

**AUSTRALIAN CAPITAL TERRITORY**

**CRIMES ACT 1900**

**EXTENSION OF OPERATION OF PART XIA**

**NO. 12 OF 1997**

**EXPLANATORY STATEMENT**

Part XIA of the *Crimes Act 1900* (the Act) includes provisions enabling the Magistrates Court and the Supreme Court to refer persons who have been charged with an offence to the Mental Health Tribunal (the Tribunal) and to require a person who has been acquitted on the grounds of mental illness to submit to the jurisdiction of the Tribunal. The provisions of Part XIA are integral to the operation of Part VIII of the *Mental Health (Treatment and Care) Act 1994*.

The substantive provisions of the *Mental Health (Treatment and Care) Act* and Part XIA of the Act commenced on 6 February 1995. Both were subject to sunset clauses the effect of which was that unless instruments extending the operation of their provisions were notified in the *Gazette* within 2 years of their commencement, the provisions of each would cease to have effect.

Instrument No. 258 of 1996, extending the operation of the *Mental Health (Treatment and Care) Act 1994*, was notified in Special Gazette No. S304 of 14 November 1996. The effect of that instrument was that the operation of the *Mental Health (Treatment and Care) Act* is extended for 2 years from and including 6 February 1997.

This corresponding instrument, made pursuant to subsection 428A(2) of the Act, has the effect, in accordance with the provisions of paragraph 428A(1)(b), of extending the operation of Part XIA of the Act for 2 years from and including 6 February 1997.