

## LEGISLATIVE COUNCIL

## ENTITIES LEGISLATION AMENDMENT (CONSOLIDATION AND OTHER MATTERS) BILL 2025

(Amendments and New Clause to be proposed in Committee by JACLYN SYMES)

1. Clause 1, page 3, lines 23 to 28, omit all words and expressions on these lines and insert—
  - "(ii) to provide for the appointment of a Deputy Mental Health and Wellbeing Commissioner; and".
2. Clause 1, page 3, line 29, omit "(iv)" and insert "(iii)".
3. Clause 101, lines 15 and 16, omit all words and expressions on these lines and insert—
  - '(2) For section 647(6) of the **Mental Health and Wellbeing Act 2022** **substitute**—
    - "(6) In making a recommendation to the Governor in Council, the Minister must ensure that—
      - (a) at least one member of the Board is a person who identifies as experiencing, or having experienced, mental illness or psychological distress; and
      - (b) at least one member of the Board, other than the member referred to in paragraph (a), is a person who identifies as—
        - (i) experiencing, or having experienced, mental illness or psychological distress; or
        - (ii) caring for or supporting, or having cared for or supported, a person experiencing mental illness or psychological distress; and
      - (c) if the Board is to consist of 7 or more members, at least one member of the Board, other than the members referred to in paragraphs (a) and (b), is a person who identifies as—
        - (i) experiencing, or having experienced, mental illness or psychological distress; or
        - (ii) caring for or supporting, or having cared for or supported, a person experiencing mental illness or psychological distress."
  - (3) Section 647(7) and (8) of the **Mental Health and Wellbeing Act 2022** are **repealed**.'

4. Clause 103, lines 26 to 28, omit all words and expressions on these lines and insert—
- "(4) The quorum for a meeting of the Centre Board is a majority of the members of the Board for the time being and—
- (a) if the Board consists of 6 members or fewer, must include at least one member who identifies as—
- (i) experiencing, or having experienced, mental illness or psychological distress; or
- (ii) caring for or supporting, or having cared for or supported, a person experiencing mental illness or psychological distress; or
- (b) if the Board consists of 7 or more members, must include at least 2 members who identify as—
- (i) experiencing, or having experienced, mental illness or psychological distress; or
- (ii) caring for or supporting, or having cared for or supported, a person experiencing mental illness or psychological distress."'.
5. Clause 114, lines 30 and 31, omit all words and expressions on these lines and insert—
- "Deputy Mental Health and Wellbeing Commissioner** means the Deputy Mental Health and Wellbeing Commissioner appointed under section 420(1A);"'.
6. Clause 114, page 103, lines 5 to 8, omit all words and expressions on these lines and insert—
- '(3) In section 3(1) of the **Mental Health and Wellbeing Act 2022**, in the definition of **Mental Health and Wellbeing Commissioner**—
- (a) for "a Mental" **substitute** "the Mental";
- (b) for "section 420" **substitute** "section 420(1)".'.
7. Clause 116, omit this clause.
8. Clause 117, lines 2 and 3, omit all words and expressions on these lines and insert—
- 'For section 417(a) of the **Mental Health and Wellbeing Act 2022** **substitute**—
- "(a) the Deputy Mental Health and Wellbeing Commissioner;"'.
9. Clause 118, lines 6 to 8, omit all words and expressions on these lines and insert—
- 'In section 419(4) of the **Mental Health and Wellbeing Act 2022**—
- (a) for "a Mental" **substitute** "the Mental";
- (b) after "Commissioner" **insert** "or Deputy Mental Health and Wellbeing Commissioner".'.
10. Clause 119, line 9, omit "**Sections 419A and 419B**" and insert "**Section 419A**".

11. Clause 119, line 10, omit "Sections 419A and 419B" and insert "Section 419A".
12. Clause 119, line 11, omit "are" and insert "is".
13. Clause 120, lines 15 to 17, omit all words and expressions on these lines and insert—
  - '(2) In section 419C(b) of the **Mental Health and Wellbeing Act 2022**—
    - (a) for "a Mental" **substitute** "the Mental";
    - (b) after "Commissioner" **insert** "or Deputy Mental Health and Wellbeing Commissioner".'
14. Clause 121, line 21, after "Commissioner" insert "**and Deputy Mental Health and Wellbeing Commissioner**".
15. Clause 122, line 25, after "Commissioner" insert "**and Deputy Mental Health and Wellbeing Commissioner**".
16. Clause 122, lines 28 to 31, omit all words and expressions on these lines and insert—
  - ""(1) On the recommendation of the Minister, the Governor in Council, by instrument, may appoint a person to be the Mental Health and Wellbeing Commissioner.
  - (1A) On the recommendation of the Minister, the Governor in Council, by instrument, may appoint a person to be the Deputy Mental Health and Wellbeing Commissioner.".'
17. Clause 122, page 105, lines 1 to 11, omit all words and expressions on these lines and insert—
  - '(3) For section 420(2) of the **Mental Health and Wellbeing Act 2022 substitute**—
    - "(2) In making a recommendation to the Governor in Council under subsection (1) or (1A), the Minister must ensure that either the Mental Health and Wellbeing Commissioner or Deputy Mental Health and Wellbeing Commissioner is—
      - (a) a person who identifies as experiencing, or having experienced, mental illness or psychological distress; or
      - (b) a person who identifies as caring for or supporting, or having cared for or supported, a person experiencing mental illness or psychological distress."
    - (4) In section 420(3) of the **Mental Health and Wellbeing Act 2022**—
      - (a) after "Council" **insert** "under subsection (1) or (1A)";
      - (b) for "Commissioners" **substitute** "Commissioner and Deputy Mental Health and Wellbeing Commissioner".
    - (5) For section 420(4) of the **Mental Health and Wellbeing Act 2022 substitute**—

"(4) To avoid doubt—

- (a) the appointment of a person referred to in subsection (2)(a) or (b) as the Mental Health and Wellbeing Commissioner does not prevent another person referred to in subsection (2)(a) or (b) from being appointed as the Deputy Mental Health and Wellbeing Commissioner; and
- (b) the appointment of a person referred to in subsection (2)(a) or (b) as the Deputy Mental Health and Wellbeing Commissioner does not prevent another person referred to in subsection (2)(a) or (b) from being appointed as the Mental Health and Wellbeing Commissioner.".'.

18. Clause 123, after line 15 insert—

'(1A) After section 421(1) of the **Mental Health and Wellbeing Act 2022** insert—

"(1A) The Deputy Mental Health and Wellbeing Commissioner—

- (a) is to be appointed for the period, not exceeding 5 years, specified in the instrument of appointment; and
- (b) is eligible for reappointment; and
- (c) holds office on any other terms and conditions, including remuneration and any travelling or other allowances, that are determined by the Governor in Council.".'.

19. Clause 123, lines 16 to 19, omit all words and expressions on these lines and insert—

'(2) For section 421(2) of the **Mental Health and Wellbeing Act** substitute—

"(2) The **Public Administration Act 2004** (other than Part 3 of that Act) applies—

- (a) to the Mental Health and Wellbeing Commissioner in respect of the office of Commissioner; and
- (b) to the Deputy Mental Health and Wellbeing Commissioner in respect of the office of Deputy Commissioner.".'.

20. Clause 124, lines 21 to 23, omit all words and expressions on these lines and insert—

'In section 422 of the **Mental Health and Wellbeing Act 2022**—

- (a) for "A Mental Health and Wellbeing Commissioner" substitute "The Mental Health and Wellbeing Commissioner or Deputy Mental Health and Wellbeing Commissioner";
- (b) after "the Commissioner" insert "or Deputy Commissioner (as the case requires)".'.'.

21. Clause 125, lines 25 to 27, omit all words and expressions on these lines and insert—
- '(1) In section 423(1) of the **Mental Health and Wellbeing Act 2022**—
    - (a) for "a Mental" **substitute** "the Mental";
    - (b) after "Commissioner" **insert** "or Deputy Mental Health and Wellbeing Commissioner".
  - (1A) In section 423(2) of the **Mental Health and Wellbeing Act 2022**—
    - (a) for "a Mental Health and Wellbeing Commissioner" **substitute** "the Mental Health and Wellbeing Commissioner or Deputy Mental Health and Wellbeing Commissioner";
    - (b) for "the Mental Health and Wellbeing Commissioner" (where first occurring) **substitute** "the Commissioner or Deputy Commissioner (as the case requires)";
    - (c) in paragraph (e), for "the Mental Health and Wellbeing Commissioner" **substitute** "the Commissioner or Deputy Commissioner".'
22. Clause 125, line 32, after "Commissioner" insert "or Deputy Mental Health and Wellbeing Commissioner".
23. Clause 125, page 106, lines 1 and 2, omit all words and expressions on these lines and insert—
- '(b) for "the Chair's removal" (where first occurring) **substitute** "that removal";
  - (c) for "the Chair's removal from office" **substitute** "that removal".'
24. Clause 126, after line 15 insert—
- '(1A) After section 424(1) of the **Mental Health and Wellbeing Act 2022** **insert**—
    - "(1A) The Governor in Council may appoint a person to act in the office of the Deputy Mental Health and Wellbeing Commissioner—
      - (a) during a vacancy in that office; or
      - (b) during any period when the Deputy Mental Health and Wellbeing Commissioner—
        - (i) is absent; or
        - (ii) for any other reason is unable to perform the duties of the office of Deputy Commissioner.".'
25. Clause 126, lines 16 to 18, omit all words and expressions on these lines and insert—
- '(2) In section 424(2) of the **Mental Health and Wellbeing Act 2022**—
    - (a) for "a Mental" (where first occurring) **substitute** "the Mental";

- (b) for "the office of a Mental Health and Wellbeing Commissioner" (where secondly occurring) **substitute** "that office".
- (3) After section 424(2) of the **Mental Health and Wellbeing Act 2022** **insert**—
- "(2A) The Minister may appoint a person to act in the office of the Deputy Mental Health and Wellbeing Commissioner for a period of not more than 6 months during a vacancy in that office."
- (4) In section 424(3) and (5) of the **Mental Health and Wellbeing Act 2022**, after "subsection (1)" **insert** "or (1A)".
- (5) In section 424(4) and (6) of the **Mental Health and Wellbeing Act 2022**, after "subsection (2)" **insert** "or (2A)".
26. Clause 127, lines 20 to 25, omit all words and expressions on these lines and insert—
- '(1) In section 425(1) of the **Mental Health and Wellbeing Act 2022**, for "A Mental Health and Wellbeing Commissioner, including an acting Mental Health and Wellbeing Commissioner," **substitute** "A person specified in subsection (3)".
- (2) In section 425(2) of the **Mental Health and Wellbeing Act 2022**, for "a Mental Health and Wellbeing Commissioner, including an acting Mental Health and Wellbeing Commissioner," **substitute** "a person specified in subsection (3)".
- (3) After section 425(2) of the **Mental Health and Wellbeing Act 2022** **insert**—
- "(3) For the purposes of subsections (1) and (2), the following persons are specified—
- (a) the Mental Health and Wellbeing Commissioner, including an acting Mental Health and Wellbeing Commissioner;
- (b) the Deputy Mental Health and Wellbeing Commissioner, including an acting Deputy Mental Health and Wellbeing Commissioner.".'
27. Clause 128, page 107, lines 1 to 8, omit all words and expressions on these lines and insert—
- '(2) In section 426(1) of the **Mental Health and Wellbeing Act 2022**, for "Commissioners are collectively" **substitute** "Commissioner is".'
28. Clause 129, omit this clause.
29. Clause 130, omit this clause.
30. Clause 131, omit this clause.

31. Clause 132, lines 14 to 16, omit all words and expressions on these lines and insert—
- 'For section 500(2) of the **Mental Health and Wellbeing Act 2022** **substitute**—
- "(2) The following persons may administer an oath or affirmation to a person for the purposes of subsection (1)—
- (a) the Mental Health and Wellbeing Commissioner;
- (b) the Deputy Mental Health and Wellbeing Commissioner;
- (c) a member of the staff of the Commission who is authorised to do so.".'
32. Clause 133, lines 19 and 20, omit 'for "**a Mental**" **substitute** "**Mental**".' and insert 'after "**Commissioner**" **insert** ", **Deputy Commissioner**".'.
33. Clause 133, lines 21 to 23, omit all words and expressions on these lines and insert—
- '(2) In section 508 of the **Mental Health and Wellbeing Act 2022**—
- (a) for "was" **substitute** "has been";
- (b) after "Commissioner" **insert** ", a Deputy Mental Health and Wellbeing Commissioner".'
34. Clause 134, lines 26 to 28, omit all words and expressions on these lines and insert—
- '(1) In section 517(2) of the **Mental Health and Wellbeing Act 2022**—
- (a) for "a Mental" **substitute** "the Mental";
- (b) after "Commissioner," **insert** "the Deputy Mental Health and Wellbeing Commissioner,".
- (2) In section 517(3) of the **Mental Health and Wellbeing Act 2022**—
- (a) for "a Mental Health and Wellbeing Commissioner," **substitute** "the Mental Health and Wellbeing Commissioner, the Deputy Mental Health and Wellbeing Commissioner,";
- (b) for "the person employed or the person engaged (as the case may be)" **substitute** "Deputy Commissioner or person".
- (3) In section 517(4) of the **Mental Health and Wellbeing Act 2022**—
- (a) for "a Mental Health and Wellbeing Commissioner," **substitute** "the Mental Health and Wellbeing Commissioner, the Deputy Mental Health and Wellbeing Commissioner,";
- (b) after "the Commissioner" **insert** ", Deputy Commissioner".'
35. Clause 135, lines 31 to 33, omit all words and expressions on these lines and insert—
- '(1) In section 518(1) of the **Mental Health and Wellbeing Act 2022**—

- (a) for "A Mental" **substitute** "The Mental";
  - (b) after "Commissioner," **insert** "the Deputy Mental Health and Wellbeing Commissioner,".
36. Clause 135, page 111, lines 1 to 4, omit all words and expressions on these lines and insert—
- '(2) In section 518(2) of the **Mental Health and Wellbeing Act 2022**—
    - (a) for "a Commissioner," **substitute** "the Mental Health and Wellbeing Commissioner, the Deputy Mental Health and Wellbeing Commissioner,";
    - (b) in paragraphs (a) and (g), after "Commissioner" **insert** ", Deputy Commissioner".'.
37. Clause 136, lines 6 to 12, omit all words and expressions on these lines and insert—
- '(1) In section 519(1) of the **Mental Health and Wellbeing Act 2022**—
    - (a) for "A Mental" **substitute** "The Mental";
    - (b) after "Commissioner," **insert** "the Deputy Mental Health and Wellbeing Commissioner,".
  - (2) In section 519(2) of the **Mental Health and Wellbeing Act 2022**, for "a Commissioner," **substitute** "the Mental Health and Wellbeing Commissioner, the Deputy Mental Health and Wellbeing Commissioner,".
  - (3) In section 519(3) of the **Mental Health and Wellbeing Act 2022**, for "a Commissioner" **substitute** "the Mental Health and Wellbeing Commissioner or Deputy Mental Health and Wellbeing Commissioner".
  - (4) In section 519(4) of the **Mental Health and Wellbeing Act 2022**—
    - (a) for "a Commissioner," **substitute** "the Mental Health and Wellbeing Commissioner, the Deputy Mental Health and Wellbeing Commissioner,";
    - (b) after "the Commissioner" **insert** ", Deputy Commissioner".'.

NEW CLAUSE

38. Insert the following New Clause before clause 137—

**'136A New section 524A inserted**

After section 524 of the **Mental Health and Wellbeing Act 2022**  
**insert—**

**"524A Requirement to disclose certain information to the Mental Health and Wellbeing Commission**

- (1) The Mental Health and Wellbeing Commission, by written notice, may request from the Health Secretary information that is relevant to the performance of the Commission's functions or the exercise of the Commission's powers.

(2) On receiving a request under subsection (1), the Health Secretary must give to the Commission the information specified in the request that the Health Secretary holds.

(3) Information that is disclosed under subsection (2) must not include information that identifies an individual.".'. .

39. Clause 137, omit this clause.

40. Clause 138, omit this clause.

41. Clause 139, omit this clause.

42. Clause 141, page 114, line 11, omit "section 420 as amended" and insert "section 420(1) as substituted".

43. Clause 141, page 114, line 14, omit '2025.'".' and insert "2025.".

44. Clause 141, page 114, after line 14 insert—

**'793 Appointment of interim Deputy Mental Health and Wellbeing Commissioner**

(1) Despite anything to the contrary in this Act, the Minister, by instrument, may appoint a person to be the Deputy Mental Health and Wellbeing Commissioner for a period beginning on or after the commencement of Division 2 of Part 8 of the **Entities Legislation Amendment (Consolidation and Other Matters) Act 2025** and ending on a day that is no later than 6 months after the commencement of that Division.

(2) Despite anything to the contrary in the instrument of appointment, a person appointed under subsection (1) goes out of office on an appointment of a person under section 420(1A) as substituted by Division 2 of Part 8 of the **Entities Legislation Amendment (Consolidation and Other Matters) Act 2025**.".'. .