

FIRST PRINT

## CRIMES (MENTAL ILLNESS) AMENDMENT BILL 1986

NEW SOUTH WALES



### EXPLANATORY NOTE

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

This Bill is cognate with the Mental Health (Amendment) Bill 1986.

The object of this Bill is to clarify the procedures under the Crimes Act 1900, as to be amended by the Crimes (Mental Disorder) Amendment Act 1983, in accordance with which magistrates may deal with defendants who are mentally disabled.

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Clause 1 specifies the short title of the proposed Act.

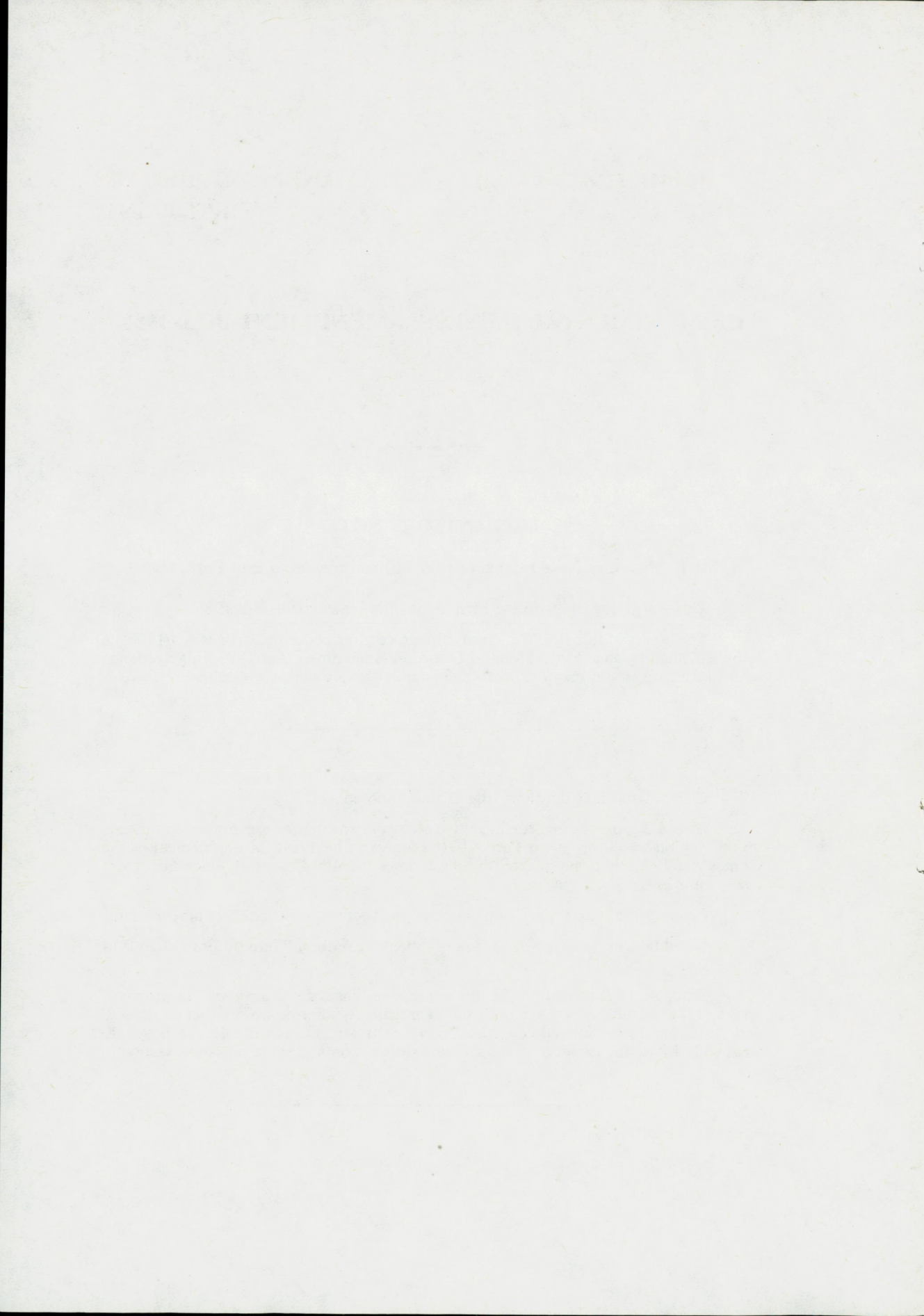
Clause 2 provides that the proposed Act will, with minor exceptions, commence on the day on which proposed Part XIA (Unfitness to be Tried for an Offence) of the Crimes Act 1900, as to be inserted by the Crimes (Mental Disorder) Amendment Act 1983, commences.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Schedule 1 (1) inserts a definition of "mental condition" into proposed Part XIA of the Crimes Act 1900.

Schedule 1 (2) substitutes for the expression "mentally disordered" in proposed section 428w of the Crimes Act 1900 the expressions "suffering from a mental illness" and "suffering from a mental condition for which treatment is available in a hospital" so as to facilitate the exercise of a magistrate's discretion under the proposed section.

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# CRIMES (MENTAL ILLNESS) AMENDMENT BILL 1986

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 40, 1900

SCHEDULE 1—AMENDMENTS TO THE CRIMES ACT 1900

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# CRIMES (MENTAL ILLNESS) AMENDMENT BILL 1986

NEW SOUTH WALES



No. , 1986

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## A BILL FOR

An Act to amend the Crimes Act 1900 with respect to the question of a person's unfitness to be tried for an offence.

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*Crimes (Mental Illness) Amendment 1986*

**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 "Crimes (Mental Illness) Amendment Act 1986".

**Commencement**

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (3) of the Crimes (Mental Disorder) Amendment Act 1983 in respect of Schedule 1 (3) to that Act.

**Amendment of Act No. 40, 1900**

15 3. The Crimes Act 1900 is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE CRIMES ACT 1900**

20 (1) Section 428B (**Interpretation**)—

Section 428B (1), definition of "mental condition" —

After the definition of "inquiry" , insert:

25 "mental condition" means a condition of disability of mind not including either mental illness or developmental disability of mind;

*Crimes (Mental Illness) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE CRIMES ACT 1900—*continued*

(2) Section 428w (**Persons suffering from mental illness or condition**)—

Section 428w (a)—

- 5 Omit “or mentally disordered” , insert instead “, is suffering from a mental illness or is suffering from a mental condition for which treatment is available in a hospital,” .





**CRIMES (MENTAL ILLNESS) AMENDMENT ACT 1986**  
**No. 93**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 40, 1900

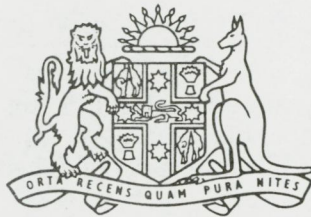
SCHEDULE 1—AMENDMENTS TO THE CRIMES ACT 1900

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**CRIMES (MENTAL ILLNESS) AMENDMENT ACT 1986 No. 93.**

NEW SOUTH WALES



**Act No. 93, 1986**

An Act to amend the Crimes Act 1900 with respect to the question of a person's unfitness to be tried for an offence. [Assented to, 29 May 1986]

*Crimes (Mental Illness) Amendment 1986*

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**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 "Crimes (Mental Illness) Amendment Act 1986" .

**Commencement**

2. (1) Sections 1 and 2 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 (3) of the Crimes (Mental Disorder) Amendment Act 1983 in respect of Schedule 1 (3) to that Act.

**Amendment of Act No. 40, 1900**

3. The Crimes Act 1900 is amended in the manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE CRIMES ACT 1900

(1) Section 428B (**Interpretation**)—

Section 428B (1), definition of "mental condition" —

After the definition of "inquiry" , insert:

"mental condition" means a condition of disability of mind not including either mental illness or developmental disability of mind;

*Crimes (Mental Illness) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE CRIMES ACT 1900—*continued*

(2) Section 428w (**Persons suffering from mental illness or condition**)—

Section 428w (a)—

Omit “or mentally disordered” , insert instead “, is suffering from a mental illness or is suffering from a mental condition for which treatment is available in a hospital,” .





