Mental Health Act 2014 – Amendments

The Mental Health Act 2014 went through a number of stages in Parliament before it was proclaimed an Act. During this process, Parliament passed the following amendments, which will be part of the Act when it commences on 1 July 2014. Until this time, the Mental Health Act 1986 remains the law.

Amendment to include ‘gender identity’
An amendment to clause 4, subclause 2 (d) to include ‘gender identity’ ensures that people are not provided compulsory mental health treatment solely because they identify with a particular gender or fail to identify with a particular gender.

Amendment to specific reporting requirements on the performance of Electroconvulsive therapy (ECT) on young people
Requiring the Chief Psychiatrist to report on the performance of ECT on young persons will improve transparency and provide reassurance to the community about the safety of ECT in the treatment of young people with serious mental illness. This amendment requires the Chief Psychiatrist to:

- prepare a written report annually on the number of young people under 18 years of age who received one or more courses of ECT at a designated mental health service and report on any amendments made during the financial year to any guidelines or practice directions issued by the Chief Psychiatrist that may impact on the performance of ECT on young people;
- report on the clinical outcomes for those young people resulting from the ECT from 1 July 2014 until 30 June 2019; and submit this report to the Minister for Mental Health before 1 November 2019 and the Minister will then be required to table the report in each House of Parliament within 14 days of its receipt.

Amendment to wording regarding community visitors
The Public Advocate raised concerns that clause 220, which requires mental health service staff to provide reasonable assistance to community visitors, was worded in such a way that could potentially weaken the effect of the provision. The amendment was to replace the words ‘as far as practicable’ with the word ‘must give a community visitor any reasonable assistance’ to address these concerns.