

**MENTAL HEALTH (MENTAL DISORDER) AMENDMENT ACT  
1989 No. 101**

NEW SOUTH WALES

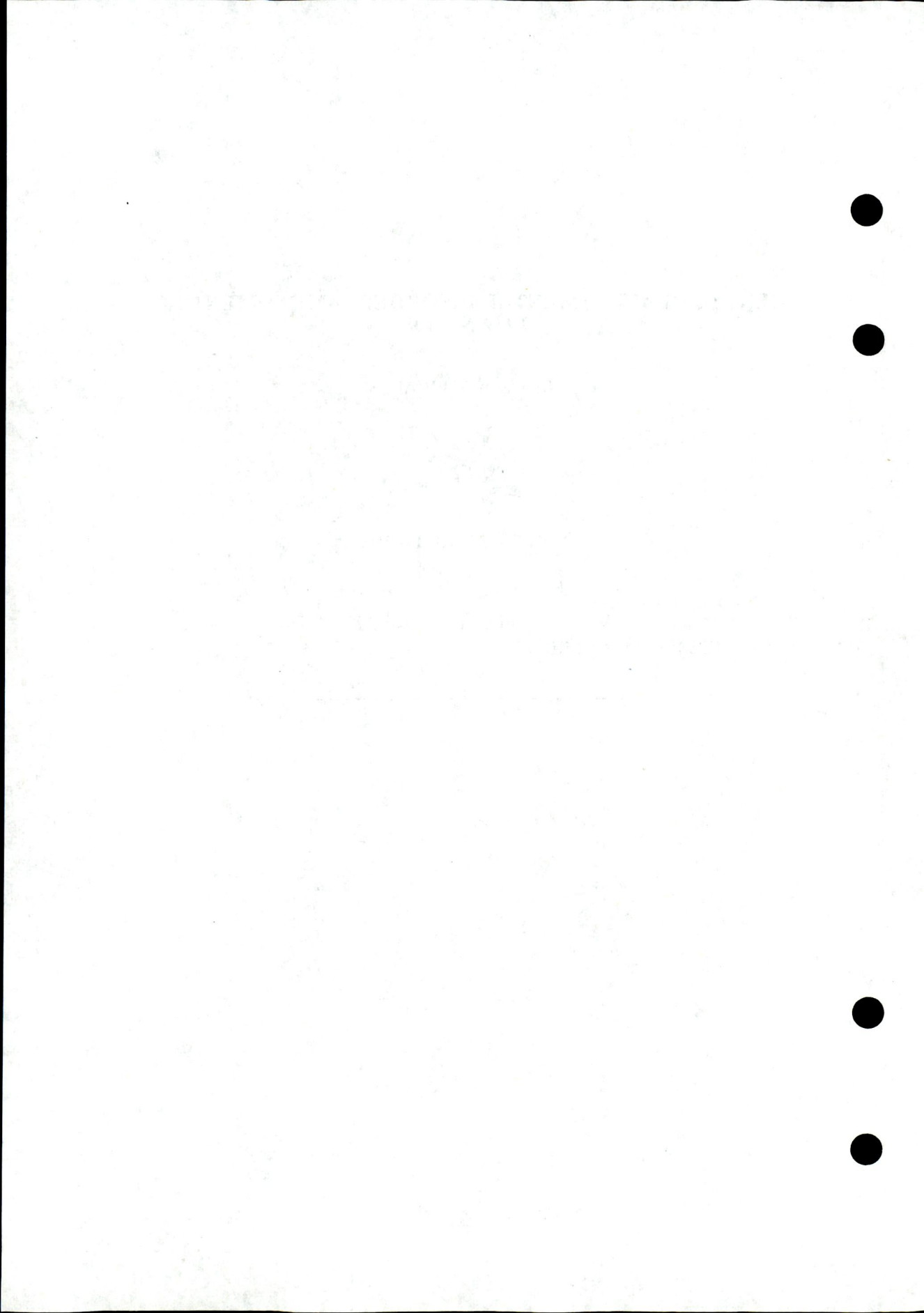


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Mental Health Act 1983 No. 178

SCHEDULE 1 - AMENDMENTS

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**MENTAL HEALTH (MENTAL DISORDER) AMENDMENT  
ACT 1989 No. 101**

**NEW SOUTH WALES**



**Act No. 101, 1989**

An Act to amend the Mental Health Act 1983 with respect to prisoners awaiting committal for trial or trial who are transferred to hospitals under that Act; and for other purposes. [Assented to 15 August 1989]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Mental Health (Mental Disorder) Amendment Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Mental Health Act 1983 No. 178**

3. The Mental Health Act 1983 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

(1) Section 4 (**Definitions**):

Section 4 (1), paragraph (b) of definition of "forensic patient":  
Omit the paragraph, insert instead:

(b) a person who is detained in a hospital pending proceedings for the person's committal for trial for an offence or pending the person's trial for an offence; or

(2) Section 119 (**Review of forensic patients by the Tribunal**):

Section 119 (4):

After "Crimes Act 1900", insert "or who is detained in a hospital pending proceedings for the person's committal for trial for an offence or pending the person's trial for an offence".

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[*Minister's second reading speech made in -  
Legislative Assembly on 3 May 1989  
Legislative Council on 1 May 1989*]

**MENTAL HEALTH (MENTAL DISORDER) AMENDMENT  
BILL 1989**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Crimes (Mental Disorder) Amendment Bill 1989.

The object of this Bill is to amend the Mental Health Act 1983—

- (a) to include, as forensic patients under that Act, persons detained in hospitals under that Act pending proceedings for committal for trial or pending trial; and
- (b) to make it clear that the Mental Health Review Tribunal may not order the release of a forensic patient awaiting committal for trial or trial for an offence.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a day or days to be proclaimed.

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

**SCHEDULE 1—AMENDMENTS**

**Forensic patients**

Schedule 1 (1) amends the definition of “forensic patient” in section 4 (Definitions) to include persons detained in hospitals pending proceedings for committal for trial for an offence or pending trial for an offence.

*Mental Health (Mental Disorder) Amendment 1989*

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**Release of forensic patients**

Schedule 1 (2) amends section 119 (Review of forensic patients by the Tribunal) to prohibit the Mental Health Review Tribunal from recommending the release of a forensic patient who is detained in a hospital pending proceedings for committal for trial for an offence or pending trial for an offence.

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# MENTAL HEALTH (MENTAL DISORDER) AMENDMENT BILL 1989

NEW SOUTH WALES



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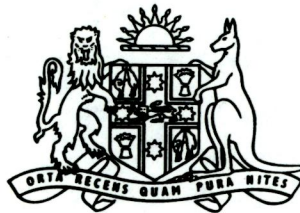
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**MENTAL HEALTH (MENTAL DISORDER) AMENDMENT  
BILL 1989**

NEW SOUTH WALES



No. , 1989

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**A BILL FOR**

An Act to amend the Mental Health Act 1983 with respect to prisoners awaiting committal for trial or trial who are transferred to hospitals under that Act; and for other purposes.

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*Mental Health (Mental Disorder) Amendment 1989*

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 4 (**Definitions**)—

Section 4 (1), paragraph (b) of definition of “forensic patient”—

Omit the paragraph, insert instead:

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(b) a person who is detained in a hospital pending proceedings for the person’s committal for trial for an offence or pending the person’s trial for an offence; or

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Section 119 (4)—

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