

2023

**Legislative Assembly for the
Australian Capital Territory**

**Amendments to the
Meatal Health Amendment Bill 2023**

Supplementary Explanatory Statement

Presented by

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AMENDMENTS TO THE MENTAL HEALTH AMENDMANT BILL 2023

This explanatory statement relates to the *Mental health Amendment Bill 2023* as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the bill and to help inform debate on it. It does not form part of the bill and has not been endorsed by the Assembly. The Statement must be read in conjunction with the bill. It is not, and is not meant to be, a comprehensive description of the bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Purpose

The change would keep the Minister, after consultation with the chief psychiatrist, as responsible for appointing Mental Health Officers. The current Amendments seek to substitute the chief psychiatrist with the Minister. Removing the Minister from this responsibility completely weakens the accountability of the Minister. While a Minister may not have the complete skill set or experience to appoint a Mental Health Officer, the Minister should remain responsible and accountable.

Clause Notes

Proposed amendment

This amendment relates to part 19 of the Bill, Section 201 (1) and is minor and technical. Rather than *omitting* the Minister and *substituting* chief psychiatrist as per the Bill, *Insert* after consulting the chief psychiatrist *after*, Minister.