



Transitional arrangements from the *Mental Health Act 1996* to the *Mental Health Act 2014*

Information for Clinicians

Commencement and transitional period

The *Mental Health Act 2014* (2014 Act) replaces the *Mental Health Act 1996* (1996 Act) on **30 November 2015**. The *Mental Health Legislation Amendment Act 2014* provides for a smooth transition between the 1996 Act and the 2014 Act. The key transitional provisions that impact on clinicians at time of commencement are as follows:

1.0 Referral for examination by a psychiatrist

A referral made under the 1996 Act (Form 1) will last for 7 days, despite the shorter timeframe in the 2014 Act.

2.0 Voluntary inpatient in an authorised hospital

A voluntary inpatient in an authorised hospital detained under a referral order for up to 6 hours (Form 2) may be detained until the end of that 6 hour time period, even if the order is made after 18.00 hours on 29 November 2015.

3.0 Time period between assessment and referral

A medical practitioner or an authorised mental health practitioner (AMHP) can refer a person for examination by a psychiatrist (Form 1), within 48 hours of personally examining the person under the 1996 Act. The 48 hour time period stays the same, despite the commencement of the 2014 Act.

4.0 Transport orders

Where a transport order is made under the 1996 Act (Form 3) authorising transportation to an authorised hospital, the order lasts for 72 hours or until the referral ends (whichever comes first). Where the transport order authorises transportation to a place that is not an authorised hospital, the order lasts for 24 hours or until the referral ends (whichever comes first).



5.0 Detention for examination at an authorised hospital

A referred person who has been received into an authorised hospital for examination by a psychiatrist under the 1996 Act can be detained there for up to 24 hours from the time of receipt, even if this extends beyond commencement of the 2014 Act.

6.0 Detention for examination at a place that is not an authorised hospital

This applies to a person who, under the 1996 Act, has been referred to a place other than an authorised hospital for examination by a psychiatrist. If the person is received before commencement on 30 November 2015, they can be detained there following commencement for up to 72 hours from the time of receipt.

7.0 Examination at other place and referral to authorised hospital

Where a psychiatrist at a place other than an authorised hospital has made an order under the 1996 Act that a person be examined at an authorised hospital (Form 5), the person can be detained at the authorised hospital for 72 hours from the time that they are received at the authorised hospital, even if this extends beyond commencement of the 2014 Act.

8.0 Timeframes for inpatient treatment orders

An initial inpatient treatment order made under the 1996 Act (Form 6) lasts for up to 28 days. The order will end on the day specified in the order, despite the commencement of the 2014 Act.

An inpatient treatment order that has been continued under the 1996 Act (Form 9) lasts for up to 6 months. The timeframes for a person who is still on a continued inpatient treatment order on 30 November are:

First day of continuation order	Last day of continuation order
Before 30 June 2015	Day specified in order
30 June to 29 August 2015	Date specified in order or on 30 December 2015, whichever is first
30 August and 29 November 2015	Date specified in the order or on 30 January 2016, whichever is first



9.0 Timeframes for community treatment orders

An initial or extended community treatment order made under the 1996 Act (Form 10 or Form 12) lasts for up to 3 months. The order will end on the day specified in the order, despite the commencement of the 2014 Act.

10.0 Absence without leave

A person who is absent without leave and has been apprehended under the 1996 Act must be returned to the authorised hospital from which they are absent without leave or to another hospital or place by arrangement, no later than 14 December 2015.

11.0 Electroconvulsive therapy (ECT)

A course of ECT commenced under the 1996 Act can be continued until 30 December 2015. After 30 December 2015 ECT can only be provided in accordance with the 2014 Act.

12.0 Provision of medical treatment

The 1996 Act enables the Chief Psychiatrist to authorise medical treatment for an involuntary patient or a mentally impaired accused. If an approval is provided before 30 November 2015 but the treatment has not been provided, the medical treatment can be provided in accordance with the approval.

13.0 Review of involuntary status by the Mental Health Tribunal

The Mental Health Tribunal replaces the Mental Health Review Board.

An involuntary patient who has **not** already had an initial review as at 30 November 2015 will be reviewed within the following timeframes:

Start date of treatment order	Last day for reviews (adults)	Last day for reviews (children)
Before 9 November 2015	14 December 2015	5 December 2015
Between 9 and 22 November 2015	28 December 2015	14 December 2015
Between 23 and 29 November 2015	4 January 2016	21 December 2015



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An involuntary patient who has already had an initial review as at 30 November 2015 will be reviewed within the following timeframes:

Date of last review	Last date for next review (adults)	Last date for next review (children)
Before 30 August 2015	30 December 2015	14 December 2015
Between 30 August and 29 October 2015	30 January 2016	21 December 2015
Between 30 October and 29 November 2015	29 February 2016	28 December 2015

Further resources:

Mental Health Act 2014 www.slp.wa.gov.au

Mental Health Legislation Amendment Act 2014 www.slp.wa.gov.au

eLearning packages:

www.mhc.wa.gov.au

Clinicians' Practice Guide:

www.chiefpsychiatrist.wa.gov.au

Mental Health Act Handbook:

www.mhc.wa.gov.au

Chief Psychiatrist's standards and guidelines:

www.chiefpsychiatrist.wa.gov.au

Chief Psychiatrist's approved forms:

www.chiefpsychiatrist.wa.gov.au

Mental Health Commission enquiries:

legislation@mhc.wa.gov.au

Office of the Chief Psychiatrist enquiries:

mha2014@health.wa.gov.au