
Mental Health Act 2007 No 8

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Original legislation

[Mental Health Act 2007 No 8](#)

Assented to 15.06.2007.

Date of commencement, 16.11.2007, sec 2 and GG No 169 of 16.11.2007, p 8465.

Amending legislation

[Detention Legislation Amendment \(Prohibition on Spit Hoods\) Act 2024 No 5](#)

Assented to 19.02.2024.

Date of commencement, assent, sec 2.

[Health Legislation Amendment \(Miscellaneous\) Act 2023 No 37](#)

Assented to 30.10.2023.

Date of commencement, assent, sec 2.

[Health Legislation \(Miscellaneous\) Amendment Act \(No 2\) 2022 No 41](#)

Assented to 04.10.2022.

Date of commencement of Sch 6, assent, sec 2(b).

Health Legislation (Miscellaneous) Amendment Act 2022 No 6

Assented to 24.03.2022.

Date of commencement, assent, sec 2.

COVID-19 and Other Legislation Amendment (Regulatory Reforms) Act 2022 No 5

Assented to 24.03.2022.

Date of commencement of Sch 1.12[1] [2] and [4], 30.6.2022, sec 2(3) and 2022 (275) LW 10.6.2022.

Date of commencement of Sch 1.12[3], assent, sec 2(1).

COVID-19 Recovery Act 2021 No 5

Assented to 25.03.2021.

Date of commencement of Sch 1.19, assent, sec 2(1).

Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12

Assented to 23.06.2020.

Date of commencement, 27.3.2021, sec 2 and 2021 (116) LW 19.3.2021.

COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Act 2020 No 5

Assented to 14.05.2020.

Date of commencement of Sch 1.21, assent, sec 2(1).

COVID-19 Legislation Amendment (Emergency Measures) Act 2020 No 1

Assented to 25.03.2020.

Date of commencement, assent, sec 2.

Mental Health (Forensic Provisions) Amendment (Victims) Act 2018 No 85

Assented to 28.11.2018.

Date of commencement of Sch 5, assent, sec 2 (1).

Government Sector Finance Legislation (Repeal and Amendment) Act 2018 No 70

Assented to 22.11.2018.

Date of commencement of Sch 4.67, 1.7.2023, sec 2(1) and 2023 (91) LW 2.3.2023.

Miscellaneous Acts Amendment (Marriages) Act 2018 No 28

Assented to 15.06.2018.

Date of commencement, assent, sec 2.

Health Legislation Amendment Act 2018 No 2

Assented to 20.02.2018.

Date of commencement of Sch 4, 1.7.2018, sec 2 (2) and 2018 (227) LW 1.6.2018.

Health Practitioner Regulation Amendment Act 2017 No 50

Assented to 24.10.2017.

Date of commencement of Sch 5.20, 8.1.2018, sec 2 and 2017 (666) LW 1.12.2017.

Justice Legislation Amendment Act (No 2) 2017 No 44

Assented to 25.09.2017.

Date of commencement of Sch 1.19, assent, sec 2 (1).

Electronic Transactions Legislation Amendment (Government Transactions) Act 2017 No 25

Assented to 27.06.2017.

Date of commencement, assent, sec 2.

Health Legislation Amendment Act 2016 No 45

Assented to 28.09.2016.

Date of commencement of Sch 3, assent, sec 2 (1).

Statute Law (Miscellaneous Provisions) Act 2016 No 27

Assented to 07.06.2016.

Date of commencement of Sch 1.15, 8.7.2016, sec 2 (1).

Statute Law (Miscellaneous Provisions) Act (No 2) 2015 No 58

Assented to 24.11.2015.

Date of commencement of Sch 1, 8.1.2016, sec 2 (1).

Date of commencement of Sch 3, 15.1.2016, sec 2 (3).

Health Legislation Amendment Act 2015 No 38

Assented to 02.11.2015.

Date of commencement of Sch 2, assent, sec 2 (1).

[Mental Health Amendment \(Statutory Review\) Act 2014 No 85](#)

Assented to 28.11.2014.

Date of commencement, 31.8.2015, sec 2 and 2015 (445) LW 7.8.2015.

Amending legislation

[Statute Law \(Miscellaneous Provisions\) Act 2015 No 15](#)

Assented to 29.06.2015.

Date of commencement of Sch 1.18, 8.7.2015, sec 2 (1).

[Health Legislation Amendment Act 2013 No 24](#)

Assented to 14.05.2013.

Date of commencement, assent, sec 2.

[Health Services Amendment \(Local Health Districts and Boards\) Act 2011 No 4](#)

Assented to 16.05.2011.

Date of commencement, 1.7.2011, sec 2 and 2011 (313) LW 1.7.2011.

[Health Services Amendment \(Local Health Networks\) Act 2010 No 97](#)

Assented to 16.11.2010.

Date of commencement of Sch 2, 1.1.2011, sec 2 (1) and 2010 (716) LW 17.12.2010.

[Health Legislation Further Amendment Act 2010 No 96](#)

Assented to 16.11.2010.

Date of commencement, assent, sec 2.

[Statute Law \(Miscellaneous Provisions\) Act 2010 No 59](#)

Assented to 28.06.2010.

Date of commencement of Sch 1.18, 9.7.2010, sec 2 (2).

[Health Practitioner Regulation Amendment Act 2010 No 34](#)

Assented to 15.06.2010.

Date of commencement of Sch 2, 1.7.2010, sec 2 (2).

[Relationships Register Act 2010 No 19](#)

Assented to 19.05.2010.

Date of commencement of Sch 3, assent, sec 2 (2).

[Statute Law \(Miscellaneous Provisions\) Act 2009 No 56](#)

Assented to 01.07.2009.

Date of commencement of Sch 1.25, 17.7.2009, sec 2 (2).

[NSW Trustee and Guardian Act 2009 No 49](#)

Assented to 26.06.2009.

Date of commencement, 1.7.2009, sec 2 and 2009 (305) LW 1.7.2009.

[Health Legislation Amendment Act 2009 No 15](#)

Assented to 13.05.2009.

Date of commencement of Sch 1.6, assent, sec 2 (1).

[Courts and Crimes Legislation Further Amendment Act 2008 No 107](#)

Assented to 08.12.2008.

Date of commencement of Sch 16, 21.6.2010, sec 2 (2) and 2010 (246) LW 18.6.2010.

[Mental Health Legislation Amendment \(Forensic Provisions\) Act 2008 No 79](#)

Assented to 05.11.2008.

Date of commencement, 1.3.2009, sec 2 and GG No 44 of 27.2.2009, p 1229.

[Amending legislation](#)

[Courts and Crimes Legislation Further Amendment Act 2008 No 107](#)

Assented to 08.12.2008.

Date of commencement of Sch 18, assent, sec 2 (1).

[Statute Law \(Miscellaneous Provisions\) Act 2008 No 62](#)

Assented to 01.07.2008.

Date of commencement of Sch 4, assent, sec 2 (1).

[Miscellaneous Acts \(Local Court\) Amendment Act 2007 No 94](#)

Assented to 13.12.2007.

Date of commencement of Sch 1.66, 6.7.2009, sec 2 and 2009 (314) LW 3.7.2009.

Statute Law (Miscellaneous Provisions) Act (No 2) 2007 No 82

Assented to 07.12.2007.

Date of commencement of Sch 2.9, assent, sec 2 (2).

History notes

The following abbreviations are used in the Historical notes:

Am	amended	Cl	clause	Cll	clauses
Div	Division	Divs	Divisions	GG	Government Gazette
Ins	inserted	LW	legislation website	No	number
p	page	pp	pages	Reg	Regulation
Regs	Regulations	Rep	repealed	Sch	Schedule
Schs	Schedules	Sec	section	Secs	sections
Subdiv	Subdivision	Subdivs	Subdivisions	Subst	substituted

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Sec 4	Am 2007 No 82, Sch 2.9; 2008 No 79, Sch 2 [1] [2]; 2008 No 107, Sch 16 [1] [2]; 2010 No 19, Sch 3.65 [1] [2]; 2013 No 24, Sch 5 [1]; 2014 No 85, Sch 1 [5] [6]; 2018 No 28, Sch 1.20; 2020 No 12, Sch 3.17[1]–[3].
Sec 9	Am 2014 No 85, Sch 1 [7] [8].
Sec 10	Am 2014 No 85, Sch 1 [9].
Sec 12	Am 2008 No 79, Sch 2 [3].
Sec 16	Am 2014 No 85, Sch 1 [10].
Sec 18	Am 2014 No 85, Sch 1 [11]; 2022 No 41, Sch 6[1] [2].
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Sec 26	Am 2014 No 85, Sch 1 [14].
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Sec 27A	Ins 2014 No 85, Sch 1 [15]. Am 2022 No 5, Sch 1.12[1] [2].
Sec 28	Am 2014 No 85, Sch 1 [16] [17].
Sec 28A	Ins 2013 No 24, Sch 5 [2].
Sec 31	Am 2008 No 79, Sch 2 [5].
Sec 32	Am 2008 No 79, Sch 2 [6]; 2009 No 56, Sch 1.25 [1] [2]; 2014 No 85, Sch 1 [18] [19]; 2017 No 44, Sch 1.19; 2020 No 12, Sch 3.17[5] [6].

Sec 33	Am 2008 No 107, Sch 16 [5].
Sec 34	Subst 2008 No 107, Sch 16 [6]. Am 2014 No 85, Sch 1 [20] [21].
Sec 35	Am 2008 No 79, Sch 2 [7]; 2008 No 107, Sch 16 [7]–[12]; 2014 No 85, Sch 1 [22]; 2022 No 41, Sch 6[3].
Sec 36	Subst 2008 No 107, Sch 16 [13].
Sec 37	Am 2010 No 96, Sch 1 [1]; 2018 No 2, Sch 4 [1].
Sec 38	Am 2008 No 79, Sch 2 [8]; 2014 No 85, Sch 1 [23].
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Sec 41	Am 2014 No 85, Sch 1 [24].
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Sec 43A	Ins 2013 No 24, Sch 5 [3].
Sec 44	Am 2014 No 85, Sch 1 [26].
Sec 46	Am 2008 No 79, Sch 2 [9].
Sec 48	Am 2018 No 2, Sch 4 [2].
Sec 51	Am 2008 No 107, Sch 16 [14]; 2014 No 85, Sch 1 [27].
Sec 52	Am 2008 No 79, Sch 2 [10]; 2009 No 15, Sch 1.6 [1]; 2014 No 85, Sch 1 [28].
Sec 53	Am 2008 No 79, Sch 2 [11] [12] (am 2008 No 107, Sch 18); 2008 No 107, Sch 16 [15]–[18]; 2010 No 96, Sch 1 [4]; 2014 No 85, Sch 1 [29].
Sec 55	Am 2008 No 107, Sch 16 [19].
Sec 57	Am 2014 No 85, Sch 1 [30].
Sec 58	Am 2010 No 96, Sch 1 [5].
Sec 61	Am 2008 No 79, Sch 2 [13].
Sec 61A	Ins 2008 No 79, Sch 2 [14].
Sec 62	Am 2008 No 79, Sch 2 [15].
Sec 63	Am 2008 No 79, Sch 2 [16]; 2018 No 2, Sch 4 [3].
Sec 64	Am 2008 No 79, Sch 2 [17] [18].
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Sec 66	Am 2014 No 85, Sch 1 [31].
Sec 66A	Ins 2014 No 85, Sch 1 [32].
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Sec 68	Am 2014 No 85, Sch 1 [34]–[38].
Sec 69	Am 2008 No 79, Sch 2 [20].
Sec 69A	Ins 2024 No 5, Sch 5.

Sec 71	Am 2014 No 85, Sch 1 [39]-[42].
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Sec 107	Am 2008 No 79, Sch 2 [28]; 2015 No 58, Sch 3.60 [1]; 2020 No 12, Sch 3.17[9].
Sec 108	Am 2018 No 70, Sch 4.67[1].
Sec 120	Am 2015 No 58, Sch 1.9 [1].
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Sec 142	Am 2015 No 58, Sch 3.60 [2].
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Sec 150	Am 2008 No 79, Sch 2 [30] [31]; 2008 No 107, Sch 16 [22]-[24]; 2010 No 96, Sch 1 [7]; 2020 No 12, Sch 3.17[10].
Sec 151	Am 2008 No 79, Sch 2 [32] [33]; 2010 No 59, Sch 1.18 [1]; 2020 No 12, Sch 3.17[11].
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Sec 160	Am 2008 No 79, Sch 2 [37] [38]; 2008 No 107, Sch 16 [26]; 2018 No 85, Sch 5; 2020 No 12, Sch 3.17[14] [15].
Sec 162	Am 2008 No 79, Sch 2 [39] [40]; 2020 No 12, Sch 3.17[16].
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Sec 172	Am 2008 No 79, Sch 2 [47]; 2020 No 12, Sch 3.17[20].
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Sec 176	Am 2008 No 79, Sch 2 [49].
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Sec 178	Am 2008 No 79, Sch 2 [50] [51]; 2020 No 12, Sch 3.17[23].
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Sec 192	Am 2017 No 25, Sch 1.22 [1] [2].
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Sec 203	Ins 2020 No 5, Sch 1.21. Am 2021 No 5, Sch 1.19; 2022 No 6, Sch 1.3[1]. Rep 2022 No 5, Sch 1.12[4].
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Sch 4	Am 2014 No 85, Sch 1 [96]; 2015 No 58, Sch 3.60 [4] [5].
Sch 5	Am 2008 No 79, Sch 2 [60]; 2015 No 58, Sch 3.60 [6]-[9]; 2016 No 45, Sch 3 [1] [2].
Sch 6	Am 2008 No 79, Sch 2 [61] [62]; 2008 No 107, Sch 16 [36] [37]; 2009 No 15, Sch 1.6 [3]; 2010 No 96, Sch 1 [8] [9]; 2014 No 85, Sch 1 [97].
Sch 7	Rep 2008 No 62, Sch 4.
The whole Act (except Sch 6)	Am 2014 No 85, Sch 1 [1] ("Director-General" and "Department of Health" omitted wherever occurring, "Secretary" and "Ministry of Health" inserted instead, respectively).

Mental Health Bill 2007


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Introduced (LC): 09 May 2007

Bill (and Explanatory Note) - unavailable

2nd Reading (LA): 09 May 2007

Assent: 15 June 2007

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