

MENTAL HEALTH (MENTAL DISORDER) AMENDMENT BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Crimes (Mental Disorder) Amendment Bill 1989.

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

- (a) to include, as forensic patients under that Act, persons detained in hospitals under that Act pending proceedings for committal for trial or pending trial; and
- (b) to make it clear that the Mental Health Review Tribunal may not order the release of a forensic patient awaiting committal for trial or trial for an offence.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be proclaimed.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Forensic patients

Schedule 1 (1) amends the definition of “forensic patient” in section 4 (Definitions) to include persons detained in hospitals pending proceedings for committal for trial for an offence or pending trial for an offence.

Mental Health (Mental Disorder) Amendment 1989

Release of forensic patients

Schedule 1 (2) amends section 119 (Review of forensic patients by the Tribunal) to prohibit the Mental Health Review Tribunal from recommending the release of a forensic patient who is detained in a hospital pending proceedings for committal for trial for an offence or pending trial for an offence.
