



REPUBLIC OF NAURU

# MENTALLY- DISORDERED PERSONS (AMENDMENT) BILL 2016

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No. 25 of 2016

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A Bill for an Act to amend the *Mentally-disordered Persons Act 1963*

Certified: [ ]

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Mentally-disordered Persons (Amendment) Act 2016*.

**2 Commencement**

This Act commences upon certification by the Speaker.

**3 Amendment of Mentally-disordered Persons Act 1963**

The *Mentally-disordered Persons Act 1963* is amended by the provisions of this Act.

**4 Amendment of section 3**

(1) Section 3 is amended as follows:

**Omit**

**‘medical practitioner’** means a person registered or licensed as a medical practitioner under the law of a State or Territory of the Commonwealth of Australia, of New Zealand or of the United Kingdom;

**Substitute**

**‘medical practitioner’** means a person registered or licenced as a medical practitioner under the laws of Nauru, Australia, New Zealand, the United Kingdom or of any other country approved by the Minister;’

(2) Insert in alphabetical order the following definitions:

**‘designated mental health facility’** means a place that has been declared by the Minister as a mental health facility in accordance with section 4B;

**‘Director of Medical Services’** has the meaning given in the *Health Practitioners Act 1999*;

**‘mental disorder’** means a disturbance or defect, to a substantially disabling degree, of perceptual interpretation, comprehension, reasoning, learning, judgment or memory, motivation or emotion whether or not the disturbance or defect is or is caused by:

(a) mental illness;

(b) personality disorder; or

(c) dementia;

**‘Minister’** means the Minister for Health and Medical Services;

**“Secretary”** means the Secretary for Health and Medical Services.

## **5**

### **Amendment of section 4**

(1) Insert new section 4 (c) as follows:

‘(c) poses a serious danger to the health or safety of that person or others.’

(2) Insert new section 4A

#### **4A Persons not to be regarded as mentally disordered**

(1) For the purposes of this Act, a person is not be regarded as mentally disordered by reasons only that:

- (a) the person expresses or refuses or fails to express, or has expressed or has refused or failed to express a particular political opinion or belief;
- (b) the person expresses or refuses or fails to express, or has expressed or has refused or failed to express, a particular religious opinion or belief;
- (c) the persons expresses or refuses or fails to express, or has expressed or has refused or failed to express, a particular philosophy or cultural belief;
- (d) the person expresses or exhibits or refuses or fails to express, or has expressed or has refused or failed to express, a particular sexual preference or sexual orientation;
- (e) the person engages in or refuses or fails to engage in, or has engaged in or has refused or failed to engage in, a particular political activity; or
- (f) the person takes or has taken alcohol or any other drug, volatile substance or other substances capable of inducing intoxication or an altered state of mind.

(2) Subsection (1)(f) does not exclude the temporary or permanent effect of alcohol or any other drug, volatile substance or other substances inducing a mental disorder.

**6 Insert new section 4B**

**4B Declaration of designated mental health facility**

The Minister may by Order in the Government Gazette declare certain places as designated mental health facilities for the purpose of this Act, including:

- (a) a public hospital;
- (b) a health centre or clinic; or
- (c) any other place the Minister considers appropriate to be so designated having regard to the purposes of the Act.

**7 Insert new section 4C**

**4C Appointment of authorised officers**

- (1) The Secretary may appoint persons as authorised officers in accordance with this Act.
- (2) The Secretary may only appoint as an authorised officer a person whom the Secretary is satisfied:
  - (a) is competent to exercise the powers conferred on an authorised officer under this Act; and
  - (b) is a fit and proper person to exercise those powers, having regard to character, honesty and integrity; and
  - (c) has undergone any training required by the Secretary; and
  - (d) has agreed in writing to the exercise of those powers.

**8 Repeal and replace section 6**

Section 6 is hereby repealed and replaced with the following:

**6 General provisions for care, treatment and support**

- (1) In interpreting and implementing provisions of this Act, due regard should be had to the following principles:
  - (a) care, support and where required treatment and protection for persons with a mental disorder should be designed to bring about the best therapeutic outcomes for such persons, and, as far as possible, their recovery and participation in community life;