



MENTAL HEALTH AMENDMENT ACT 1984

No. 16 of 1984

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AN ACT to amend the Mental Health Act 1963.

[Royal Assent 16 May 1984]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Mental Health Amendment Act* Short title.  
1984.

Commence-  
ment.

**2**—This Act shall commence on the day on which it receives the royal assent.

Principal Act.

**3**—In this Act, the *Mental Health Act 1963\** is referred to as the Principal Act.

Amendment of  
section 67 of  
Principal Act  
(Application of  
certain  
provisions of  
Part III to  
patients whose  
discharge is  
subject to  
restriction).

**4**—Section 67 of the Principal Act is amended by inserting the following subsection after subsection (5):—

(6) For the purposes of this section—

(a) sections 26, 28, and 29 apply to a patient referred to in subsection (1) as if a reference in those sections to a hospital included a reference to a special institution; and

(b) section 29 applies to such a patient as if a reference in that section to a hospital authority were a reference to a controlling authority.

Insertion in  
Principal Act  
of new  
section 67A.

**5**—After section 67 of the Principal Act, the following section is inserted:—

Right of  
patient  
detained in an  
institution to  
make  
application to  
Tribunal  
against his  
transfer to  
another  
institution.

67A—(1) Where a patient is, pursuant to section 26, transferred to a hospital or other institution, that patient may, at any time after he has been detained for 6 weeks in that institution, lodge an application with the Tribunal against his transfer to the institution.

(2) Where a patient makes an application under subsection (1), the Tribunal shall advise the Attorney-General on the desirability or otherwise of the continued detention of the patient in the institution to which he has been transferred.

(3) Where, after a patient has made an application under subsection (1), he continues to be detained in an institution to which he has been transferred, the patient may, at any time after he has been detained for 6 months in that institution since making that application, lodge a further application with the Tribunal against his continued detention in that institution and may make one further such application after the end of every subsequent 6 months while he continues to be detained in that institution.

\* No. 63 of 1963. For this Act, as amended to 1st September 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 84 of 1981 and No. 99 of 1982.

(4) Subsection (2) applies, with the necessary modifications, with respect to a patient who makes a further application under subsection (3) as it applies to a patient who makes an application under subsection (1).

(5) The Attorney-General—

(a) acting on his own motion; or

(b) on the recommendation of the responsible medical officer of the institution to which a patient has been transferred,

may, at any time, cause the patient to be returned to the institution from which he was transferred.

**6**—Section 68 (1) of the Principal Act is amended by omitting “no application” and substituting “an application, other than an application under section 67A, shall not”.

*Amendment of section 68 of Principal Act (References to Tribunal in respect of patients whose discharge is subject to restriction).*

**7**—(1) Section 70 (4) of the Principal Act is amended by inserting “, subject to subsection (4A),” after “may”.

*Amendment of section 70 of Principal Act (Discharge of patients whose discharge is subject to restriction).*

(2) Section 70 of the Principal Act is further amended by inserting the following subsection after subsection (4):—

(4A) A discharge under subsection (4) may be unconditional or may be subject to such conditions as the Governor determines and as specified in the instrument of discharge.

