

LEGISLATIVE COUNCIL

MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009

(Amendments to be proposed in Committee by Mr RICH-PHILLIPS)

1. Clause 5, page 4, after line 16 insert—
  - "( ) For the purposes of subsection (3)(b), in determining whether an accused meets the eligibility criteria specified in section 4T, the Court must, so far as is practicable, have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that the accused may have."
  
2. Clause 5, page 4, after line 28 insert—
  - "( ) Without limiting subsection (6), the Chief Magistrate, in exercising the powers under that subsection and having regard to the needs or requirements of persons with different types of impairment, may provide for—
    - (a) separate hearing lists within the List; and
    - (b) other arrangements to deal with needs or requirements in relation to different types of impairment."
  
3. Clause 5, page 4, after line 35 insert—
  - "( ) The annual report prepared under section 15(3) must include the following information in relation to the operation of the List—
    - (a) the sources of referrals to the List;
    - (b) the numbers of persons in each diagnostic criteria in respect of whom a criminal proceeding was entered in the List;
    - (c) the numbers of persons who do not complete an individual support plan causing the criminal proceeding to be removed from the List and the reasons for those removals;
    - (d) the outcomes of criminal proceedings referred to the List, including—
      - (i) the number of proceedings in relation to which an accused failed to complete an individual support plan and the reasons for the failure;
      - (ii) the number of accused discharged in accordance with section 4U and section 4Y;
      - (iii) the number of proceedings transferred from the List under section 4X and the number of proceedings transferred to the List under that section;

(e) an assessment of how the List is functioning, including an assessment of the extent to which the List reduces re-offending."

4. Clause 5, page 5, line 28 after "plan" insert "that has regard to the particular diagnostic and functional criteria applying to the accused and".