MENTAL HEALTH AMENDMENT BILL 2015
EXPLANATORY MEMORANDUM

Clause 1 Short title

Clause 1 states how the Act may be cited – the *Mental Health Amendment Act 2015* (Amendment Act).

Clause 2 Commencement

Subclause (a) provides that sections 1 and 2 of the Amendment Act come into operation on the day on which the Amendment Act receives Royal Assent.

Subclause (b) provides that sections 3 to 6 of the Amendment Act come into operation on the day on which the *Mental Health Act 2014* (MHA 2014), other than sections 1 and 2, comes into operation.

Subclause (c) provides that sections 7 and 8 of the Amendment Act come into operation on the day on which the *Mental Health Legislation Amendment Act 2014* Part 3 comes into operation.

Clause 3 Act amended

The Amendment Act will amend the MHA 2014.

Clause 4 Section 4 amended

Clause 4 will replace the definition of psychiatrist in section 4 of the MHA 2014.

Subclause (a) duplicates subparagraph (a) in the section 4 definition.

Subparagraph (b) replaces subparagraphs (b) and (c) in the section 4 definition. Additional detail for subparagraph (b) is to be prescribed in the regulations.

Clause 5 Section 186 amended

A treatment, support and discharge plan must be prepared for involuntary patients. This extends to involuntary inpatients in general hospitals. Section 186(2)(a) of the MHA 2014 inadvertently refers to an ‘authorised hospital’. If it is not read in conjunction with other provisions in the same Part of the MHA 2014, inclusion of the word ‘authorised’ may be interpreted as not extending the right to involuntary inpatients in general hospitals. Clause 5 of the Amendment Act deletes ‘authorised’, removing potential uncertainty.

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Clause 6 Section 420 amended

Section 420 of the MHA 2014 inadvertently includes the word ‘therapy’ when referring to psychosurgery. The word is redundant in this context. Clause 6 of the Amendment Act removes the word.

Clause 7 Section 591 amended

Section 591(3) refers to the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*. These regulations were replaced when the *Public Sector Management (Redeployment and Redundancy) Regulations 2014* came into operation on 1 May 2015. Clause 7 refers to the current regulations.

Clause 8 Section 592 amended

Section 592(1) refers to an offence provision in section 520(5), which is in fact in subsection (6). Clause 8 corrects this cross reference.