

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No 1)

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No 2)

Disallowable instrument DI2005–77

Disallowable instrument DI2005–78

made under the

Mental Health (Treatment and Care) Act 1994, s 48 (Approved facilities)

EXPLANATORY STATEMENT

The Mental Health (Treatment and Care) Act Disallowable Instruments approve the Canberra Hospital and the Brian Hennessy Rehabilitation Centre as Mental Health facilities under the *Mental Health (Treatment and Care) Act 1994 (the Act)*.

There are two different approved facilities under the Act. An Approved Health Facility (which are approved through a notifiable instrument) is the facility to which a person is firstly taken following emergency apprehension (s 37) or the facility where a person may be taken under a psychiatric treatment order to undergo psychiatric treatment, or undertake counselling, training or rehabilitation. (s 29)

An approved mental health facility (which are approved through a disallowable instrument) is the facility where a doctor, having examined a person in accordance with s 40 of the Act, authorises the involuntary detention and care of that person for a period not exceeding 3 days. An approved mental health facility may also be the facility to which a person, having failed to comply with a mental health order, may be taken and detained (s 36K).

Canberra Hospital is the principle assessment and treatment facility for persons requiring acute involuntary mental health medical services in the ACT.

People are brought to the Canberra Hospital, under emergency apprehension for involuntary assessment, or following apprehension after the person failed to comply with a mental health order by the police, doctors and mental health officers. Canberra Hospital requires approval as both a health and mental health facility for the service of persons.

The instrument of approval for Canberra Hospital repeals the approval under the Act, s 48 (b), for Woden Valley Hospital as a mental health facility.

Brian Hennessy Rehabilitation Centre (BHRC) has an extended care unit that provides a long-term mental health rehabilitation environment in a low security setting. If a person resident in BHRC is placed under emergency apprehension or requires detention following their failure to comply with a mental health order BHRC has the physical resources to keep the person in the Centre and request a doctor examine the person within 4 hours rather than transport the person to the Canberra Hospital, have the examination and be transported back to the Centre.