

# **Mental Health Amendment Act 2017**

Explanatory notes for SL 2017 No. 58

made under the

*Mental Health Amendment Act 2017*

## **General Outline**

### **Short title**

Proclamation for the *Mental Health Amendment Act 2017*

### **Authorising law**

Section 1A of the *Mental Health Amendment Act 2017*

### **Policy objectives and the reasons for them**

The objective of the Proclamation is to commence section 50A, to the extent it inserts new chapter 18A, parts 3 and 4, of the *Mental Health Amendment Act 2017* (the Amendment Act).

New chapter 18A of the Amendment Act provides a right of review for decisions made by the Mental Health Review Tribunal under the *Mental Health Act 2000* that may have been affected in a material way because of the invalid appointment of a lawyer member during the period 28 February 2002 to 31 August 2016.

The Amendment Act was passed by the Legislative Assembly on 28 February 2017 and received Royal Assent on 3 March 2017. Section 1A of the Amendment Act provides that section 50A, to the extent it inserts new chapter 18A, parts 3 and 4, commences on a day to be fixed by proclamation. The remainder of the Amendment Act commenced on assent.

### **Achievement of policy objectives**

The Proclamation provides for section 50A, to the extent it inserts new chapter 18A, parts 3 and 4, of the Amendment Act to commence on 28 April 2017.

### **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

The Proclamation is the only effective means of commencing the provisions other than by allowing automatic commencement under section 15DA of the *Acts Interpretation Act 1954*.

## **Benefits and costs of implementation**

The costs associated with implementing the provisions being commenced will be met from within the existing health portfolio budget allocation.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The Mental Health Review Tribunal was consulted about the proposed commencement date, to ensure implementation activities could be undertaken by that date. The commencement date is supported.

The amendments were assessed by Queensland Health, in accordance with *The Queensland Government Guide to Better Regulation*, as being excluded from further regulatory impact assessment. Therefore, consultation with the Office of Best Practice Regulation, Queensland Productivity Commission, was not required.