

# Justice Legislation Amendment Act 2017 No 40

[2017-40]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 August 2017 to 28 August 2017 (accessed 27 November 2024 at 18:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 29.8.2017.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 29 August 2017

# Justice Legislation Amendment Act 2017 No 40



New South Wales

## Contents

<b>Long title</b> .....	3
1 Name of Act .....	3
2 Commencement .....	3
<b>Schedule 1 Amendment of Acts</b> .....	3

# Justice Legislation Amendment Act 2017 No 40



New South Wales

An Act to amend various Acts relating to courts and crimes and other related matters.

## 1 Name of Act

This Act is the *Justice Legislation Amendment Act 2017*.

## 2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1.10 commences on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Acts

### 1.1-1.9

(Repealed)

### 1.10 Mental Health (Forensic Provisions) Act 1990 No 10

#### [1] Section 32 Persons suffering from mental illness or condition or cognitive impairment

Omit section 32 (1) (a) (i). Insert instead:

- (i) cognitively impaired, or

#### [2] Section 32 (3) (b)

Omit the paragraph. Insert instead:

- (b) on the condition that the defendant attend on a person or at a place specified by the Magistrate:
  - (i) for assessment or treatment (or both) of the defendant's mental condition or cognitive impairment, or

- (ii) to enable the provision of support in relation to the defendant's cognitive impairment, or

**[3] Section 32 (6)**

Insert after section 32 (5):

(6) In this section:

***cognitive impairment*** means ongoing impairment of a person's comprehension, reasoning, adaptive functioning, judgment, learning or memory that materially affects the person's ability to function in daily life and is the result of damage to, or dysfunction, developmental delay or deterioration of, the person's brain or mind, and includes (without limitation) any of the following:

- (a) intellectual disability,
- (b) borderline intellectual functioning,
- (c) dementia,
- (d) acquired brain injury,
- (e) drug or alcohol related brain damage, including foetal alcohol spectrum disorder,
- (f) autism spectrum disorder.

**1.11, 1.12**

(Repealed)