38](#) amdt 2.39

Nominated person

s 19 am [A1997-96](#) sch 1; [A2005-47](#) amdt 1.19
sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 19 by [A2015-38](#) amdt 2.39

Nominated person—functions

s 20 hdg am [A1997-96](#) note
s 20 am [A1997-96](#) sch 1
sub [A2005-47](#) amdt 1.15; [A2008-36](#) amdt 1.498; [A2014-51](#)
s 11
reloc to [Mental Health Act 2015](#) s 20 by [A2015-38](#) amdt 2.39

Nominated person—obligations of person in charge of facility

s 21 sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 21 by [A2015-38](#) amdt 2.39

Nominated person—end of nomination

s 22 am [A2005-47](#) amdt 1.19
sub [A2008-36](#) amdt 1.498; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 22 by [A2015-38](#) amdt 2.39

Executing orders to conduct assessments

s 22A ins [A2008-36](#) amdt 1.498
om [A2014-51](#) s 11

Contact with others

s 22B ins [A2008-36](#) amdt 1.498
om [A2014-51](#) s 11

Public advocate and lawyer to have access

s 22C ins [A2008-36](#) amdt 1.498
om [A2014-51](#) s 11

Person to be assessed to be informed

s 22D ins [A2008-36](#) amdt 1.498
om [A2014-51](#) s 11

Copies of assessments

s 22E ins [A2008-36](#) amdt 1.498
om [A2014-51](#) s 11

Nominated person—protection from liability

s 23 sub [A2004-44](#) s 11; [A2008-36](#) amdt 1.499; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 23 by [A2015-38](#) amdt 2.39

Endnotes

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Advance agreements and advance consent directions

pt 3.3 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 3.3 by [A2015-38](#) amdt 2.39

Definitions—pt 3.3

s 24 hdg am [A2009-20](#) amdt 3.142
s 24 am [A1999-31](#) sch 1
sub [A2004-44](#) s 11
am [A2009-20](#) amdt 3.142
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 24 by [A2015-38](#) amdt 2.39
def **representative** ins [A2014-51](#) s 11
def **treating team** ins [A2014-51](#) s 11

Consultation

s 24A ins [A1999-31](#) s 11
am [A1999-64](#) sch 2
om [A2004-44](#) s 11

Rights in relation to advance agreements and advance consent directions

s 25 am [A1999-31](#) s 12 and sch 1; pars renum R6 LA
sub [A2004-44](#) s 11
am [A2006-50](#) amdt 2.14; [A2008-20](#) amdt 3.36; [A2008-36](#)
amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 25 by [A2015-38](#) amdt 2.39

Entering into advance agreement

s 26 sub [A1999-31](#) s 13; [A2004-44](#) s 11
am [A2006-14](#) amdts 1.44-1.46; [A2008-36](#) amdt 1.500,
amdt 1.540; [A2009-20](#) amdt 3.142
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 26 by [A2015-38](#) amdt 2.39

Making advance consent direction

s 27 sub [A1999-31](#) s 13; [A2004-44](#) s 11
sub [A2008-36](#) amdt 1.501; [A2014-51](#) s 11
am [A2015-38](#) amdts 2.3-2.5
reloc to [Mental Health Act 2015](#) s 27 by [A2015-38](#) amdt 2.39

Giving treatment etc under advance agreement or advance consent direction

s 28 sub [A1999-31](#) s 13
am [A1999-62](#) s 6
sub [A2004-44](#) s 11
am [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 28 by [A2015-38](#) amdt 2.39

Ending advance agreement or advance consent direction

s 29 sub [A1999-31](#) s 13; [A2004-44](#) s 11
 am [A2005-48](#) s 18
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 29 by [A2015-38](#) amdt 2.39

Effect of advance agreement and advance consent direction on guardian with authority to give consent for treatment, care or support

s 30 am [A1999-31](#) s 14, sch 1
 sub [A2004-44](#) s 11; [A2008-36](#) amdt 1.502; [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 30 by [A2015-38](#) amdt 2.39

Effect of advance agreement and advance consent direction on attorney with power to deal with health care matters

s 31 sub [A2004-44](#) s 11; [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 31 by [A2015-38](#) amdt 2.39

Effect of health direction on previous advance consent direction

s 32 am [A1999-31](#) s 15, sch 1; [A1999-62](#) s 7; [A2001-44](#)
 amdt 1.2871, amdt 1.2872
 sub [A2004-44](#) s 11
 am [A2005-47](#) amdt 1.19; [A2006-50](#) amdt 2.15; [A2008-36](#)
 amdt 1.540
 sub [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 32 by [A2015-38](#) amdt 2.39

Contravention of mental health orders

s 32A ins [A1999-31](#) s 16
 om [A2004-44](#) s 11

Assessments

ch 4 hdg ins [A2014-51](#) s 11

Mental health orders

pt 4 hdg om [A2014-51](#) s 11

Applications and referrals

div 4.1 hdg (prev pt 4 div 1 hdg) renum as div 4.1 hdg R3 LA
 sub [A2008-36](#) amdt 1.498
 om [A2014-51](#) s 11

Assessments

div 4.2 hdg (prev pt 4 div 2 hdg) renum as div 4.2 hdg R3 LA
 sub [A2008-36](#) amdt 1.498

Making of orders—preliminary matters

div 4.3 hdg (prev pt 4 div 3 hdg) renum as div 4.3 hdg R3 LA
 sub [A2004-44](#) s 11
 om [A2014-51](#) s 11

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Psychiatric treatment orders

div 4.4 hdg (prev pt 4 div 4 hdg) ins [A1999-62](#) s 8
renum as div 4.4 hdg R3 LA
sub [A2004-44](#) s 11
om [A2014-51](#) s 11

Community care orders

div 4.5 hdg ins [A2004-44](#) s 11
om [A2014-51](#) s 11

Limits on communication

div 4.6 hdg ins [A2004-44](#) s 11
om [A2014-51](#) s 11

Duration, contravention and review of orders

div 4.7 hdg ins [A2004-44](#) s 11
om [A2014-51](#) s 11

Applications for assessment orders

pt 4.1 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 4.1 by [A2015-38](#) amdt 2.40

Applications by people with mental disorder or mental illness—assessment order

s 33 am [A1999-31](#) sch 1
sub [A2004-44](#) s 11; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 33 by [A2015-38](#) amdt 2.40

Applications by other people—assessment order

s 34 hdg am [A1997-96](#) note
s 34 am [A1997-96](#) sch 1; [A1999-31](#) sch 1
sub [A2004-44](#) s 11
am [A2005-47](#) amdt 1.19; [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 34 by [A2015-38](#) amdt 2.40

Applications by referring officers—assessment order

s 35 hdg am [A1999-31](#) notes
s 35 am [A1999-31](#) sch 1
sub [A2004-44](#) s 11
am [A2005-47](#) amdt 1.19
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 35 by [A2015-38](#) amdt 2.40

Applicant and referring officer to tell ACAT of risks—assessment order

s 36 am [A1999-31](#) s 17 and sch 1
sub [A2004-44](#) s 11
am [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 36 by [A2015-38](#) amdt 2.40

Assessment orders

pt 4.2 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 4.2 by [A2015-38](#) amdt 2.40

Assessment order

s 36A ins [A1999-62](#) s 8
sub [A2004-44](#) s 11; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 37 by [A2015-38](#) amdt 2.40

Consent for assessment order

s 36B ins [A1999-62](#) s 8
sub [A2004-44](#) s 11; [A2008-36](#) amdt 1.503; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 38 by [A2015-38](#) amdt 2.40

Emergency assessment order

s 36C ins [A2004-44](#) s 11
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 39 by [A2015-38](#) amdt 2.40

Content and effect of assessment order

s 36D ins [A2004-44](#) s 11
am [A2005-47](#) amdt 1.19; [A2006-50](#) amdt 2.16; [A2008-36](#)
amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 40 by [A2015-38](#) amdt 2.40

Public advocate to be told about assessment order

s 36E ins [A2004-44](#) s 11
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 41 by [A2015-38](#) amdt 2.40

Time for conducting assessment

s 36F ins [A2004-44](#) s 11
am [A2005-47](#) amdt 1.19; [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 42 by [A2015-38](#) amdt 2.40

Removal order to conduct assessment

s 36G ins [A2004-44](#) s 11
am [A2005-47](#) amdt 1.19; [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 43 by [A2015-38](#) amdt 2.40

Executing removal order

s 36H ins [A2004-44](#) s 11
am [A2008-36](#) amdt 1.504
sub [A2014-51](#) s 11; [A2015-38](#) amdt 2.6
reloc to [Mental Health Act 2015](#) s 44 by [A2015-38](#) amdt 2.40

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Contact with others

s 36I ins [A2004-44](#) s 11
sub [A2005-47](#) amdt 1.16; [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 45 by [A2015-38](#) amdt 2.40

Public advocate and lawyer to have access

s 36J ins [A2004-44](#) s 11
am [A2006-14](#) amdt 1.47
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 46 by [A2015-38](#) amdt 2.40

Person to be assessed to be told about order

s 36K ins [A2004-44](#) s 11
am [A2005-47](#) amdt 1.19; [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 47 by [A2015-38](#) amdt 2.40

Copy of assessment

s 36L ins [A2004-44](#) s 11
am [A2008-36](#) amdt 1.505, amdt 1.540
sub [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 48 by [A2015-38](#) amdt 2.40

Notice of outcome of assessment

s 36M ins [A2014-51](#) s 11
am [A2015-38](#) amdt 2.7
reloc to [Mental Health Act 2015](#) s 49 by [A2015-38](#) amdt 2.40

Mental health orders

ch 5 hdg ins [A2014-51](#) s 11

Emergency detention and care

pt 5 hdg om [A2014-51](#) s 12

Preliminary

pt 5.1 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 5.1 by [A2015-38](#) amdt 2.41

Definitions—ch 5

s 36N ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 50 by [A2015-38](#) amdt 2.41
def *relevant official* ins [A2014-51](#) s 11
def *relevant person* ins [A2014-51](#) s 11

Applications for mental health orders

pt 5.2 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 5.2 by [A2015-38](#) amdt 2.41

Applications for mental health orders

s 36O ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 51 by [A2015-38](#) amdt 2.41

Applicant to tell ACAT of risks

s 36P ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 52 by [A2015-38](#) amdt 2.41

Making of mental health orders—preliminary matters

pt 5.3 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 5.3 by [A2015-38](#) amdt 2.41

ACAT must consider assessment—mental health order

s 36Q ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 53 by [A2015-38](#) amdt 2.41

Consultation by ACAT—mental health order

s 36R ins [A2014-51](#) s 11
am [A2015-38](#) amdts 2.8-2.10
reloc to [Mental Health Act 2015](#) s 54 by [A2015-38](#) amdt 2.41

ACAT must hold hearing—mental health order

s 36S ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 55 by [A2015-38](#) amdt 2.41

What ACAT must take into account—mental health order

s 36T ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 56 by [A2015-38](#) amdt 2.41

ACAT must not order particular treatment, care or support—mental health order

s 36U ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 57 by [A2015-38](#) amdt 2.41

Psychiatric treatment orders

pt 5.4 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 5.4 by [A2015-38](#) amdt 2.41

Psychiatric treatment order

s 36V ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 58 by [A2015-38](#) amdt 2.41

Content of psychiatric treatment order

s 36W ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 59 by [A2015-38](#) amdt 2.41

Criteria for making restriction order with psychiatric treatment order

s 36X ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 60 by [A2015-38](#) amdt 2.41

Content of restriction order made with psychiatric treatment order

s 36Y ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 61 by [A2015-38](#) amdt 2.41

Endnotes

4 Amendment history

Role of chief psychiatrist—psychiatric treatment order

s 36Z ins [A2014-51](#) s 11
am [A2015-38](#) amdt 2.11
reloc to [Mental Health Act 2015](#) s 62 by [A2015-38](#) amdt 2.41

Treatment etc to be explained—psychiatric treatment order

s 36ZA ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 63 by [A2015-38](#) amdt 2.41

Action if psychiatric treatment order no longer appropriate—no longer person in relation to whom ACAT could make order

s 36ZB ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 64 by [A2015-38](#) amdt 2.41

Powers in relation to psychiatric treatment order

s 36ZC ins [A2014-51](#) s 11
am [A2015-38](#) amdt 2.12
reloc to [Mental Health Act 2015](#) s 65 by [A2015-38](#) amdt 2.41

Community care orders

pt 5.5 hdg ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) pt 5.5 by [A2015-38](#) amdt 2.41

Community care order

s 36ZD ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 66 by [A2015-38](#) amdt 2.41

Content of community care order

s 36ZE ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 67 by [A2015-38](#) amdt 2.41

Criteria for making restriction order with community care order

s 36ZF ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 68 by [A2015-38](#) amdt 2.41

Content of restriction order made with community care order etc

s 36ZG ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 69 by [A2015-38](#) amdt 2.41

Role of care coordinator—community care order

s 36ZH ins [A2014-51](#) s 11
am [A2015-38](#) amdt 2.13
reloc to [Mental Health Act 2015](#) s 70 by [A2015-38](#) amdt 2.41

Treatment etc to be explained—community care order

s 36ZI ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 71 by [A2015-38](#) amdt 2.41

Action if community care order no longer appropriate—no longer person in relation to whom ACAT could make order

s 36ZJ ins [A2014-51](#) s 11
reloc to [Mental Health Act 2015](#) s 72 by [A2015-38](#) amdt 2.41

Powers in relation to community care order

s 36ZK ins [A2014-51](#) s 11
 am [A2015-38](#) amdt 2.14
 reloc to [Mental Health Act 2015](#) s 73 by [A2015-38](#) amdt 2.41

Limits on communication under mental health orders

pt 5.6 hdg ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) pt 5.6 by [A2015-38](#) amdt 2.41

Limits on communication—mental health order

s 36ZL ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 74 by [A2015-38](#) amdt 2.41

Offence—limits on communication—mental health order

s 36ZM ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 75 by [A2015-38](#) amdt 2.41

Duration, contravention and review of mental health orders

pt 5.7 hdg ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) pt 5.7 by [A2015-38](#) amdt 2.41

Duration of mental health orders

s 36ZN ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 76 by [A2015-38](#) amdt 2.41

Contravention of mental health order

s 36ZO ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 77 by [A2015-38](#) amdt 2.41

Contravention of mental health order—absconding from facility

s 36ZP ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 78 by [A2015-38](#) amdt 2.41

Review, amendment or revocation of mental health order

s 36ZQ ins [A2014-51](#) s 11
 reloc to [Mental Health Act 2015](#) s 79 by [A2015-38](#) amdt 2.41

Interstate application of mental health laws

pt 5A hdg reloc and renum as ch 15 hdg

Preliminary

div 5A.1 hdg reloc and renum as pt 15.1 hdg

Transfer of persons from ACT

div 5A.2 hdg reloc and renum as pt 15.2 hdg

Transfer of persons to ACT

div 5A.3 hdg reloc and renum as pt 15.3 hdg

Psychiatric treatment orders and interstate non-custodial orders

div 5A.4 hdg reloc and renum as pt 15.4 hdg

Endnotes

4 Amendment history

Apprehension of persons absent from custody or in breach of orders

div 5A.5 hdg reloc and renum as pt 15.5 hdg

Emergency detention

ch 6 hdg ins [A2014-51](#) s 12

Rights of mentally dysfunctional or mentally ill persons

pt 6 hdg am [A1999-31](#) s 30
om [A2014-51](#) s 44

Apprehension

s 37 am [A1999-31](#) s 18; [A2000-52](#) s 4; ss renum R6 LA; [A2008-36](#)
amdt 1.506
sub [A2014-51](#) s 12
reloc to [Mental Health Act 2015](#) s 80 by [A2015-38](#) amdt 2.42

Detention at approved mental health facility

s 38 am [A1999-31](#) s 19; [A2000-52](#) s 5
sub [A2014-51](#) s 12
reloc to [Mental Health Act 2015](#) s 81 by [A2015-38](#) amdt 2.42

Copy of court order

s 38A ins [A1999-31](#) s 20
am [A2006-23](#) amdt 1.269
sub [A2014-51](#) s 12
reloc to [Mental Health Act 2015](#) s 82 by [A2015-38](#) amdt 2.42

Statement of action taken

s 39 sub [A2014-51](#) s 12

Initial examination at approved mental health facility

s 40 am [A1999-31](#) s 21; [A2000-52](#) s 6
sub [A2014-51](#) s 12
reloc to [Mental Health Act 2015](#) s 84 by [A2015-38](#) amdt 2.43

Authorisation of involuntary detention

s 41 am [A1999-31](#) s 22; [A1999-62](#) s 9; [A2001-44](#) amdts 1.2873-
1.2875; [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 12
reloc to [Mental Health Act 2015](#) s 85 by [A2015-38](#) amdt 2.43

Medical examination of detained person

s 41AA ins [A2014-51](#) s 12
reloc to [Mental Health Act 2015](#) s 86 by [A2015-38](#) amdt 2.43

Notification of Magistrates Court about emergency detention or release from emergency detention

s 41A ins [A1999-31](#) s 23
am [A2014-51](#) ss 13-15

Treatment during detention

s 41AB (prev s 44) am [A1999-31](#) s 26; [A2005-48](#) s 9; [A2014-51](#) s 19, s 20
reloc and renum as s 41AB [A2014-51](#) s 20

Notification of certain people about detention

s 42 am [A1998-54](#) sch; [A1999-31](#) s 24; [A2005-47](#) amdt 1.19; [A2008-36](#) amdt 1.507; ss renum R38 LA
sub [A2014-51](#) s 16
am [A2015-38](#) amdt 2.15, amdt 2.16
reloc to [Mental Health Act 2015](#) s 89 by [A2015-38](#) amdt 2.44

Medical examination

s 43 am [A1999-31](#) s 25; [A1999-62](#) s 10
om [A2014-51](#) s 17

Treatment during detention

s 44 reloc and renum as s 41AB

Offence—communication during detention

s 45 hdg sub [A2014-51](#) s 21
s 45 am [A1997-96](#) sch 1; [A1998-54](#) sch
sub [A2005-47](#) amdt 1.17
am [A2014-51](#) ss 22-24
reloc to [Mental Health Act 2015](#) s 90 by [A2015-38](#) amdt 2.45

Orders for release

s 46 am [A1999-31](#) s 27 and sch 1; [A2008-36](#) amdt 1.540;
[A2014-51](#) s 25, s 26

Duty to release

s 47 am [A1998-54](#) sch; [A1999-31](#) s 28; [A2008-36](#) amdt 1.540

Approved facilities

s 48 am [A1999-31](#) s 29; [A2001-44](#) amdt 1.2876, amdt 1.2877;
[A2001-56](#) amdt 1.39; [A2004-44](#) s 12, s 13; [A2007-39](#)
amdt 3.101
om [A2014-51](#) s 27

Object of ch 15

s 48A reloc and renum as s 139CA

Definitions—ch 15

s 48B reloc and renum as s 139CB

Authority to enter into agreements

s 48C reloc and renum as s 139CC

Recognition of interstate laws and orders

s 48D reloc and renum as s 139CD

Endnotes

4 Amendment history

Territory officers may exercise functions under corresponding laws

s 48E reloc and renum as s 139CE

Emergency admission of persons to health facilities in other States

s 48F reloc and renum as s 139CF

Transfer of custodial patients from ACT

s 48G reloc and renum as s 139CG

Application of Act to persons transferred interstate

s 48H reloc and renum as s 139CH

Emergency admission of interstate persons to approved health facilities

s 48I reloc and renum as s 139CI

Application of Act to persons detained under s 48I

s 48J reloc and renum as s 139CJ

Transfer of interstate custodial patients to health facilities in ACT

s 48K reloc and renum as s 139CK

Application of Act to persons transferred to ACT under s 48K

s 48L reloc and renum as s 139CL

Psychiatric treatment orders relating to interstate people

s 48M reloc and renum as s 139CM

Orders relating to ACT residents

s 48N reloc and renum as s 139CN

Recognition of apprehension orders

s 48P reloc and renum as s 139CO

Apprehension of interstate persons absent without leave or in breach of orders

s 48Q reloc and renum as s 139CP

Regulations relating to apprehension of persons

s 48R reloc and renum as s 139CQ

Forensic mental health

ch 7 hdg ins [A2014-51](#) s 43

Electroconvulsive therapy and psychiatric surgery

pt 7 hdg renum as ch 9 hdg

Consent

div 7.1 hdg (prev pt 7 div 1 hdg) renum as div 7.1 hdg and then as pt 9.1 hdg

Electroconvulsive therapy

div 7.2 hdg (prev pt 7 div 2 hdg) renum as div 7.2 hdg and then as pt 9.2 hdg

What is *electroconvulsive therapy*?

sdiv 7.2.1 hdg renum as div 9.2.1 hdg

Informed consent for electroconvulsive therapy

sdiv 7.2.2 hdg renum as div 9.2.2 hdg

Electroconvulsive therapy orders

sdiv 7.2.3 hdg renum as div 9.2.3 hdg

Emergency electroconvulsive therapy order

sdiv 7.2.4 hdg renum as div 9.2.4 hdg

Only doctor or authorised person to administer electroconvulsive therapy

sdiv 7.2.5 hdg renum as div 9.2.5 hdg

Records of electroconvulsive therapy

sdiv 7.2.6 hdg renum as div 9.2.6 hdg

Psychiatric surgery

div 7.3 hdg (prev pt 7 div 3 hdg) renum as div 7.3 hdg and then as pt 9.3 hdg

Forensic mental health orders

pt 7.1 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) pt 7.1 by [A2015-38](#) amdt 2.46

Preliminary

div 7.1.1 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.1 by [A2015-38](#)
amdt 2.38

Definitions—pt 7.1

s 48S ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 93 by [A2015-38](#) amdt 2.46
def **community-based sentence** ins [A2014-51](#) s 43
om [A2015-38](#) amdt 2.17
def **relevant official** ins [A2014-51](#) s 43
def **relevant person** ins [A2014-51](#) s 43

Application for forensic mental health orders

div 7.1.2 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.2 by [A2015-38](#)
amdt 2.46

Endnotes

4 Amendment history

Applications for forensic mental health orders—detainees etc

s 48T hdg sub [A2015-38](#) amdt 2.18
s 48T ins [A2014-51](#) s 43
am [A2015-38](#) amdt 2.19
reloc to [Mental Health Act 2015](#) s 94 by [A2015-38](#) amdt 2.46

Relevant person to tell ACAT of risks

s 48U ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 95 by [A2015-38](#) amdt 2.46

Making forensic mental health orders—preliminary matters

div 7.1.3 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.3 by [A2015-38](#)
amdt 2.46

ACAT must consider assessment—forensic mental health order

s 48V ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 96 by [A2015-38](#) amdt 2.46

Consultation by ACAT—forensic mental health order

s 48W ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 97 by [A2015-38](#) amdt 2.46

ACAT must hold hearing—forensic mental health order

s 48X ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 98 by [A2015-38](#) amdt 2.46

What ACAT must take into account—forensic mental health order

s 48Y ins [A2014-51](#) s 43
am [A2015-38](#) amdt 2.20
reloc to [Mental Health Act 2015](#) s 99 by [A2015-38](#) amdt 2.46

ACAT must not order particular treatment, care or support—forensic mental health order

s 48Z ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 100 by [A2015-38](#) amdt 2.46

Forensic psychiatric treatment orders

div 7.1.4 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.4 by [A2015-38](#)
amdt 2.46

Forensic psychiatric treatment order

s 48ZA ins [A2014-51](#) s 43
am [A2015-38](#) amdt 2.21
reloc to [Mental Health Act 2015](#) s 101 by [A2015-38](#) amdt 2.46

Content of forensic psychiatric treatment order

s 48ZB ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 102 by [A2015-38](#) amdt 2.46

Role of chief psychiatrist—forensic psychiatric treatment order

s 48ZC ins [A2014-51](#) s 43
 am [A2015-38](#) amdt 2.22
 reloc to [Mental Health Act 2015](#) s 103 by [A2015-38](#) amdt 2.46

Treatment etc to be explained—forensic psychiatric treatment order

s 48ZD ins [A2014-51](#) s 43
 reloc to [Mental Health Act 2015](#) s 104 by [A2015-38](#) amdt 2.46

Action if forensic psychiatric treatment order no longer appropriate—no longer person in relation to whom ACAT could make order

s 48ZE ins [A2014-51](#) s 43
 reloc to [Mental Health Act 2015](#) s 105 by [A2015-38](#) amdt 2.46

Action if forensic psychiatric treatment order no longer appropriate—no longer necessary to detain person

s 48ZF ins [A2014-51](#) s 43
 reloc to [Mental Health Act 2015](#) s 106 by [A2015-38](#) amdt 2.46

Powers in relation to forensic psychiatric treatment order

s 48ZG ins [A2014-51](#) s 43
 am [A2015-38](#) amdt 2.23
 reloc to [Mental Health Act 2015](#) s 107 by [A2015-38](#) amdt 2.46

Forensic community care orders

div 7.1.5 hdg ins [A2014-51](#) s 43
 reloc to [Mental Health Act 2015](#) div 7.1.5 by [A2015-38](#)
 amdt 2.46

Forensic community care order

s 48ZH ins [A2014-51](#) s 43
 am [A2015-38](#) amdt 2.24
 reloc to [Mental Health Act 2015](#) s 108 by [A2015-38](#) amdt 2.46

Content of forensic community care order

s 48ZI ins [A2014-51](#) s 43
 reloc to [Mental Health Act 2015](#) s 109 by [A2015-38](#) amdt 2.46

Role of care coordinator—forensic community care order

s 48ZJ ins [A2014-51](#) s 43
 am [A2015-38](#) amdt 2.25, amdt 2.26
 reloc to [Mental Health Act 2015](#) s 110 by [A2015-38](#) amdt 2.46

Treatment etc to be explained—forensic community care order

s 48ZK ins [A2014-51](#) s 43
 reloc to [Mental Health Act 2015](#) s 111 by [A2015-38](#) amdt 2.46

Action if forensic community care order no longer appropriate—no longer person in relation to whom ACAT could make order

s 48ZL ins [A2014-51](#) s 43
 reloc to [Mental Health Act 2015](#) s 112 by [A2015-38](#) amdt 2.46

Endnotes

4 Amendment history

Action if forensic community care order no longer appropriate—no longer necessary to detain person

s 48ZM ins [A2014-51](#) s 43
am [A2015-38](#) amdt 2.27
reloc to [Mental Health Act 2015](#) s 113 by [A2015-38](#) amdt 2.46

Powers in relation to forensic community care order

s 48ZN ins [A2014-51](#) s 43
am [A2015-38](#) amdt 2.28, amdt 2.29
reloc to [Mental Health Act 2015](#) s 114 by [A2015-38](#) amdt 2.46

Limits on communication under forensic mental health orders

div 7.1.6 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.6 by [A2015-38](#)
amdt 2.46

Limits on communication—forensic mental health order

s 48ZO ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 115 by [A2015-38](#) amdt 2.46

Offence—limits on communication—forensic mental health order

s 48ZP ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 116 by [A2015-38](#) amdt 2.46

Duration of forensic mental health orders

div 7.1.7 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.7 by [A2015-38](#)
amdt 2.46

Duration of forensic mental health orders

s 48ZQ ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 117 by [A2015-38](#) amdt 2.46

Leave for detained people

div 7.1.8 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.8 by [A2015-38](#)
amdt 2.46

Meaning of *corrections order*—div 7.1.8

s 48ZR ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 118 by [A2015-38](#) amdt 2.46

Grant of leave for person detained by ACAT

s 48ZS ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 119 by [A2015-38](#) amdt 2.46

Revocation of leave granted by ACAT

s 48ZT ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 120 by [A2015-38](#) amdt 2.46

Grant of leave for person detained by relevant official

s 48ZU ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 121 by [A2015-38](#) amdt 2.46

Leave in emergency or special circumstances

s 48ZV ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 122 by [A2015-38](#) amdt 2.46

Revocation of leave granted by relevant official

s 48ZW ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 123 by [A2015-38](#) amdt 2.46

Contravention and review of forensic mental health orders

div 7.1.9 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) div 7.1.9 by [A2015-38](#)
amdt 2.46

Contravention of forensic mental health order

s 48ZX ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 124 by [A2015-38](#) amdt 2.46

Contravention of forensic mental health order—absconding from facility

s 48ZY ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 125 by [A2015-38](#) amdt 2.46

Review, amendment or revocation of forensic mental health order

s 48ZZ ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 126 by [A2015-38](#) amdt 2.46

Affected people

pt 7.2 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) pt 7.2 by [A2015-38](#) amdt 2.46

Definitions—pt 7.2

s 48ZZA ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 127 by [A2015-38](#) amdt 2.46
def *affected person register* ins [A2014-51](#) s 43
def *director-general* ins [A2014-51](#) s 43
def *forensic patient* ins [A2014-51](#) s 43
def *publish* ins [A2014-51](#) s 43

Meaning of *affected person*

s 48ZZB ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 128 by [A2015-38](#) amdt 2.46

Meaning of *registered affected person*

s 48ZZC ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 129 by [A2015-38](#) amdt 2.46

Affected person register

s 48ZZD ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 130 by [A2015-38](#) amdt 2.46

Endnotes

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Notifying people about the affected person register

s 48ZZE ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 131 by [A2015-38](#) amdt 2.46

Including person in affected person register

s 48ZZF ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 132 by [A2015-38](#) amdt 2.46

Removing person from affected person register

s 48ZZG ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 133 by [A2015-38](#) amdt 2.46

Disclosures to registered affected people

s 48ZZH ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 134 by [A2015-38](#) amdt 2.46

Correctional patients

ch 8 hdg ins [A2014-51](#) s 43

Referrals by courts under Crimes Act and C&YP Act

pt 8 hdg renum as ch 10 hdg

Preliminary

pt 8.1 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) pt 8.1 by [A2015-38](#) amdt 2.47

Meaning of *correctional patient*

s 48ZZI ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 135 by [A2015-38](#) amdt 2.47

Transfer of correctional patients

pt 8.2 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) pt 8.2 by [A2015-38](#) amdt 2.47

Transfer to mental health facility

s 48ZZJ ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 136 by [A2015-38](#) amdt 2.47

Return to correctional centre unless direction to remain

s 48ZZK ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 137 by [A2015-38](#) amdt 2.47

Release etc on change of status of correctional patient

s 48ZZL ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 138 by [A2015-38](#) amdt 2.47

ACAT may return people to correctional centre

s 48ZZM ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 139 by [A2015-38](#) amdt 2.47

Review of correctional patients

pt 8.3 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) pt 8.3 by [A2015-38](#) amdt 2.47

- Review of correctional patient awaiting transfer to mental health facility**
s 48ZZN ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 140 by [A2015-38](#) amdt 2.47
- Review of correctional patient transferred to mental health facility**
s 48ZZO ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 141 by [A2015-38](#) amdt 2.47
- Review of correctional patient detained at mental health facility**
s 48ZZP ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 142 by [A2015-38](#) amdt 2.47
- Leave for correctional patients**
pt 8.4 hdg ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) pt 8.4 by [A2015-38](#) amdt 2.47
- Grant of leave for correctional patients**
s 48ZZQ ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 143 by [A2015-38](#) amdt 2.47
- Revocation of leave for correctional patients**
s 48ZZR ins [A2014-51](#) s 43
reloc to [Mental Health Act 2015](#) s 144 by [A2015-38](#) amdt 2.47
- Meaning of *responsible person***
s 49 am [A2002-47](#) amdt 1.21
def ***responsible person*** am [A1996-35](#) sch; [A1999-31](#) sch 1;
[A2002-47](#) amdt 1.20; [A2004-44](#) s 15; [A2011-22](#) amdt 1.337
om [A2014-51](#) s 44
- Statement of rights**
s 50 am [A2004-44](#) s 16; [A2005-47](#) amdt 1.19
om [A2014-51](#) s 44
- Information to be provided**
s 51 am [A1999-31](#) sch 1; [A2004-44](#) s 17, s 18; pars renum R19 LA
(see [A2004-44](#) s 19) ; [A2005-47](#) amdt 1.19; [A2008-36](#)
amdt 1.509
om [A2014-51](#) s 44
- Communication**
s 52 am [A1999-31](#) sch 1; [A2004-44](#) s 20; [A2006-14](#) amdt 1.48
om [A2014-51](#) s 44
- Failure by owner to comply**
s 53 am [A1996-35](#) sch; [A1998-54](#) sch; [A2002-47](#) amdt 1.22
om [A2014-51](#) s 44
- Electroconvulsive therapy and psychiatric surgery**
ch 9 hdg (prev pt 7 hdg) am [A2005-48](#) s 18
renum as ch 9 hdg [A2014-51](#) s 50

Endnotes

4 Amendment history

Procedural matters—ACAT

pt 9 hdg renum as ch 11 hdg

Tribunal members

div 9.1 hdg (prev pt 9 div 1 hdg) sub [A2000-2](#) sch
renum as div 9.1 hdg R3 LA
om [A2008-36](#) amdt 1.518

Registrar and deputy registrars

div 9.2 hdg **orig pt 9 div 2 hdg**
renum as pt 9 div 4 hdg
prev pt 9 div 2 hdg
ins [A2000-2](#) sch
renum as div 9.2 hdg R3 LA
om [A2008-36](#) amdt 1.518

Other provisions about the tribunal

div 9.3 hdg (prev pt 9 div 3 hdg) ins [A2000-2](#) sch
renum as div 9.3 hdg R3 LA
om [A2008-36](#) amdt 1.518

Procedural matters

div 9.4 hdg (prev pt 9 div 2 hdg) renum as pt 9 div 4 hdg [A2000-2](#) sch
renum as div 9.4 hdg R3 LA
om [A2008-36](#) amdt 1.518

Consent

pt 9.1 hdg (prev pt 7 div 1 hdg) renum as div 7.1 hdg R3 LA
renum as pt 9.1 hdg [A2014-51](#) s 51

Informed consent

s 54 am [A2005-48](#) s 18; [A2014-51](#) s 45

Electroconvulsive therapy

pt 9.2 hdg (prev pt 7 div 2 hdg) renum as div 7.2 hdg R3 LA
sub [A2005-48](#) s 10
renum as pt 9.2 hdg [A2014-51](#) s 51

What is *electroconvulsive therapy*?

div 9.2.1 hdg (prev sdiv 7.2.1 hdg) ins [A2005-48](#) s 11
renum as div 9.2.1 hdg [A2014-51](#) s 52

What is *electroconvulsive therapy*?

s 55 am [A1998-54](#) sch; [A1999-31](#) s 31 and sch 1; [A2004-44](#) s 21
sub [A2005-48](#) s 11

Informed consent for electroconvulsive therapy

div 9.2.2 hdg (prev sdiv 7.2.2 hdg) ins [A2005-48](#) s 11
renum as div 9.2.2 hdg [A2014-51](#) s 52

Electroconvulsive therapy may be administered with consent

s 55A ins [A2005-48](#) s 11

Offence—electroconvulsive therapy without consents 55B ins [A2005-48](#) s 11**Offence—electroconvulsive therapy on 10 or more occasions since consent**s 55C hdg sub [A2007-43](#) s 15s 55C ins [A2005-48](#) s 11**Offence—electroconvulsive therapy after consent withdrawn**s 55D ins [A2005-48](#) s 11**Electroconvulsive therapy orders**div 9.2.3 hdg (prev sdiv 7.2.3 hdg) ins [A2005-48](#) s 11renum as div 9.2.3 hdg [A2014-51](#) s 52**Electroconvulsive therapy may be administered under electroconvulsive therapy order**s 55E ins [A2005-48](#) s 11**Application for electroconvulsive therapy order**s 55F ins [A2005-48](#) s 11**Criteria for making electroconvulsive therapy order**s 55G ins [A2005-48](#) s 11am [A2008-36](#) amdt 1.540**Content of electroconvulsive therapy order**s 55H ins [A2005-48](#) s 11am [A2008-36](#) amdt 1.510**Offence—electroconvulsive therapy without electroconvulsive therapy order**s 55I ins [A2005-48](#) s 11**Offence—electroconvulsive therapy on 10 or more occasions since electroconvulsive therapy order**s 55J hdg sub [A2007-43](#) s 16s 55J ins [A2005-48](#) s 11am [A2008-36](#) amdt 1.511**Offence—electroconvulsive therapy after order consent withdrawn**s 55K ins [A2005-48](#) s 11**Emergency electroconvulsive therapy order**div 9.2.4 hdg (prev sdiv 7.2.4 hdg) ins [A2005-48](#) s 12renum as div 9.2.4 hdg [A2014-51](#) s 52**Electroconvulsive therapy may be administered under emergency electroconvulsive therapy order**s 55L ins [A2005-48](#) s 12**Application for emergency electroconvulsive therapy order**s 55M ins [A2005-48](#) s 12am [A2008-36](#) amdt 1.512; [A2011-22](#) amdt 1.338

Endnotes

4 Amendment history

Criteria for making emergency electroconvulsive therapy order

s 55N ins [A2005-48](#) s 12
am [A2006-40](#) amdt 1.31; [A2008-36](#) amdt 1.513, amdt 1.540

Content of an emergency electroconvulsive therapy order

s 55O ins [A2005-48](#) s 12
am [A2008-36](#) amdt 1.514

Conflict between orders

s 55P ins [A2005-48](#) s 12
sub [A2008-36](#) amdt 1.515

Only doctor or authorised person to administer electroconvulsive therapy

div 9.2.5 hdg (prev sdiv 7.2.5 hdg) ins [A2005-48](#) s 13
renum as div 9.2.5 hdg [A2014-51](#) s 52

Offence—electroconvulsive therapy without doctor’s consent

s 56 am [A1998-54](#) sch
sub [A2005-48](#) s 13

Records of electroconvulsive therapy

div 9.2.6 hdg (prev sdiv 7.2.6 hdg) ins [A2005-48](#) s 13
renum as div 9.2.6 hdg [A2014-51](#) s 52

Doctor must record electroconvulsive therapy

s 57 am [A1998-54](#) sch
sub [A2005-48](#) s 13
am [A2008-36](#) amdt 1.540

Electroconvulsive therapy records to be kept for 5 years

s 58 am [A1998-54](#) sch
sub [A2005-48](#) s 13

Psychiatric surgery

pt 9.3 hdg (prev pt 7 div 3 hdg) renum as div 7.3 hdg R3 LA
renum as pt 9.3 hdg [A2014-51](#) s 51

Performance on persons subject to orders of tribunal

s 59 am [A2008-36](#) amdt 1.540

Approval and consent required

s 60 am [A1998-54](#) sch; [A1999-31](#) sch 1

Application for approval

s 61 am [A1999-31](#) sch 1

Application to be considered by committee

s 62 am [A1999-31](#) sch 1
sub [A2014-51](#) s 46

Chief psychiatrist may require further information

s 63 hdg am [A1999-31](#) notes
s 63 am [A1999-31](#) sch 1

Chief psychiatrist to act on committee's recommendation

s 64 hdg am [A1999-31](#) notes
 s 64 am [A1999-31](#) sch 1

Consent of Supreme Court

s 65 am [A1999-31](#) sch 1; [A2014-51](#) s 47

Refusal of surgery

s 66 am [A1998-54](#) sch; [A1999-31](#) sch 1; [A2014-51](#) s 48

Committees

s 67 am [A1997-96](#) sch 1; [A2007-39](#) amdt 3.102; [A2014-51](#) s 49

Referrals by courts under Crimes Act and Children and Young People Act 2008

ch 10 hdg (prev pt 8 hdg) am [A1999-64](#) sch 2
 sub and renum as ch 10 hdg [A2014-51](#) s 53

Chief psychiatrist and mental health officers

pt 10 hdg renum as ch 12 hdg

Review of certain people found unfit to plead

s 68 am [A1997-96](#) sch 1; [A1999-31](#) s 32; [A2000-2](#) sch; ss renum
 R6 LA
 sub [A2005-7](#) s 23
 am [A2006-14](#) amdt 1.49, amdt 1.50; [A2008-36](#) amdt 1.516,
 amdt 1.540; [A2011-52](#) amdt 3.140; [A2014-51](#) s 54
 reloc to [Mental Health Act 2015](#) s 176 by [A2015-38](#) amdt 2.48

Review of people temporarily unfit to plead

s 69 sub [A2004-16](#) s 18
 om [A2005-7](#) s 23

Review of certain other people found unfit to plead

s 69A ins [A2004-16](#) s 18
 (7)-(9) exp 17 June 2004 (s 69A (9))
 om [A2005-7](#) s 23

Recommendations about people with mental impairment

s 70 hdg am [A1999-31](#) notes
 sub [A2006-14](#) amdt 1.51
 s 70 am [A1999-31](#) sch 1; [A1999-64](#) sch 2; [A2006-14](#) amdt 1.52
 sub [A2008-20](#) amdt 3.37
 am [A2008-36](#) amdt 1.540; [A2008-20](#) amdt 4.45
 reloc to [Mental Health Act 2015](#) s 177 by [A2015-38](#) amdt 2.48

Recommendations about people with mental illness or mental dysfunction

s 70A ins [A2008-20](#) amdt 3.37
 am [A2008-36](#) amdt 1.540; [A2014-51](#) s 55
 reloc to [Mental Health Act 2015](#) s 178 by [A2015-38](#) amdt 2.48

Endnotes

4 Amendment history

Service of decisions etc

s 71 am [A1999-64](#) sch 2; [A2004-16](#) s 19
sub [A2005-7](#) s 24
am [A2005-47](#) amdt 1.19; [A2008-20](#) amdt 3.38; [A2008-36](#)
amdt 1.517; [A2011-22](#) amdt 1.338
reloc to [Mental Health Act 2015](#) s 179 by [A2015-38](#) amdt 2.48

Review of detention under court order

s 72 am [A1999-31](#) s 33, sch 1; [A2008-36](#) amdt 1.540; pars renum
R48 LA
sub [A2014-51](#) s 56
am [A2015-38](#) amdt 2.30
reloc to [Mental Health Act 2015](#) s 180 by [A2015-38](#) amdt 2.48

Contravention of conditions of release

s 73 am [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 56
reloc to [Mental Health Act 2015](#) s 181 by [A2015-38](#) amdt 2.48

Review of conditions of release

s 74 am [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 56
reloc to [Mental Health Act 2015](#) s 182 by [A2015-38](#) amdt 2.48

Limit on detention

s 75 am [A1999-31](#) s 34; [A2008-36](#) amdt 1.540
reloc to [Mental Health Act 2015](#) s 183 by [A2015-38](#) amdt 2.48

Care coordinator

pt 10A hdg renum as pt 12.2 hdg

ACAT procedural matters

ch 11 hdg (prev pt 9 hdg) sub [A2008-36](#) amdt 1.518
sub and renum as ch 11 hdg [A2014-51](#) s 57

Official visitors

pt 11 hdg renum as pt 12.3 hdg

Meaning of *subject person*—ch 11

s 76 hdg sub [A2014-51](#) s 58
s 76 am [A1997-96](#) sch 1; [A1999-31](#) s 35 and sch 1
sub [A2000-2](#) s 3 sch
am [A2007-39](#) amdt 3.102
sub [A2008-36](#) amdt 1.518
am [A2014-51](#) s 59
reloc to [Mental Health Act 2015](#) s 184 by [A2015-38](#) amdt 2.49

When ACAT may be constituted by presidential member

s 77 am [A1999-31](#) s 36
sub [A2000-2](#) sch; [A2008-36](#) amdt 1.518; [A2014-51](#) s 60
reloc to [Mental Health Act 2015](#) s 185 by [A2015-38](#) amdt 2.49

When ACAT must be constituted by more members

s 78 sub [A2000-2](#) sch; [A2008-36](#) amdt 1.518; [A2014-51](#) s 60
 am [A2015-38](#) amdt 2.31
 reloc to [Mental Health Act 2015](#) s 186 by [A2015-38](#) amdt 2.49

Applications

s 79 sub [A2000-2](#) sch; [A2008-36](#) amdt 1.518
 am [A2011-22](#) amdt 1.338
 sub [A2014-51](#) s 60
 reloc to [Mental Health Act 2015](#) s 187 by [A2015-38](#) amdt 2.49

Notice of hearing

s 79A ins [A2014-51](#) s 60
 am [A2015-38](#) amdt 2.32
 reloc to [Mental Health Act 2015](#) s 188 by [A2015-38](#) amdt 2.49

Directions to registrar

s 79B (prev s 84) sub [A2000-2](#) sch; [A2008-36](#) amdt 1.518
 am [A2014-51](#) s 64
 reloc and renum as s 79B [A2014-51](#) s 65
 reloc to [Mental Health Act 2015](#) s 189 by [A2015-38](#) amdt 2.49

Appearance

s 80 sub [A2000-2](#) sch; [A2008-36](#) amdt 1.518
 am [A2011-22](#) amdt 1.337, amdt 1.338; [A2014-51](#) s 61, s 62
 reloc to [Mental Health Act 2015](#) s 190 by [A2015-38](#) amdt 2.49

Separate representation of children etc

s 81 sub [A2000-2](#) sch
 am [A2004-44](#) s 22; [A2007-39](#) amdt 3.103
 sub [A2008-36](#) amdt 1.518; [A2014-51](#) s 63
 reloc to [Mental Health Act 2015](#) s 191 by [A2015-38](#) amdt 2.49

Subpoena to appear in person

s 82 sub [A2000-2](#) sch
 am [A2007-39](#) amdt 3.104
 sub [A2008-36](#) amdt 1.518
 reloc to [Mental Health Act 2015](#) s 192 by [A2015-38](#) amdt 2.49

Person subpoenaed in custody

s 83 sub [A2000-2](#) sch
 am [A2004-44](#) s 23; [A2004-60](#) amdt 1.594; [A2005-7](#) s 25; pars
 renum R21 LA (see [A2005-7](#) s 26)
 sub [A2005-48](#) s 14; [A2008-36](#) amdt 1.518
 reloc to [Mental Health Act 2015](#) s 193 by [A2015-38](#) amdt 2.49

When tribunal must be constituted by more members

s 83A ins [A2005-48](#) s 14
 am [A2006-14](#) amdt 1.53; [A2008-20](#) amdt 3.39
 om [A2008-36](#) amdt 1.518

Endnotes

4 Amendment history

Change of tribunal membership during matter

s 83B ins [A2005-48](#) s 14
om [A2008-36](#) amdt 1.518

President to select most suitable members

s 83C ins [A2005-48](#) s 14
om [A2008-36](#) amdt 1.518

When magistrate must not be tribunal member

s 83D ins [A2005-48](#) s 14
om [A2008-36](#) amdt 1.518

Directions to registrar

s 84 reloc and renum as s 79B

Notice of hearing

s 85 am [A1998-54](#) sch
sub [A2000-2](#) sch
am [A2005-48](#) s 15
sub [A2008-36](#) amdt 1.518
am [A2010-5](#) s 24; pars renum R41 LA; [A2011-22](#) amdt 1.337,
amdt 1.338
om [A2014-51](#) s 66

Hearings to be in private

s 86 om [A1995-25](#) sch
ins [A2000-2](#) sch
sub [A2008-36](#) amdt 1.518; [A2014-51](#) s 67
reloc to [Mental Health Act 2015](#) s 194 by [A2015-38](#) amdt 2.49

Secrecy

s 86A ins [A2000-2](#) sch
om [A2008-36](#) amdt 1.518

Who is given a copy of the order?

s 87 am [A1999-64](#) sch 2; [A2005-47](#) amdt 1.19
sub [A2008-36](#) amdt 1.518
am [A2014-51](#) ss 68-73; [A2015-38](#) amdt 2.33
reloc to [Mental Health Act 2015](#) s 195 by [A2015-38](#) amdt 2.49

Sittings

s 88 sub [A2000-2](#) sch
om [A2008-36](#) amdt 1.518

Appearance, representation and use of interpreters

s 89 am [A1996-35](#) sch; [A1997-96](#) sch 1; [A1999-31](#) sch 1;
[A1999-64](#) sch 2; pars renum R6 LA; [A2002-47](#) amdt 1.23,
amdt 1.24; pars renum R9 LA (see [A2002-47](#) amdt 1.25);
[A2005-47](#) amdt 1.19
om [A2008-36](#) amdt 1.518

Summons to appear in person

s 90 am [A1997-96](#) sch 1; [A1999-22](#) s 30; [A1999-31](#) sch 1; [A1999-64](#) sch 2; [A2000-17](#) sch 1; [A2001-44](#) amdt 1.2878, amdt 1.2879; [A2001-44](#) amdt 1.2880 (as am by [A2001-70](#) amdt 1.13); [A2003-48](#) amdt 2.13; [A2005-47](#) amdt 1.19
om [A2008-36](#) amdt 1.518

Person summoned in custody

s 91 am [A1999-22](#) s 31
om [A2008-36](#) amdt 1.518

Appearance by audiovisual or audio links

s 91A ins [A1999-22](#) s 32
am [A2000-17](#) sch 1; [A2003-48](#) amdt 2.14
om [A2008-36](#) amdt 1.518

Arrest of persons failing to appear

s 92 am [A2000-2](#) sch
om [A2008-36](#) amdt 1.518

Directions to registrar

s 93 am [A2000-2](#) sch
om [A2008-36](#) amdt 1.518

Notice of proceedings

s 94 am [A1996-35](#) sch; [A1999-31](#) sch 1; [A1999-64](#) sch 2; pars renum R6 LA; [A2002-47](#) amdt 1.26, amdt 1.27; pars renum R9 LA (see [A2002-47](#) amdt 1.28); [A2004-44](#) s 24; pars renum R19 LA (see [A2004-44](#) s 25); [A2005-47](#) amdt 1.19
om [A2008-36](#) amdt 1.518

Proceedings to be in private

s 95 am [A2005-47](#) amdt 1.19
om [A2008-36](#) amdt 1.518

Natural justice

s 96 om [A2008-36](#) amdt 1.518

Evidence

s 97 am [A2000-2](#) sch; [A2005-53](#) amdt 1.115
om [A2008-36](#) amdt 1.518

Privileges against selfincrimination and exposure to civil penalty

s 98 sub [A2005-53](#) amdt 1.116
om [A2008-36](#) amdt 1.518

Determination of questions

s 99 am [A1999-31](#) sch 1
om [A2000-2](#) sch

Endnotes

4 Amendment history

Assistance for tribunal

s 100 am [A1997-96](#) sch 1; [A2007-39](#) amdt 3.105
om [A2008-36](#) amdt 1.518

Power to obtain information and documents

s 101 am [A1998-54](#) sch; [A2000-2](#) sch; [A2005-53](#) amdt 1.117
om [A2008-36](#) amdt 1.518

Retention of documents

s 102 am [A2000-2](#) sch; [A2005-53](#) amdt 1.118
om [A2008-36](#) amdt 1.518

Consultation

s 103 om [A1999-31](#) s 37

Form of orders

s 104 om [A2008-36](#) amdt 1.518

Who is given a copy of the order?

s 105 am [A2004-44](#) s 26; pars renum R19 LA (see [A2004-44](#) s 27)
sub [A2005-48](#) s 16
(5), (6) exp 1 March 2006 (s 105 (6))
am [A2006-50](#) amdt 2.17; pars renum [A2006-50](#) amdt 2.18
om [A2008-36](#) amdt 1.518

Proof of orders

s 106 om [A2008-36](#) amdt 1.518

Breach of orders

s 107 am [A2000-2](#) sch
om [A2008-36](#) amdt 1.518

Obtaining reasons for decisions

s 108 am [A2000-2](#) sch
om [A2008-36](#) amdt 1.518

Withdrawal of applications

s 109 om [A2008-36](#) amdt 1.518

Costs

s 110 om [A2008-36](#) amdt 1.518

Application of Criminal Code, ch 7

s 111 am [A1998-54](#) sch; [A2000-2](#) sch
sub [A2005-53](#) amdt 1.119
om [A2008-36](#) amdt 1.518

Administration

ch 12 hdg (prev pt 10 hdg) am [A1999-31](#) s 38
sub and renum as ch 12 hdg [A2014-51](#) s 74

Private psychiatric institutions

pt 12 hdg renum as ch 13 hdg

Interpretation	
div 12.1 hdg	(prev pt 12 div 1 hdg) renum as div 12.1 hdg and then as pt 13.1 hdg
Licences	
div 12.2 hdg	(prev pt 12 div 2 hdg) renum as div 12.2 hdg R3 LA and then as pt 13.2 hdg
Inspectors	
div 12.3 hdg	(prev pt 12 div 3 hdg) renum as div 12.3 hdg and then as pt 13.3 hdg
Notification and review of decisions	
div 12.4 hdg	(prev pt 12 div 4 hdg) renum as div 12.4 hdg and then as ch 16 hdg
Miscellaneous	
div 12.5 hdg	(prev pt 12 div 5 hdg) renum as div 12.5 hdg and then as pt 13.4 hdg
Chief psychiatrist and mental health officers	
pt 12.1 hdg	ins A2014-51 s 74 reloc to Mental Health Act 2015 pt 12.1 by A2015-38 amdt 2.50
Chief psychiatrist	
s 112	am A1996-35 sch; A1999-31 s 39 sub A2002-47 amdt 1.29 reloc to Mental Health Act 2015 s 196 by A2015-38 amdt 2.50
Functions	
s 113	am A1999-31 s 40, sch 1; pars renum R6 LA; A2014-51 s 75, s 76 reloc to Mental Health Act 2015 s 197 by A2015-38 amdt 2.50
Approved code of practice	
s 114	am A1999-31 sch 1 om A2002-47 amdt 1.30 ins A2014-51 s 77 reloc to Mental Health Act 2015 s 198 by A2015-38 amdt 2.50
Resignation	
s 115	am A1999-31 sch 1 om A2002-47 amdt 1.30
Ending appointment—chief psychiatrist	
s 116	am A1999-31 sch 1 sub A2014-51 s 78 reloc to Mental Health Act 2015 s 199 by A2015-38 amdt 2.50

Endnotes

4 Amendment history

Acting appointments

s 117 am [A1999-31](#) sch 1
om [A2002-47](#) amdt 1.30

Delegation by chief psychiatrist

s 118 am [A1996-35](#) sch; [A1999-31](#) sch 1
sub [A2002-47](#) amdt 1.31
am [A2011-3](#) amdt 1.7; [A2014-51](#) s 79
reloc to [Mental Health Act 2015](#) s 200 by [A2015-38](#) amdt 2.50

Mental health officers

s 119 am [A1999-31](#) s 41, sch 1
sub [A2004-10](#) s 9
am [A2006-27](#) amdt 2.4; [A2007-43](#) s 17; [A2010-10](#) amdt 2.105;
[A2010-10](#) amdt 2.106; [A2014-51](#) s 80
reloc to [Mental Health Act 2015](#) s 201 by [A2015-38](#) amdt 2.50

Functions of mental health officers

s 119A ins [A2004-10](#) s 9
reloc to [Mental Health Act 2015](#) s 202 by [A2015-38](#) amdt 2.50

Identity cards for mental health officers

s 119B ins [A2004-10](#) s 9
am [A2011-22](#) amdt 1.337
reloc to [Mental Health Act 2015](#) s 203 by [A2015-38](#) amdt 2.50

Chief psychiatrist's annual report

s 120 hdg am [A1999-31](#) notes
s 120 sub [A1995-25](#) sch
am [A1999-31](#) sch 1
sub [A2004-9](#) amdt 1.29
om [A2015-16](#) amdt 1.22

Care coordinator

pt 12.2 hdg (prev pt 10A hdg) ins [A2004-44](#) s 28
renum as pt 12.2 hdg [A2014-51](#) s 82
reloc to [Mental Health Act 2015](#) pt 12.2 by [A2015-38](#)
amdt 2.50

Care coordinator

s 120A ins [A2004-44](#) s 28
reloc to [Mental Health Act 2015](#) s 204 by [A2015-38](#) amdt 2.50

Functions

s 120B ins [A2004-44](#) s 28
am [A2008-36](#) amdt 1.540
sub [A2014-51](#) s 83
reloc to [Mental Health Act 2015](#) s 205 by [A2015-38](#) amdt 2.50

Ending appointment—care coordinator

s 120C ins [A2004-44](#) s 28
sub [A2014-51](#) s 83
reloc to [Mental Health Act 2015](#) s 206 by [A2015-38](#) amdt 2.50

Delegation by care coordinator

s 120D ins [A2004-44](#) s 28
am [A2011-3](#) amdt 1.8; [A2014-51](#) s 84
reloc to [Mental Health Act 2015](#) s 207 by [A2015-38](#) amdt 2.50

Care coordinator's annual report

s 120E ins [A2004-44](#) s 28
om [A2015-16](#) amdt 1.22

Official visitors

pt 12.3 hdg (prev pt 11 hdg) sub [A1999-31](#) s 42; [A2012-33](#) amdt 1.38
note am [A2013-22](#) amdt 1.31
renum as pt 12.3 hdg [A2014-51](#) s 86
reloc to [Mental Health Act 2015](#) pt 12.3 by [A2015-38](#)
amdt 2.50

Meaning of *official visitor* etc

s 121 hdg sub [A2013-22](#) amdt 1.32
s 121 sub [A1999-31](#) s 42
am [A2002-30](#) amdt 3.599; [A2007-39](#) amdt 3.106, amdt 3.107
sub [A2012-33](#) amdt 1.38
am [A2013-22](#) amdt 1.33; [A2014-51](#) s 87, s 88
reloc to [Mental Health Act 2015](#) s 208 by [A2015-38](#) amdt 2.50

Appointment of official visitors—additional suitability requirement

s 122 hdg sub [A2007-39](#) amdt 3.108
s 122 sub [A1999-31](#) s 42; [A2012-33](#) amdt 1.38
am [A2014-51](#) s 89
reloc to [Mental Health Act 2015](#) s 209 by [A2015-38](#) amdt 2.50

Appointment of principal official visitor

s 122AA ins [A2014-51](#) s 90
reloc to [Mental Health Act 2015](#) s 210 by [A2015-38](#) amdt 2.50

Official visitor's functions

s 122A ins [A1999-31](#) s 42
am [A2000-2](#) sch; [A2001-44](#) amdt 1.2881, amdt 1.2882
sub [A2012-33](#) amdt 1.38
am [A2014-51](#) ss 91-93
reloc to [Mental Health Act 2015](#) s 211 by [A2015-38](#) amdt 2.50

Principal official visitor's functions

s 122BB ins [A2014-51](#) s 94
reloc to [Mental Health Act 2015](#) s 212 by [A2015-38](#) amdt 2.50

Endnotes

4 Amendment history

Notice to official visitor of detainee receiving mental health treatment or care in correctional centre

s 122B ins [A1999-31](#) s 42
am [A2000-2](#) sch; [A2005-47](#) amdt 1.18, amdt 1.19
sub [A2012-33](#) amdt 1.38; [A2013-22](#) amdt 1.34
am [A2014-51](#) s 95, s 96
reloc to [Mental Health Act 2015](#) s 213 by [A2015-38](#) amdt 2.50

Complaint about treatment or care provided at place other than visitable place

s 122C ins [A2012-33](#) amdt 1.38
am [A2013-22](#) amdt 1.35, amdt 1.36; [A2014-51](#) s 97, s 98
reloc to [Mental Health Act 2015](#) s 214 by [A2015-38](#) amdt 2.50

Coordinating director-general

pt 12.4 hdg ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) pt 12.4 by [A2015-38](#)
amdt 2.50

Coordinating director-general

s 122D ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) s 215 by [A2015-38](#) amdt 2.50

Functions of coordinating director-general

s 122E ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) s 216 by [A2015-38](#) amdt 2.50

Coordinating director-general policies and operating procedures

s 122F ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) s 217 by [A2015-38](#) amdt 2.50

Sharing information—government agencies

pt 12.5 hdg ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) pt 12.5 by [A2015-38](#)
amdt 2.50

Definitions—pt 12.5

s 122G ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) s 218 by [A2015-38](#) amdt 2.50
def *information sharing entity* ins [A2014-51](#) s 99
def *information sharing protocol* ins [A2014-51](#) s 99
def *relevant information* ins [A2014-51](#) s 99

Information sharing protocol

s 122H ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) s 219 by [A2015-38](#) amdt 2.50

Information sharing guidelines

s 122I ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) s 220 by [A2015-38](#) amdt 2.50

Information sharing—approval of agency

s 122J ins [A2014-51](#) s 99
reloc to [Mental Health Act 2015](#) s 221 by [A2015-38](#) amdt 2.50

Private psychiatric facilities

ch 13 hdg (prev pt 12 hdg) sub and renum as ch 13 hdg [A2014-51](#) s 100

Miscellaneous

pt 13 hdg reloc and renum as ch 17 hdg

Interpretation

pt 13.1 hdg (prev pt 12 div 1 hdg) renum as div 12.1 hdg R3 LA
renum as pt 13.1 hdg [A2014-51](#) s 110

Definitions—ch 13

s 123 sub [A2014-51](#) s 101
def **inspector** ins [A2007-39](#) amdt 3.109
sub [A2014-51](#) s 101
def **licence** sub [A2014-51](#) s 101
def **licensed premises** sub [A2014-51](#) s 101
def **licensee** sub [A2014-51](#) s 101
def **psychiatric facility** ins [A2014-51](#) s 101
def **psychiatric institution** am [A1996-35](#) sch; [A1999-31](#) s 43;
[A2002-47](#) amdt 1.32
om [A2014-51](#) s 101

Licences

pt 13.2 hdg (prev pt 12 div 2 hdg) renum as div 12.2 hdg R3 LA
renum as pt 13.2 hdg [A2014-51](#) s 110

Owner or manager to be licensed

s 124 am [A1998-54](#) sch; [A2014-51](#) s 102

Issue of licence

s 125 am [A2001-44](#) amdt 1.2883, amdt 1.2884; [A2014-51](#)
ss 103-105

Term and renewal of licence

s 126 am [A2001-44](#) amdt 1.2885, amdt 1.2886

Emergency cancellation

s 130 am [A1999-31](#) sch 1

Effect of cancellation

s 131 am [A1998-54](#) sch; [A2014-51](#) s 106

Inspectors

pt 13.3 hdg (prev pt 12 div 3 hdg) renum as div 12.3 hdg R3 LA
renum as pt 13.3 hdg [A2014-51](#) s 110

Endnotes

4 Amendment history

Appointment of inspectors

s 132 am [A1999-31](#) sch 1
sub [A2007-39](#) amdt 3.110
am [A2014-51](#) s 107

Identity cards

s 133 am [A1998-54](#) sch

Powers of inspection

s 134 am [A2014-51](#) s 108, s 109

Failing to comply with requirement of inspector

s 135 hdg sub [A2004-15](#) amdt 2.122
s 135 am [A1998-54](#) sch; [A2004-15](#) amdt 2.123, amdt 2.124

Miscellaneous

pt 13.4 hdg (prev pt 12 div 5 hdg) renum as div 12.5 hdg R3 LA
renum as pt 13.4 hdg [A2014-51](#) s 117

Meaning of *reviewable decision*—ch 16

s 136 reloc and renum as s 139CR

Reviewable decision notices

s 137 reloc and renum as s 139CS

Applications for review

s 137A reloc and renum as s 139CT

Unauthorised treatment

s 138 am [A1998-54](#) sch; [A1999-31](#) sch 1; [A2008-36](#) amdt 1.540;
[A2014-51](#) s 115, s 116

Mental health advisory council

ch 14 hdg ins [A2014-51](#) s 118

Transitional

pt 14 hdg ins [A1999-31](#) s 45
om R5 LA
ins [A2005-7](#) s 27
exp 24 May 2005 (s 149)

Establishment of mental health advisory council

s 139 om [A2001-56](#) amdt 1.40
ins [A2014-51](#) s 118
reloc to [Mental Health Act 2015](#) s 238 by [A2015-38](#) amdt 2.51

Functions of mental health advisory council

s 139A ins [A2014-51](#) s 118
reloc to [Mental Health Act 2015](#) s 239 by [A2015-38](#) amdt 2.51

Membership of mental health advisory council

s 139B ins [A2014-51](#) s 118
reloc to [Mental Health Act 2015](#) s 240 by [A2015-38](#) amdt 2.51

Procedures of mental health advisory council

s 139C ins [A2014-51](#) s 118
reloc to [Mental Health Act 2015](#) s 241 by [A2015-38](#) amdt 2.51

Interstate application of mental health laws

ch 15 hdg (prev pt 5A hdg) ins [A1997-104](#) s 4
reloc and renum as ch 15 hdg [A2014-51](#) s 42

Transitional

pt 15 hdg ins [A2006-14](#) amdt 1.54
exp 7 April 2011 (s 151)

Preliminary

pt 15.1 hdg (prev pt 5A div 1 hdg) ins [A1997-104](#) s 4
renum as pt 5A.1 hdg R3 LA
reloc and renum as pt 15.1 hdg [A2014-51](#) s 28, s 42

Object of ch 15

s 139CA hdg (prev s 48A hdg) sub [A2014-51](#) s 29
s 139CA (prev s 48A) ins [A1997-104](#) s 4
am [A2014-51](#) s 30
reloc and renum as s 139CA [A2014-51](#) s 41, s 42

Definitions—ch 15

s 139CB hdg (prev s 48B hdg) sub [A2014-51](#) s 31
s 139CB (prev s 48B) ins [A1997-104](#) s 4
am [A2014-51](#) s 32
reloc and renum as s 139CB [A2014-51](#) s 41, s 42
def **agreement** ins [A1997-104](#) s 4
def **corresponding law** ins [A1997-104](#) s 4
def **custodial order** ins [A1997-104](#) s 4
am [A1999-31](#) sch 1
sub [A2004-44](#) s 14
om [A2007-43](#) s 8
def **interstate custodial patient** ins [A1997-104](#) s 4
def **interstate non-custodial order** ins [A1997-104](#) s 4
def **non-custodial order** ins [A1997-104](#) s 4
om [A2007-43](#) s 8
def **State** ins [A1997-104](#) s 4

Authority to enter into agreements

s 139CC (prev s 48C) ins [A1997-104](#) s 4
am [A2011-52](#) amdt 3.139; [A2014-51](#) s 33
reloc and renum as s 139CC [A2014-51](#) s 41, s 42

Recognition of interstate laws and orders

s 139CD (prev s 48D) ins [A1997-104](#) s 4
am [A2014-51](#) s 34
reloc and renum as s 139CD [A2014-51](#) s 41, s 42

Endnotes

4 Amendment history

Territory officers may exercise functions under corresponding laws

s 139CE (prev s 48E) ins [A1997-104](#) s 4
reloc and renum as s 139CE [A2014-51](#) s 41, s 42

Transfer of persons from ACT

pt 15.2 hdg (prev pt 5A div 2 hdg) ins [A1997-104](#) s 4
renum as div 5A.2 hdg R3 LA
reloc and renum as pt 15.2 hdg [A2014-51](#) s 28, s 42

Emergency admission of persons to health facilities in other States

s 139CF (prev s 48F) ins [A1997-104](#) s 4
reloc and renum as s 139CF [A2014-51](#) s 41, s 42

Transfer of custodial patients from ACT

s 139CG (prev s 48G) ins [A1997-104](#) s 4
am [A2007-43](#) s 9; [A2014-51](#) s 35, s 36
reloc and renum as s 139CG [A2014-51](#) s 41, s 42

Application of Act to persons transferred interstate

s 139CH (prev s 48H) ins [A1997-104](#) s 4
reloc and renum as s 139CH [A2014-51](#) s 41, s 42

Transfer of persons to ACT

pt 15.3 hdg (prev pt 5A div 3 hdg) ins [A1997-104](#) s 4
renum as div 5A.3 hdg R3 LA
reloc and renum as pt 15.3 hdg [A2014-51](#) s 28, s 42

Emergency admission of interstate persons to approved health facilities

s 139CI (prev s 48I) ins [A1997-104](#) s 4
reloc and renum as s 139CI [A2014-51](#) s 41, s 42

Application of Act to persons detained under s 139CI

s 139CJ (prev s 48J) ins [A1997-104](#) s 4
reloc and renum as s 139CJ [A2014-51](#) s 41, s 42

Transfer of interstate custodial patients to health facilities in ACT

s 139CK (prev s 48K) ins [A1997-104](#) s 4
am [A2007-43](#) s 10; [A2008-36](#) amdt 1.508
reloc and renum as s 139CK [A2014-51](#) s 41, s 42

Application of Act to persons transferred to ACT under s 139CK

s 139CL (prev s 48L) ins [A1997-104](#) s 4
am [A2007-43](#) s 10
reloc and renum as s 139CL [A2014-51](#) s 41, s 42

Psychiatric treatment orders and interstate non-custodial orders

pt 15.4 hdg (prev pt 5A div 4 hdg) ins [A1997-104](#) s 4
renum as div 5A.4 hdg R3 LA
sub [A2007-43](#) s 11
reloc and renum as pt 15.4 hdg [A2014-51](#) s 28, s 42

Psychiatric treatment orders relating to interstate people

s 139CM hdg (prev s 48M hdg) sub [A2007-43](#) s 12
 s 139CM (prev s 48M) ins [A1997-104](#) s 4
 am [A2007-43](#) s 13, s 14; [A2014-51](#) s 37, s 38
 reloc and renum as s 139CM [A2014-51](#) s 41, s 42

Orders relating to ACT residents

s 139N (prev s 48N) ins [A1997-104](#) s 4
 am [A2000-2](#) sch
 reloc and renum as s 139CN [A2014-51](#) s 41, s 42

Apprehension of persons absent from custody or in breach of orders

pt 15.5 hdg (prev pt 5A div 5 hdg) ins [A1997-104](#) s 4
 renum as div 5A.5 hdg R3 LA
 reloc and renum as pt 15.5 hdg [A2014-51](#) s 28, s 42

Recognition of apprehension orders

s 139CO (prev s 48P) ins [A1997-104](#) s 4
 reloc and renum as s 139CO [A2014-51](#) s 41, s 42

Apprehension of interstate persons absent without leave or in breach of orders

s 139CP (prev s 48Q) ins [A1997-104](#) s 4
 am [A2014-51](#) s 39
 reloc and renum as s 139CP [A2014-51](#) s 41, s 42

Regulations relating to apprehension of persons

s 139CQ (prev s 48R) ins [A1997-104](#) s 4
 am [A2014-51](#) s 40
 reloc and renum as s 139CQ [A2014-51](#) s 41, s 42

Notification and review of decisions

ch 16 hdg (prev pt 12 div 4 hdg) renum as div 12.4 hdg R3 LA
 sub [A2008-36](#) amdt 1.519
 reloc and renum as ch 16 hdg [A2014-51](#) s 114

Meaning of reviewable decision—ch 16

s 139CR hdg (prev s 136 hdg) sub [A2014-51](#) s 111
 s 139CR (prev s 136) sub [A2008-36](#) amdt 1.519
 am [A2014-51](#) s 112
 reloc and renum as s 139CR [A2014-51](#) s 113
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Reviewable decision notices

s 139CS (prev s 137) sub [A2008-36](#) amdt 1.519
 reloc and renum as s 139CS [A2014-51](#) s 113
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Applications for review

s 139CT (prev s 137A) ins [A2008-36](#) amdt 1.519
reloc and renum as s 139CT [A2014-51](#) s 113
reloc to [Mental Health Act 2015](#) s 260 by [A2015-38](#) amdt 2.52

Miscellaneous

ch 17 hdg (prev pt 13 hdg) reloc and renum as ch 17 hdg [A2014-51](#)
s 127

Approval of mental health facilities

s 139D ins [A2014-51](#) s 119
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 261 by [A2015-38](#) amdt 2.53

Approval of community care facilities

s 139E ins [A2014-51](#) s 119
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 262 by [A2015-38](#) amdt 2.53

Powers of entry and apprehension

s 139F ins [A2014-51](#) s 119
reloc from pt 13 [A2014-51](#) s 127
am [A2015-38](#) amdt 2.34, amdt 2.35
reloc to [Mental Health Act 2015](#) s 263 by [A2015-38](#) amdt 2.53

Powers of search and seizure

s 140 sub [A2014-51](#) s 119
reloc from pt 13 [A2014-51](#) s 127
am [A2015-38](#) amdt 2.36
reloc to [Mental Health Act 2015](#) s 264 by [A2015-38](#) amdt 2.53

Protection of officials from liability

s 140A ins [A2009-20](#) amdt 1.2
am [A2012-33](#) amdt 1.39, amdt 1.40; pars renum R48 LA
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 265 by [A2015-38](#) amdt 2.53

Report and record of use of restraint etc

s 140AA ins [A2015-38](#) amdt 2.37
reloc to [Mental Health Act 2015](#) s 266 by [A2015-38](#) amdt 2.53

Appeals from ACAT to Supreme Court

s 141 am [A2002-33](#) s 4; [A2004-60](#) amdt 1.595
sub [A2006-40](#) amdt 2.165; [A2008-36](#) amdt 1.520
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 267 by [A2015-38](#) amdt 2.53

Relationship with Guardianship and Management of Property Act

s 142 am [A2001-70](#) amdt 1.68
sub [A2004-44](#) s 29
am [A2005-48](#) s 18; [A2008-36](#) amdt 1.521; [A2014-51](#)
ss 120-122
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 268 by [A2015-38](#) amdt 2.53

Relationship with Powers of Attorney Act

s 143 am [A2001-70](#) amdt 1.68
sub [A2004-44](#) s 29
am [A2005-48](#) s 18; [A2006-50](#) amdt 2.19; [A2014-51](#) s 123,
s 124
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Relationship with Mental Health Act 1962

s 144 om [A2002-49](#) amdt 3.99

Certain rights unaffected

s 145 sub [A2008-36](#) amdt 1.522
am [A2014-51](#) s 125
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 270 by [A2015-38](#) amdt 2.53

Review of certain provisions

s 145A ins [A2014-51](#) s 126
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 271 by [A2015-38](#) amdt 2.53

Determination of fees

s 146 sub [A2001-44](#) amdt 1.2887
am [A2007-39](#) amdt 3.111
reloc from pt 13 [A2014-51](#) s 127
reloc to [Mental Health Act 2015](#) s 272 by [A2015-38](#) amdt 2.53

Approved forms

s 146A ins [A1999-31](#) s 44
sub [A2001-44](#) amdt 1.2887
am [A2007-39](#) amdt 3.111, amdt 3.112
reloc from pt 13 [A2014-51](#) s 127
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Regulation-making power

s 147 sub [A2001-44](#) amdt 1.2887
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Application of amendments made by Crimes Amendment Act 2005

s 148 ins [A1999-31](#) s 45
exp 1 October 2001 (s 148 (4))
ins [A2005-7](#) s 27
exp 24 May 2005 (s 149)

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s 149 ins [A2000-2](#) s 3 sch
exp 9 June 2000 (s 149 (7))
ins [A2005-7](#) s 27
exp 24 May 2005 (s 149)

Application of amendments made by Crimes Amendment Act 2005

s 150 ins [A2006-14](#) amdt 1.54
exp 7 April 2011 (s 151 (LA s 88 declaration applies))

Expiry—pt 15

s 151 ins [A2006-14](#) amdt 1.54
exp 7 April 2011 (s 151)

Reviewable decisions

sch 1 hdg am [A2014-51](#) s 128
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Dictionary

dict ins [A2005-48](#) s 17
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[A2010-10](#) amdt 2.107; [A2011-22](#) amdt 1.334, amdt 1.335;
[A2011-52](#) amdts 3.141-3.143; [A2012-33](#) amdt 1.41;
[A2013-22](#) amdt 1.37; [A2014-51](#) s 130
def **ACAT mental health provision** ins [A2008-36](#) amdt 1.527
def **advance agreement** ins [A2014-51](#) s 131
def **advance consent direction** ins [A2014-51](#) s 131
def **affected person** ins [A2014-51](#) s 131
def **affected person register** ins [A2014-51](#) s 131
def **agreement** ins [A2005-48](#) s 17
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def **applicant** reloc from s 4 [A2005-48](#) s 6
sub [A2008-36](#) amdt 1.528
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def **application** reloc from s 4 [A2005-48](#) s 6
sub [A2008-36](#) amdt 1.528
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def **approved community care facility** ins [A2014-51](#) s 134
def **approved health facility** am [A2001-56](#) amdt 1.37
reloc from s 4 [A2005-48](#) s 6
om [A2014-51](#) s 135

- def **approved mental health facility** am [A2001-56](#) amdt 1.38
reloc from s 4 [A2005-48](#) s 6
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- def **assessment** reloc from s 4 [A2005-48](#) s 6
- def **assessment order** ins [A2008-36](#) amdt 1.529
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- def **authorised ambulance paramedic** ins [A2014-51](#) s 137
- def **C&YP Act** ins [A1999-64](#) sch 2
reloc from s 4 [A2005-48](#) s 6
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- def **C&YP chief executive** ins [A1999-64](#) sch 2
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- def **care and protection order** ins [A2008-20](#) amdt 3.41
- def **care coordinator** ins [A1999-31](#) s 6
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- def **carer** ins [A2014-51](#) s 137
- def **chief psychiatrist** ins [A1999-31](#) s 6
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- def **child and adolescent psychiatrist** ins [A2014-51](#) s 137
- def **close relative or close friend** ins [A2014-51](#) s 137
- def **community-based sentence** ins [A2014-51](#) s 137
- def **community care facility** ins [A1999-31](#) s 6
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- def **community care order** ins [A1999-31](#) s 6
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- def **community member** ins [A2000-2](#) sch
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- def **coordinating director-general** ins [A2014-51](#) s 139
- def **correctional patient** ins [A2014-51](#) s 139
- def **corrections director-general** ins [A2014-51](#) s 139
- def **corrections order** ins [A2014-51](#) s 139
- def **corresponding law** ins [A2005-48](#) s 17
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- def **Crimes Act** reloc from s 4 [A2005-48](#) s 6
- def **custodial order** ins [A2005-48](#) s 17
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- def **CYP director-general** ins [A2011-22](#) amdt 1.336
- def **decision** reloc from s 4 [A2005-48](#) s 6

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- def **decision-making capacity** ins [A2014-51](#) s 141
- def **deputy president** ins [A2000-2](#) sch
reloc from s 4 [A2005-48](#) s 6
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- def **detainee** ins [A2014-51](#) s 141
- def **director-general** ins [A2014-51](#) s 141
- def **electroconvulsive therapy** ins [A2005-48](#) s 17
- def **electroconvulsive therapy order** ins [A2005-48](#) s 17
- def **emergency assessment order** ins [A2014-51](#) s 141
- def **emergency electroconvulsive therapy order** ins
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- def **entitled person** ins [A2012-33](#) amdt 1.42
- def **forensic mental health order** ins [A2014-51](#) s 141
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- def **general president** ins [A2008-36](#) amdt 1.531
- def **health attorney** ins [A2014-51](#) s 141
- def **information sharing entity** ins [A2014-51](#) s 141
- def **information sharing protocol** ins [A2014-51](#) s 141
- def **information statement** reloc from s 4 [A2005-48](#) s 6
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- def **informed consent** ins [A2005-48](#) s 17
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- def **inspector** ins [A2007-39](#) amdt 3.113
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- def **interim care and protection order** ins [A2008-20](#)
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- def **interim therapeutic protection order** ins [A2008-20](#)
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- def **interstate custodial patient** ins [A2005-48](#) s 17
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- def **licence** ins [A2005-48](#) s 17
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- def **licensee** ins [A2005-48](#) s 17
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- def **member** ins [A2000-2](#) sch
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- def **mental disorder** ins [A2014-51](#) s 143
- def **mental dysfunction** reloc from s 4 [A2005-48](#) s 6
om [A2014-51](#) s 144
- def **mental health facility** am [A1999-31](#) sch 1
reloc from s 4 [A2005-48](#) s 6
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- def **mental health nurse** reloc from s 4 [A2005-48](#) s 6
sub [A2004-39](#) amdt 6.9 (as am by [A2005-48](#) amdt 1.13)
om [A2010-10](#) amdt 2.108
- def **mental health officer** reloc from s 4 [A2005-48](#) s 6
- def **mental health order** am [A1999-31](#) s 6
sub [A2004-44](#) s 6
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- def **mental health professional** am [A1999-31](#) sch 1
reloc from s 4 [A2005-48](#) s 6
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- def **mental health services member** ins [A2000-2](#) sch
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om [A2008-36](#) amdt 1.532
- def **mental health tribunal provision** ins [A2008-20](#) amdt 3.42
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- def **mental illness** ins [A1999-31](#) s 6
reloc from s 4 [A2005-48](#) s 6
sub [A2014-51](#) s 145
- def **mental impairment** ins [A2006-14](#) amdt 1.55
- def **mentally dysfunctional or mentally ill offender** am
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reloc from s 4 [A2005-48](#) s 6
om [A2006-14](#) amdt 1.56
- def **neurosurgery** reloc from s 4 [A2005-48](#) s 6
- def **nominated person** ins [A2014-51](#) s 146
- def **non-custodial order** ins [A2005-48](#) s 17
om [A2007-43](#) s 19
- def **non-presidential member** ins [A2000-2](#) sch
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- def **offender with a mental impairment** ins [A2006-14](#)
amdt 1.57
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- def **official visitor** ins [A1999-31](#) s 6
reloc from s 4 [A2005-48](#) s 6
om [A2012-33](#) amdt 1.43
ins [A2013-22](#) amdt 1.38
am [A2014-51](#) s 148
- def **order** reloc from s 4 [A2005-48](#) s 6
- def **president** reloc from s 4 [A2005-48](#) s 6
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- def **presidential member** ins [A2000-2](#) sch
reloc from s 4 [A2005-48](#) s 6
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- def **principal official visitor** ins [A2014-51](#) s 149
- def **private psychiatric facility** ins [A2014-51](#) s 149

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- def **private psychiatric institution** reloc from s 4 [A2005-48](#) s 6
om [A2014-51](#) s 150
- def **proceeding** sub [A2005-48](#) s 5
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- def **psychiatric facility** ins [A2014-51](#) s 152
- def **psychiatric institution** am [A1996-35](#) sch; [A1999-31](#) sch
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- def **psychiatric institution**, for pt 12 ins [A2005-48](#) s 17
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- def **psychiatric surgery** reloc from s 4 [A2005-48](#) s 6
- def **psychiatric treatment order** ins [A1999-31](#) s 6
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reloc from s 4 [A2005-48](#) s 6
- def **psychiatrist** reloc from s 4 [A2005-48](#) s 6
sub [A2010-10](#) amdt 2.109
- def **psychiatrist member** ins [A2000-2](#) sch
reloc from s 4 [A2005-48](#) s 6
om [A2008-36](#) amdt 1.537
- def **psychologist member** ins [A2000-2](#) sch
reloc from s 4 [A2005-48](#) s 6
om [A2008-36](#) amdt 1.537
- def **publish** ins [A2014-51](#) s 154
- def **referring officer** am [A1999-64](#) sch 2; [A2004-14](#) amdt 2.5
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[A2011-22](#) amdt 1.337
- def **registered affected person** ins [A2014-51](#) s 154
- def **registrar** sub [A1999-66](#) sch 3
reloc from s 4 [A2005-48](#) s 6
om [A2008-36](#) amdt 1.537
- def **relative** am [A2003-14](#) amdt 1.79, amdt 1.80
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- def **relevant information** ins [A2014-51](#) s 154
- def **relevant official** ins [A2014-51](#) s 154
- def **relevant person** ins [A2014-51](#) s 154
- def **representative** ins [A2014-51](#) s 154
- def **responsible person** ins [A2005-48](#) s 17
sub [A2014-51](#) s 155
- def **restriction order** ins [A1999-31](#) s 6
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reloc from s 4 [A2005-48](#) s 6
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- def **reviewable decision** ins [A2008-36](#) amdt 1.538
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 - def **State** ins [A2005-48](#) s 17
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 - def **subject person** ins [A2008-36](#) amdt 1.538
sub [A2014-51](#) s 155
 - def **transfer direction** ins [A2014-51](#) s 156
 - def **treating team** ins [A2014-51](#) s 156
 - def **treatment, care or support** ins [A2014-51](#) s 156
 - def **tribunal** reloc from s 4 [A2005-48](#) s 6
om [A2008-36](#) amdt 1.539
 - def **victims of crime commissioner** ins [A2014-51](#) s 156
 - def **visitable place** ins [A2012-33](#) amdt 1.44
 - def **young detainee** ins [A2014-51](#) s 156
 - def **young offender** ins [A2014-51](#) s 156
 - def **young person** ins [A2014-51](#) s 156

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5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R0A 6 Feb 2006	5 Sept 1995– 30 June 1996	A1995-25	amendments by A1995-25
R0B 6 Feb 2006	1 July 1996– 23 Dec 1997	A1996-35	amendments by A1996-35
R1 1 June 1998	1 June 1998– 8 Dec 1998	A1997-104	amendments by A1997-96 and A1997-104
R1 (RI) 6 Feb 2006	1 June 1998– 8 Dec 1998	A1997-104	reissue of printed version
R1A 6 Feb 2006	23 Dec 1998– 31 Aug 1999	A1998-70	amendments by A1998-54 and A1998-70
R2 10 Nov 1999	10 Nov 1999– 8 Mar 2000	A1999-66	amendments by A1999-22 , A1999-31 , A1999-62 and A1999-66
R2 (RI) 6 Feb 2006	10 Nov 1999– 8 Mar 2000	A1999-66	reissue of printed version
R2A 6 Feb 2006	10 May 2000– 31 May 2000	A2000-2	amendments by A1999-64 and A2000-2
R2B 6 Feb 2006	1 June 2000– 9 June 2000	A2000-17	amendments by A2000-17
R2C 6 Feb 2006	5 Oct 2000– 5 Sept 2001	A2000-52	amendments by A2000-52 and commenced expiry

Republication No and date	Effective	Last amendment made by	Republication for
R3 12 Sept 2001	12 Sept 2001– 13 Sept 2001	A2001-56	amendments by A2001-44 and A2001-56
R4 19 Oct 2001	14 Sept 2001– 1 Oct 2001	A2001-70	amendments by A2001-70
R5 19 Oct 2001	2 Oct 2001– 27 Feb 2002	A2001-70	commenced expiry
R6 28 Feb 2002	28 Feb 2002– 16 Sept 2002	A2001-70	editorial amendments under Legislation Act
R7 8 Oct 2002	17 Sept 2002– 8 Oct 2002	A2002-30	amendments by A2002-30
R8 9 Oct 2002	9 Oct 2002– 30 Dec 2002	A2002-33	amendments by A2002-33
R9 31 Dec 2002	31 Dec 2002– 16 Jan 2003	A2002-47	amendments by A2002-47
R10 17 Jan 2003	17 Jan 2003– 27 Mar 2003	A2002-49	amendments by A2002-49
R11* 28 Mar 2003	28 Mar 2003– 16 Mar 2004	A2003-14	amendments by A2003-14
R12 17 Mar 2004	17 Mar 2004– 8 Apr 2004	A2004-16	amendments by A2004-16
R13 9 Apr 2004	9 Apr 2004– 12 Apr 2004	A2004-16	amendments by A2004-15
R14 13 Apr 2004	13 Apr 2004– 29 Apr 2004	A2004-16	amendments by A2004-9
R15 30 Apr 2004	30 Apr 2004– 26 May 2004	A2004-16	amendments by A2003-48
R16 27 May 2004	27 May 2004– 17 June 2004	A2004-16	amendments by A2004-10
R17 18 June 2004	18 June 2004– 25 June 2004	A2004-16	commenced expiry
R18 26 June 2004	26 June 2004– 11 Aug 2004	A2004-16	amendments by A2004-14

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5 Earlier republications

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R19* 12 Aug 2004	12 Aug 2004– 9 Jan 2005	A2004-44	amendments by A2004-44
R20 10 Jan 2005	10 Jan 2005– 23 Feb 2005	A2004-60	amendments by A2004-60
R21 24 Feb 2005	24 Feb 2005– 24 May 2005	A2005-7	amendments by A2005-7
R22 25 May 2005	25 May 2005– 6 July 2005	A2005-7	commenced expiry
R23 7 July 2005	7 July 2005– 6 Sept 2005	A2005-7	updated endnotes
R24 7 Sept 2005	7 Sept 2005– 22 Nov 2005	A2005-48	amendments by A2005-48
R25 23 Nov 2005	23 Nov 2005– 16 Jan 2006	A2005-53	amendments by A2005-53
R26 17 Jan 2006	17 Jan 2006– 28 Feb 2006	A2005-53	amendments by A2004-39 as amended by A2005-48
R27 1 Mar 2006	1 Mar 2006– 1 Mar 2006	A2006-3	amendments by A2005-47 as amended by A2006-3
R28 2 Mar 2006	2 Mar 2006– 6 Apr 2006	A2006-3	commenced expiry
R29 7 Apr 2006	7 Apr 2006– 1 June 2006	A2006-14	amendments by A2006-14
R30 (RI) 2 June 2006	2 June 2006– 28 Sept 2006	A2006-23	amendments by A2006-23 reissue for textual correction
R31 29 Sept 2006	29 Sept 2006– 18 Oct 2006	A2006-40	amendments by A2006-40
R32 19 Oct 2006	19 Oct 2006– 13 Dec 2006	A2006-40	amendments by A2006-40

Republication No and date	Effective	Last amendment made by	Republication for
R33* 14 Dec 2006	14 Dec 2006– 29 May 2007	A2006-50	amendments by A2006-27
R34 30 May 2007	30 May 2007– 12 Dec 2007	A2006-50	amendments by A2006-50
R35 13 Dec 2007	13 Dec 2007– 26 Dec 2007	A2007-43	amendments by A2007-43
R36 27 Dec 2007	27 Dec 2007– 26 Oct 2008	A2007-43	amendments by A2007-39
R37 27 Oct 2008	27 Oct 2008– 1 Feb 2009	A2008-36	amendments by A2008-20
R38 2 Feb 2009	2 Feb 2009– 26 Feb 2009	A2008-36	amendments by A2008-36
R39 27 Feb 2009	27 Feb 2009– 21 Sept 2009	A2008-36	amendments by A2008-20
R40 22 Sept 2009	22 Sept 2009– 8 Mar 2010	A2009-20	amendments by A2009-20
R41 9 Mar 2010	9 Mar 2010– 30 June 2010	A2010-5	amendments by A2010-5
R42 1 July 2010	1 July 2010– 28 Mar 2011	A2010-10	amendments by A2010-10
R43 1 Mar 2011	1 Mar 2011– 7 Apr 2011	A2011-3	amendments by A2011-3
R44 8 Apr 2011	8 Apr 2011– 30 June 2011	A2011-3	expiry of transitional provisions (pt 15)
R45 1 July 2011	1 July 2011– 11 Dec 2011	A2011-22	amendments by A2011-22
R46 12 Dec 2011	12 Dec 2011– 30 June 2012	A2011-52	amendments by A2011-52
R47 1 July 2012	1 July 2012– 31 Aug 2013	A2011-52	amendments by A2010-10
R48* 1 Sept 2013	1 Sept 2015– 2 June 2015	A2013-22	amendments by A2012-33 and A2013-22

Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R49 3 June 2015	3 June 2015– 7 Oct 2015	A2015-16	amendments by A2015-16
R50 8 Oct 2015	8 Oct 2015– 29 Feb 2016	A2015-16	updated endnotes as amended by A2015-38

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