



TASMANIA

---

**MENTAL HEALTH SERVICES (REPEAL) ACT 1993**

---

**No. 7 of 1993**

---

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Interpretation
4. Repeal of *Mental Health Services Act 1967* and abolition of Commission
5. Consequential provisions
6. Consequential rescissions and amendments
7. Administration of Act

SCHEDULE 1  
STATUTORY RULES RESCINDED

SCHEDULE 2  
ACTS CONSEQUENTIALLY AMENDED



**MENTAL HEALTH SERVICES (REPEAL) ACT 1993**

---

**No. 7 of 1993**

---

**AN ACT to repeal the *Mental Health Services Act 1967*, consequentially to amend certain other Acts and otherwise to provide for matters consequential on the repeal of the *Mental Health Services Act 1967***

**[Royal Assent 20 April 1993]**

**B**E 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:—

**Short title**

**1**—This Act may be cited as the *Mental Health Services (Repeal) Act 1993*.

**Commencement**

**2**—This Act commences on the day on which it receives the Royal Assent.

**Interpretation**

3—In this Act, unless the contrary intention appears—

“**commencement day**” means the day on which this Act receives the Royal Assent;

“**Commission**” means the Mental Health Services Commission established under section 3 of the repealed Act;

“**Crown**” means the Crown in right of Tasmania;

“**repealed Act**” means the *Mental Health Services Act 1967*;

“**right**” includes an entitlement, a power and a privilege.

**Repeal of *Mental Health Services Act 1967* and abolition of Commission**

4—(1) The *Mental Health Services Act 1967* is repealed.

(2) The Mental Health Services Commission is abolished.

**Consequential provisions**

5—On and after the commencement day—

(a) all real and personal property, all rights and interests in that property and all management and control of that property that were vested in or belonged to the Commission immediately before that day vest in and belong to the Crown; and

(b) all money, debts and claims, liquidated or unliquidated, that were payable by, due from or recoverable against the Commission immediately before that day are payable by, due from or recoverable against the Crown; and

(c) legal proceedings instituted against the Commission before the commencement day and pending on that day may be continued against the Crown; and

(d) legal proceedings against the Commission to enforce a right that accrued before the commencement day and in existence on that day may be instituted against the Crown; and

(e) a document addressed to, and purporting to have been served on, the Commission is to be taken to have been served on the Crown; and

- (f) all property that was, immediately before that day, kept in safe custody by or for the Commission for a person under section 25A of the repealed Act is to be taken to be held in custody under section 31 (1) (b) of the *Health (Regional Boards) Act 1991* by or for the Regional Health Board which maintains and operates the hospital in which that person is a patient.

### Consequential rescissions and amendments

6—(1) The Statutory Rules specified in Schedule 1 are rescinded.

(2) The Acts specified in Schedule 2 are amended as set out in that Schedule.

### Administration of Act

7—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Community and Health Services; and
- (b) the Department responsible to the Minister for Community and Health Services in relation to the administration of this Act is the Department of Community and Health Services.
-

**SCHEDULE 1**

Section 6 (1)

**STATUTORY RULES RESCINDED**

- Proclamation under section 1 of the *Mental Health Services Act 1967* (S.R. 1967, No. 262)
- Royal Derwent Hospital Management Order 1968* (S.R. 1968, No. 84)
- Proclamation under section 2 of the *Mental Health Services Act 1968* (S.R. 1968, No. 87)
- Mental Health Services (Hospital and Hostels) Fees Regulations 1972* (S.R. 1972, No. 266)
- John Edis Hospital By-laws 1972* (S.R. 1972, No. 285)
- Mental Health Services (Hospital and Hostels) Fees Amendment Regulations 1973* (S.R. 1973, No. 43)
- Mental Health Services (Hospital and Hostels) Fees Amendment Regulations 1974* (S.R. 1974, No. 230)
- John Edis Amendment By-laws 1975* (S.R. 1975, No. 39)
- Mental Health Services (Hospital and Hostels) Fees Amendment Regulations 1979* (S.R. 1979, No. 220)
- Mental Health Services (Officers) (Rescission) Regulations 1985* (S.R. 1985, No. 224)
- Proclamation under section 2 (2) of the *Mental Health Services Amendment Act 1986* (S.R. 1987, No. 51)
- Mental Health Services (Board of Management Expenses) (Rescission) Regulations 1987* (S.R. 1987, No. 52)
- Mental Health Services Clinics Revocation By-laws 1991* (S.R. 1991, No. 100)
- Mental Health Services (Fees) Rescission Regulations 1991* (S.R. 1991, No. 101)
- Royal Derwent Hospital and Millbrook Rise Revocation By-laws 1991* (S.R. 1991, No. 102)
-

## SCHEDULE 2

## Section 6 (2)

## ACTS CONSEQUENTIALLY AMENDED

1. *Alcohol and Drug Dependency Act 1968* (No. 61 of 1968)

## (1) Section 2—

Omit the following definitions:—

(a) Commission;

(b) Medical Commissioner.

## (2) Section 8 (1)—

(a) Omit “10 members” and substitute “9 members”.

(b) Omit paragraph (c).

## (3) Section 8 (2)—

Omit “(c),”.

## (4) Section 15 (1)—

(a) Omit “Commission,” and substitute “Secretary,”.

(b) Omit “under the *Mental Health Services Act 1967*”.

## (5) Section 21—

Omit “under the *Mental Health Services Act 1967*”.

## (6) Section 32 (1) (c)—

Omit “Commission” (twice occurring) and substitute “Secretary”.

2. *Education Act 1932* (23 Geo. V No. 22)

## Section 7A (1F) (a)—

Omit “in the Mental Health Services Commission established under the *Mental Health Services Act 1967*,” and substitute “for the purposes of—

(i) the department responsible to the Minister administering the *Health (Regional Boards) Act 1991*; or

(ii) a Regional Health Board established under that Act; and”.

3. *Hospitals Act 1918* (9 Geo. V No. 70)

(1) Section 58A—  
Repeal the section.

(2) Section 74—  
Repeal the section.

4. *Mental Health Act 1963* (No. 63 of 1963)

(1) Section 3—

(a) Omit the following definitions:—

(i) Commission;

(ii) Medical Commissioner;

(iii) officer of the mental health service.

(b) After the definition of “restriction order”, insert the following definition:—

“Secretary” means the Secretary of the Department;

(2) Section 6 (1)—

Omit “or is provided or maintained under the *Mental Health Services Act 1967*”.

(3) Section 6 (2)—

Omit paragraph (a).

(4) Section 76 (1A)—

Omit “Medical Commissioner” and substitute “Secretary”.

(5) Section 76A (1)—

Omit “Medical Commissioner” (twice occurring) and substitute “Secretary”.

(6) Section 109 (5)—

(a) Omit paragraph (e).

(b) In paragraph (ea), omit “(ea)” and substitute “(e)”.

1993

*Mental Health Services (Repeal)*

No. 7 sch. 2

(7) Schedule 3, clause 1 (a)—

Omit “Medical Commissioner” and substitute  
“Secretary”.

---

*[Second reading presentation speech made in:—  
House of Assembly on 23 March 1993  
Legislative Council on 31 March 1993]*

