

Act No. 11 of 1990

**MISCELLANEOUS ACTS (MENTAL HEALTH) REPEAL AND
AMENDMENT BILL 1990**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Mental Health Bill 1990.

The objects of this Bill are:

- (a) to repeal certain Acts; and
- (b) to amend certain other Acts,

as a result of the enactment of the proposed Mental Health Act 1990 and the proposed Mental Health (Criminal Procedure) Act 1990.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to Schedule 1 (Repeals).

Clause 4 is a formal provision that gives effect to Schedule 2 (Amendments).

SCHEDULE 1 - REPEALS

This Schedule lists Acts to be repealed as a result of the enactment of the proposed Mental Health Act 1990 and the proposed Mental Health (Criminal Procedure) Act 1990.

SCHEDULE 2 - AMENDMENTS

Schedule 2 makes amendments to the following Acts:

Children (Care and Protection) Act 1987 No. 54

A reference to hospitals under the proposed Mental Health Act 1990 is substituted for an existing reference.

Crimes Act 1900 No. 40

Parts 11A and 11B, which are re-enacted in the proposed Mental Health (Criminal Procedure) Act 1990, are repealed.

Criminal Appeal Act 1912 No. 16

References to the provisions of the proposed Mental Health (Criminal Procedure) Act 1990 are substituted for existing references to Parts 11A and 11B of the Crimes Act 1900 (which are to be repealed).

Disability Services and Guardianship Act 1987 No. 257

References to relevant expressions in the proposed Mental Health Act 1990 are substituted for existing references.

Health Administration Act 1982 No. 135

The amendment enables regulations to be made specifying circumstances in which information obtained in connection with the administration or execution of certain Acts may be disclosed. It is intended to make a regulation permitting medical officers to disclose to prison officers, for the purposes of carrying out their functions, certain information obtained in relation to forensic patients.

Interpretation Act 1987 No. 15

A definition of "mentally incapacitated person" is being inserted. The use of the definition will save the necessity to refer to categories of involuntary patients under the proposed Mental Health Act 1990 as well as protected persons under the Protected Estates Act 1983 in certain provisions in Acts and is intended as an Acts shortening measure.

Legal Aid Commission Act 1979 No. 78

References to the proposed Mental Health Act 1990 are substituted for existing references.

Miscellaneous Acts (Community Welfare) Repeal and Amendment Act 1987 No. 58

Provisions are omitted as a consequence of the proposed amendments to the Children (Care and Protection) Act 1987.

Miscellaneous Acts (Mental Health) Repeal and Amendment 1990

Miscellaneous Acts (Disability Services and Guardianship) Repeal and Amendment Act 1987 No. 262

Provisions are omitted as a consequence of the proposed amendments to the Disability Services and Guardianship Act 1987.

Prisons Act 1952 No. 9

A reference to provisions of the proposed Mental Health (Criminal Procedure) Act 1990 is substituted for existing references to Parts 11A and 11B of the Crimes Act 1900 (which are to be repealed).

Protected Estates Act 1983 No. 179

References to relevant expressions and provisions of the proposed Mental Health Act 1990 are substituted for existing references.

Real Property Act 1900 No. 25

A reference to relevant expressions under the Protected Estates Act 1983 is substituted for an existing reference.

Sentencing Act 1989 No. 87

References to provisions of the proposed Mental Health (Criminal Procedure) Act 1990 are substituted for existing references to Parts 11A and 11B of the Crimes Act 1900 (which are to be repealed).

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)

Matter relating to the President, Deputy President and full-time member of the Mental Health Review Tribunal is omitted. The remuneration of these persons is to be determined by the Governor under the proposed Mental Health Act 1990.
