

Act No. 260

## MENTAL HEALTH (DISABILITY SERVICES AND GUARDIANSHIP) AMENDMENT BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Disability Services and Guardianship Bill 1987.

The object of this Bill is to amend the Mental Health Act 1983 so as—

- (a) to make provision with respect to the carrying out of certain medical treatment on patients under that Act; and
- (b) to make other minor, consequential and ancillary amendments.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) omits the definition of “intellectually disabled person under guardianship” from section 4 of the Principal Act.

Schedule 1 (2) and (3) amend sections 86 and 108 of the Principal Act as a consequence of the amendment effected by Schedule 1 (1).

Schedule 1 (4) amends section 178 of the Principal Act as a consequence of the amendment effected by Schedule 1 (5).

Schedule 1 (5) inserts a new section 183A into the Principal Act. The proposed section imposes a penalty of 7 years' imprisonment on a person who carries out “special medical treatment” (that is, treatment that is intended or likely to render a person infertile or other treatment declared by the regulations under the Principal Act to be special medical treatment) on a patient under that Act otherwise than (in the case of treatment carried out by a registered medical practitioner) in order to save the patient's life or to prevent serious damage to the patient's health or otherwise than with the consent of the Mental Health Review Tribunal.

*Mental Health (Disability Services and Guardianship) Amendment 1987*

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Schedule 1 (6) amends section 197 of the Principal Act (which deals with proceedings for offences under that Act) so as to ensure that proceedings for an offence arising under proposed section 183A (1) are dealt with on indictment rather than summarily before a Local Court.

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