

AUSTRALIAN CAPITAL TERRITORY

Mental Health (Amendment) Ordinance 1984

No. 50 of 1984

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 3 September 1984.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

NEAL BLEWETT
Minister of State for Health

An Ordinance to amend the *Mental Health Ordinance 1983*

Short title

1. This Ordinance may be cited as the *Mental Health (Amendment) Ordinance 1984*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Mental Health Ordinance 1983*.²

Membership of Council

3. Section 15 of the Principal Ordinance is amended by inserting after paragraph (1) (b) the following paragraph:

“(ba) a person registered as a mental nurse under the *Nurses Registration Ordinance 1933*”.

Appointment of prescribed representative

4. Section 22 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (3) (b) “or is terminated under section 22A” after “effect”; and
- (b) by omitting from sub-section (3) “so ceases to have effect” and substituting “so ceases to have effect or is so terminated”.

5. After section 22 of the Principal Ordinance the following section is inserted:

Termination of appointment of prescribed representative

"22A. At any time during the hearing of an application under this Ordinance the Court of Petty Sessions may, of its own motion or upon the application of a prescribed relative of a person, terminate the appointment of a prescribed representative appointed under paragraph 22 (1) (b) on the grounds that the prescribed representative—

- (a) is not a fit and proper person to be the prescribed representative of the person; or
- (b) has failed to perform the functions of a prescribed representative."

Appointment of prescribed representative

6. Section 31 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (3) (b) "or is terminated under section 31A" after "effect"; and
- (b) by omitting from sub-section (3) "so ceases to have effect" and substituting "so ceases to have effect or is so terminated".

7. After section 31 of the Principal Ordinance the following section is inserted:

Termination of appointment of prescribed representative

"31A. At any time during the hearing of an application under this Ordinance the Court of Petty Sessions or the Supreme Court, as the case requires, may, of its own motion or upon the application of a prescribed relative of a person, terminate the appointment of a prescribed representative appointed under paragraph 31 (1) (b) on the grounds that the prescribed representative—

- (a) is not a fit and proper person to be the prescribed representative of the person; or

- (b) has failed to perform the functions of a prescribed representative."

Restriction of communication

8. Section 41 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) "Subject to sub-section (3), where" and substituting "Where";
 - (b) by inserting in sub-section (2) "and to the prescribed representative of the person" after "person" (second occurring); and
 - (c) by omitting sub-section (3).
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NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 12 September 1984.
2. No. 52, 1983.