

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health and Community Care)

**Mental Health (Treatment and Care)
Amendment Bill (No 2) 1999**

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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 *(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 **5 Referrals**

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

6 Mental health orders—general

10 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

15 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

20 “(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.

25 **“36B Delegation**

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

30 “(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

5 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.