

2000
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health and Community Care)

**Mental Health (Treatment and Care)
Amendment Bill 2000**

A BILL

FOR

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

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

1 Name of Act

This Act is the *Mental Health (Treatment and Care) Amendment Act*
5 2000.

2 Commencement

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

31812 (2000/003) (T35/2000)

3 Act amended

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

4 Apprehension

Section 37 is amended by omitting from paragraph (2) (a) “the
5 person is mentally dysfunctional” and substituting “a person is mentally
dysfunctional”.

5 Detention

Section 38 is amended by adding at the end the following
subsection:

10 “(2) If a doctor or mental health officer believes on reasonable grounds
that a person who has voluntarily attended an approved health facility is a
person to whom paragraphs 37 (2) (a) to (d) apply, the doctor or mental
health officer may detain the person at the facility and, while the person is
15 so detained, the person in charge of the facility may exercise the powers
mentioned in paragraphs (1) (a) to (c) in relation to the person detained.”

6 Examination by doctor

Section 40 is amended by adding at the end the following
subsection:

20 “(2) The person in charge of an approved mental health facility must
ensure that a person detained at the facility under subsection 38 (2) is
examined by a doctor employed at the facility within 4 hours of being
detained.”

Endnote

Act amended

1 Reprinted as at 10 November 1999 (Republication No 2). See also Acts 1999 Nos 64
and 66; 2000 No 2.