

CONCURRENCE COPY

MENTAL HEALTH (COMMUNITY WELFARE) AMENDMENT BILL, 1982

EXPLANATORY NOTE

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

This Bill is cognate with the Community Welfare Bill, 1982.

The object of this Bill is to prevent an intellectually handicapped person under guardianship, within the meaning of the proposed Community Welfare Act, 1982, from being admitted as a voluntary patient under the Mental Health Act, 1958, without the approval of the Minister administering the proposed Community Welfare Act, 1982.

1981-1982

COBA

**MENTAL HEALTH (COMMUNITY WELFARE) AMENDMENT
BILL, 1982**

No. , 1982.

A BILL FOR

An Act to amend section 21 of the Mental Health Act, 1958, with respect to the admission of intellectually handicapped persons as voluntary patients under that Act.

[MR K. J. STEWART—9 *March*, 1982.]

Mental Health (Community Welfare) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Mental Health (Community Welfare) Amendment Act, 1982".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Community Welfare Act, 1982.

Amendment of Act No. 45, 1958.

3. The Mental Health Act, 1958, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE MENTAL HEALTH ACT, 1958.

20 (1) Section 21 (1) (a), (b)—

Omit "where" wherever occurring, insert instead "except as provided in paragraph (c), where".

(2) Section 21 (1) (b)—

Omit "be.", insert instead "be; or".

Mental Health (Community Welfare) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MENTAL HEALTH ACT, 1958—*continued.*

(3) Section 21 (1) (c)—

After section 21 (1) (b), insert:—

- 5 (c) where such person is an intellectually handicapped person
under guardianship, as defined in section 258 of the Com-
munity Welfare Act, 1982, upon an application in that
behalf made as referred to in paragraph (a) or (b),
whichever is applicable, that has been approved in writing
10 by the Minister administering that Act.

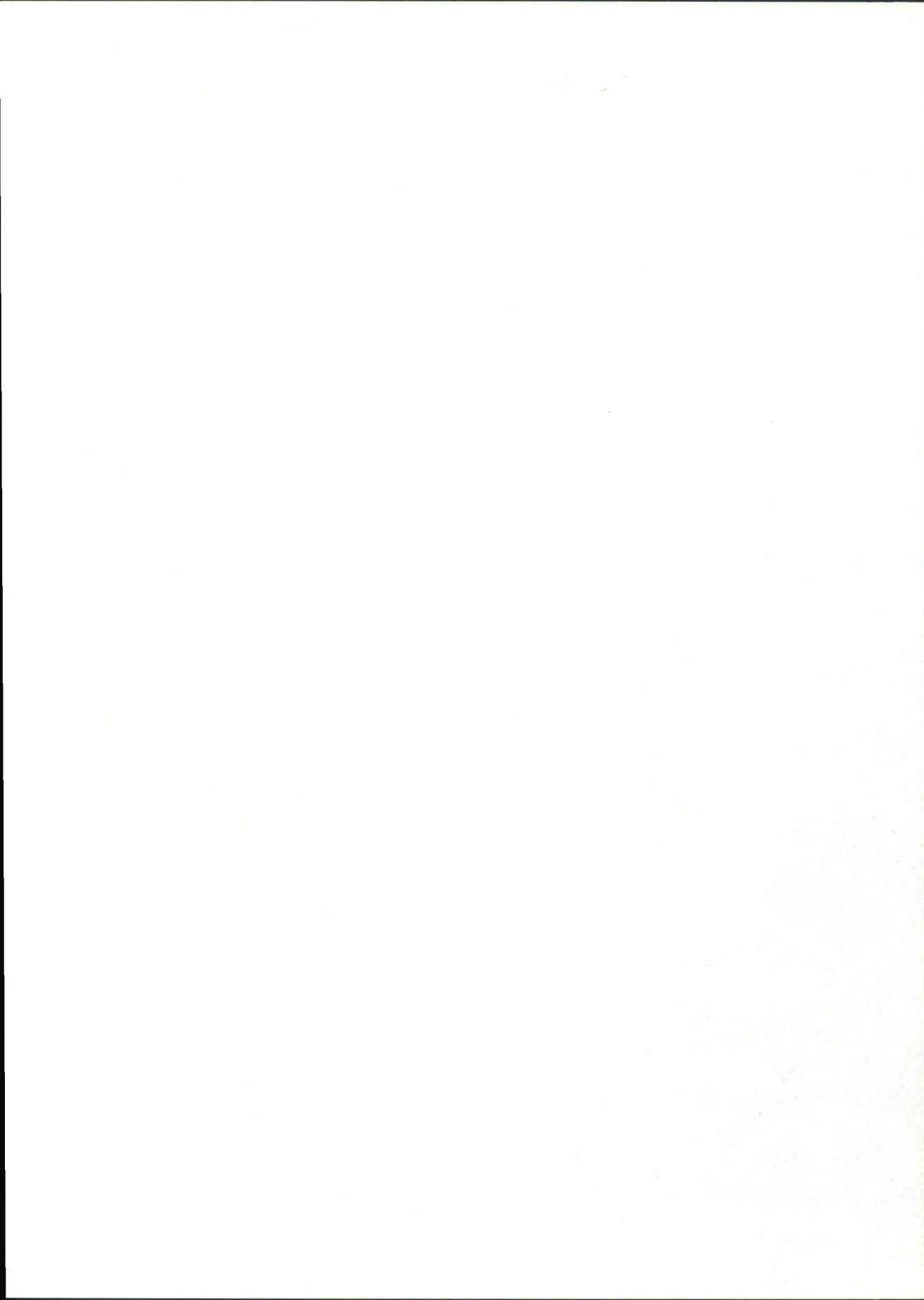
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**MENTAL HEALTH (COMMUNITY WELFARE) AMENDMENT
ACT, 1982, No. 87**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 87, 1982.

An Act to amend section 21 of the Mental Health Act, 1958, with respect to the admission of intellectually handicapped persons as voluntary patients under that Act. [Assented to, 25th May, 1982.]

Mental Health (Community Welfare) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Mental Health (Community Welfare) Amendment Act, 1982".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Community Welfare Act, 1982.

Amendment of Act No. 45, 1958.

3. The Mental Health Act, 1958, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE MENTAL HEALTH ACT, 1958.

(1) Section 21 (1) (a), (b)—

Omit "where" wherever occurring, insert instead "except as provided in paragraph (c), where".

(2) Section 21 (1) (b)—

Omit "be.", insert instead "be; or".

Mental Health (Community Welfare) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MENTAL HEALTH ACT, 1958—*continued.*

(3) Section 21 (1) (c)—

After section 21 (1) (b), insert:—

- (c) where such person is an intellectually handicapped person under guardianship, as defined in section 258 of the Community Welfare Act, 1982, upon an application in that behalf made as referred to in paragraph (a) or (b), whichever is applicable, that has been approved in writing by the Minister administering that Act.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 25th May, 1982.*

