

~~or an examination may not be made by an analyst on every occasion but could be supported by automated processes or laboratory technicians.~~

~~The modernisation of the courts' use of technology in the jury selection process will be accommodated by amendments to the Jury Act 1995, for example, by allowing certain notices and summons to be given electronically. The Bail Act 1980 will be amended to clarify the process for forfeiture of cash bail and to encourage police to exercise their discretion regarding bail when a person cannot be taken promptly before a court.~~

~~The Penalties and Sentences Act 1992 will be amended to provide a mechanism to return offenders sentenced to a recognisance order who fail to properly enter into the recognisance back to the court and to allow for their resentencing at the court's discretion. The bill will also allow the Director of Public Prosecutions to delegate his or her functions and powers to an appropriately qualified person and make other minor and technical amendments.~~

~~This bill enhances the administration of justice and in many ways supports a criminal law response to a modern Queensland. I commend the bill to the House.~~

First Reading

~~**Hon. YM D'ATH** (Redcliffe ALP) (Attorney General and Minister for Justice and Minister for Training and Skills) (4.15 pm): I move~~

~~That the bill be now read a first time.~~

~~Question put That the bill be now read a first time.~~

~~Motion agreed to.~~

~~Bill read a first time.~~

Referral to the Legal Affairs and Community Safety Committee

~~**Madam DEPUTY SPEAKER** (Ms Linard): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.~~

Portfolio Committee, Reporting Date

~~**Hon. YM D'ATH** (Redcliffe ALP) (Attorney General and Minister for Justice and Minister for Training and Skills) (4.15 pm), by leave, without notice: I move~~


~~That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Criminal Law Amendment Bill by 21 February 2017.~~

~~Question put That the motion be agreed to.~~

~~Motion agreed to.→~~

<MENTAL HEALTH AMENDMENT BILL

Introduction

 **Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (4.15 pm): <I present a bill for an act to amend the Mental Health Act 2016 for particular purposes. I >table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Mental Health Amendment Bill 2016.

Tabled paper: Mental Health Amendment Bill 2016, explanatory notes.

As members of the House know, the Mental Health Act 2016 will better support people living with mental illness in Queensland. The act, which will commence on 5 March 2017, provides a regulatory framework for the fair and respectful treatment of people who are unable to make decisions about their own mental health. The act allows a defendant to be redirected from the legal system to receive appropriate treatment and care if they have a mental illness or condition. Provision for this to occur has been included in legislation since the Mental Health Act of 1974, and has been supported over the years by governments of all persuasions. The new act, which received bipartisan support when it was enacted, extends this power to the Magistrates Court.

The Department of Health has been working closely with stakeholders across Queensland in preparation for the commencement of the new act, and particularly to prepare for the enhanced and broadened functions of the existing Court Liaison Service to support this innovation in the Magistrates Court. During this process, stakeholders have given careful consideration to the operational impacts of the bill and, in doing so, have identified an amendment that should be made before the new act commences.

The Chief Magistrate and other members of the Court Liaison Service Steering Committee that was established to implement the Mental Health Act have asked that the Mental Health Act be amended to ensure that statements made by a defendant during mental health assessments and examinations are inadmissible in criminal and civil proceedings. If this amendment is not made, defendants risk making statements during an assessment or examination that are admissible in criminal and civil proceedings and, for this reason, would likely be advised by their counsel not to engage in an assessment or examination. This would frustrate the Magistrates Court's ability to determine fitness for trial and soundness of mind.

I am advised that the agencies that make up the Court Liaison Service Steering Committee were consulted prior to the enactment of the Mental Health Act. I am further advised that this issue was not identified prior to the passage of the act. The enhanced role of the Court Liaison Service to undertake mental health assessments for the purpose of assessing fitness for trial and unsoundness of mind is a new feature of the mental health legislative framework. The need for this amendment only became clear during the detailed planning for specific processes for implementation.

I thank those agencies for their careful consideration of these matters and collaborative approach in bringing this amendment to the House. In particular, I would like to thank the Chief Magistrate for his leadership in this area. The fact that the need for this important change was identified before the new act commences is testament to the value of the committee and the stakeholder engagement that has occurred to ensure the act's success. If enacted, the amendments in the bill will clarify that oral or written statements made by a defendant during an assessment regarding unsoundness of mind or fitness for trial are not admissible in evidence against the defendant in any criminal or civil proceeding.

015

Amendments will also clarify that statements made during a court ordered mental health examination are not admissible in evidence against a defendant's interests in relation to findings of guilt. The need to make this critical amendment also allows for other operational improvements to be made to the new Mental Health Act. Once again the need for these amendments became clear during detailed planning for specific processes for implementation. These further amendments demonstrate the value of detailed stakeholder consultation and feedback since the passage of the act and will help ensure that the new act is clear and operates as the members of the Legislative Assembly intended it to upon its commencement.

The operational amendments contained in this bill are straightforward and well-explained in the explanatory notes. The importance of ensuring that the legal frameworks which support Queenslanders dealing with mental health issues are clear and effective cannot be understated. Each year in the state of Queensland more than 80,000 people are referred to our mental health community treatment services; more than 12,000 people access hospital based mental health services; and more than 48,000 people seek out mental health community support services. In the coming year alone this government will spend \$1.5 billion on mental health, alcohol and drug services. The government has also committed a further \$350 million over the next five years to improve services for Queenslanders living with mental health, alcohol and drug issues. In this context, the amendments proposed in this bill will to strengthen protections for people living with a mental illness who find themselves caught up in the legal system are essential.

In conclusion, this bill demonstrates the Palaszczuk government's commitment to better health care for all Queenslanders and to ensure the quality of our regulatory frameworks. It is our vision that by 2026 Queenslanders will be among the healthiest people in the world. The bill aligns with our vision by ensuring we have a legal framework that deals with people with mental illness in a way which is both fair and just. The bill appropriately champions the rights of vulnerable members in society living with a disability or mental health condition who may find themselves caught in the legal system. It does this by making sure that people who undergo mental health assessments or examinations can speak frankly and freely without fear of repercussion. It also does this by ensuring that mental health assessment and examination processes are not undermined by any uncertainty in the law. Deputy Speaker, I commend the bill to the House.

First Reading