

**REPUBLIC OF NAURU**  
**MENTALLY-DISORDERED PERSONS (AMENDMENT) BILL 2016**

**SECOND READING SPEECH**

**Honorable Valdon Dowiyogo MP**

**12<sup>th</sup> May 2016**

Mr. Speaker Sir,

I am pleased to present to the House today a Bill to amend the *Mentally Disordered Persons Act 1963*, a law that is outdated, inapplicable to the modern understanding of mental health and inadequate to address the increasingly significant mental health issues that we are seeing on Nauru.

Changes to the Act will mean that if a health practitioner or police officer have concerns for the mental health of a person in the community and consider that the person may be a risk of harm to himself or others, then the person can be transported to the hospital or medical facility for a mental health assessment.

A medical practitioner must assess the person within 24 hours and if the doctor considers that further assessment is warranted, a second doctor must make an assessment within the next 24 hours. That doctor can apply to the Director of Medical Services to have the detention for the purposes of assessment extended for a maximum of 5 days.

Naturally any detention of liberty needs safeguards. Under the Act, the provisions requiring a person to be brought before a Magistrate remain, but are updated. Effectively a person will be able to be held for assessment for a maximum of seven days, with the concurrence of two separate medical practitioners who have examined him or her. After that time, the person can only be detained by Order of a Magistrate who will make an inpatient treatment order on advice of the treating doctors and the Director of Medical Services.

We consider that these strengthened provisions will mean that people will receive the care, treatment and support which they need, improving their safety and that of others around them. It is my intention to designate the managed accommodation area as a mental health facility under the Act, and I have assurances that IHMS mental health team will operate under the direction of the Director of Medical Services under this Act to provide required mental health services for refugees, asylum seekers as well as Nauruans. In this way, we can ensure that the hospital's capacity is not over stretched.

The amendments to the Act also repeal provisions which are out-of-date including those which were drafted when there were significant numbers of contract workers in the phosphate industry.

It is anticipated that there will be further amendments to the Act, or a complete overhaul, to ensure that it is a relevant instrument in accordance with best practice in this area. Currently however we have made amendments which we consider are particularly pressing and will improve the ability to assess persons of concern. It is our hope that this will improve safety, care and protection for all in the community.

Mr Speaker, the explanatory memorandum describes in detail each provision of the Bill.

I commend the Bill to the House.