



AUSTRALIAN CAPITAL TERRITORY

Mental Health (Treatment and Care) Amendment Act (No 2) 1999

No. 62 of 1999

CONTENTS

Section	
1	Name of Act
2	Commencement
3	Act amended
4	Interpretation
5	Referrals
6	Mental health orders—general
7	Power under custodial orders
8	Insertion— <i>Division 4—Care coordinator</i>
	36A Care coordinator
	36B Delegation
9	Authorisation of involuntary detention
10	Medical examination



AUSTRALIAN CAPITAL TERRITORY

Mental Health (Treatment and Care) Amendment Act (No 2) 1999

No. 62 of 1999

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

[Notified in ACT Gazette No 45: 10 November 1999]

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

1 Name of Act

This Act is the *Mental Health (Treatment and Care) Amendment Act (No 2) 1999*.

2 Commencement

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

3 Act amended

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

4 Interpretation

Section 4 is amended by omitting the definition of *care coordinator* and substituting the following definition:

“*care coordinator*—see section 36A.”.

5 Referrals

Section 15 is amended by adding at the end of paragraph (1) (a) “and”.

6 Mental health orders—general

Section 28 is amended by omitting subsection (3) and substituting the following subsection:

“(3) The care coordinator, or his or her delegate, is responsible for the care of a person to whom an order under subsection 26 (2) applies.”.

7 Power under custodial orders

Section 32 is amended by omitting from subsections (1), (2), (3) and (4) “or care coordinator (as the case requires)” (wherever occurring).

8 Insertion

After section 36, the following Division is inserted in Part 4:

Division 4—Care coordinator

“36A Care coordinator

“(1) The Minister must, by instrument, appoint a care coordinator.

“(2) The care coordinator is—

- (a) a public servant specified in the instrument; or
- (b) the person from time to time holding, occupying, or performing the duties of an office or position specified in the instrument.

“36B Delegation

“(1) The care coordinator may, by instrument, delegate any (or all) of his or her powers or functions.

“(2) A delegation may be expressed to apply generally, in relation to a particular community care order or orders, or otherwise subject to conditions.”.

9 Authorisation of involuntary detention

Section 41 is amended by omitting from subparagraph (1) (a) (ii) “or mental health officer”.

10 Medical examination

Section 43 is amended by omitting “a psychiatrist conducts a physical and psychiatric examination of a person detained at the facility under subsection 41 (1)” and substituting “a proper physical and psychiatric examination of a person detained at the facility under subsection 41 (1) is undertaken”.

Endnote

Act amended

- 1 Republished as in force on 1 June 1998. See also Acts 1998 Nos 54 and 70; 1999 Nos 22 and 31.

[Presentation speech made in Assembly on 19 October 1999]