

AUSTRALIAN CAPITAL TERRITORY  
MENTAL HEALTH (AMENDMENT) ORDINANCE  
EXPLANATORY STATEMENT

No. 50 of 1984

The Mental Health (Amendment) Ordinance 1984 increases the membership of the Mental Health Advisory Council established under section 13 of the Mental Health Ordinance 1983 by including in the membership of the Council a person registered as a mental nurse under the Nurses Registration Ordinance 1933.

The amendment also gives the Court of Petty Sessions the power to terminate the appointment of a prescribed representative who has been chosen by the Director of Mental Health Services to represent a person who has been subject to the emergency procedures in Part IV of the Mental Health Ordinance 1983. The Court is able to do this either on its own initiative or as the result of the application of a close relative. The grounds for termination of appointment are first that the representative is not a fit and proper person and second that the representative has failed to perform his functions as a representative.

The amendment gives both the Court of Petty Sessions and the Supreme Court the powers described above at any time when either Court is hearing an application for a treatment order or an application for the variation or discharge of a treatment order.

Previously the effect of section 41 of the Mental Health Ordinance 1983 was that when a restriction on communication was placed on a person subject to a custodial treatment order the prescribed representative of that person did not always have to be informed. The section only required the representative to be informed when, in the opinion of the Director of Mental Health Services or a medical practitioner, the person subject to the restriction was unable to understand an explanation of the restriction. The Amendment alters section 41 so that it requires the explanation to be given to the representative whether or not the person subject to the restriction has understood the explanation.

Ord. No. 26/84