

Update

Consultations with the Expert Advisory Group

Since the last information sheet was published in August 2009, the Expert Advisory Group (EAG) was convened to discuss a range of practical and policy issues flowing from the directions laid out in the **Government response to the Community consultation report – July 2009** (Government response) in preparation for drafting instructions for the Mental Health Bill.

Drafting instructions for the Mental Health Bill

The legislation review team within the Mental Health, Drugs and Regions Division of the Department of Health have been busy formulating the detailed legislative proposals flowing from the Government's proposed policy directions outlined in the Government response and feedback from the EAG into a set of drafting instructions for the new Mental Health Bill. Drafting instructions set out in detail the objective and the intention of each policy proposal to be drafted into legislation.

In December 2009 initial drafting instructions for the Bill were approved in principle by Cabinet.

Going forward

Drafting the Mental Health Bill

The drafting instructions for the Mental Health Bill have been sent to the Office of the Chief Parliamentary Counsel (OCPC). Some policy details will continue to be refined during the drafting process to ensure that the final scheme is coherent and feasible. The Bill is not finalised until it is approved by Cabinet. For further information on the OCPC visit <http://www.ocpc.vic.gov.au/>

The Parliamentary process

Once the Bill has been drafted by the OCPC, it must be considered and approved by Cabinet before it is introduced into Parliament. The draft Bill will be debated by members of Cabinet, subject to scrutiny and questioning. Once approved, the Minister for Mental Health will introduce the Bill into Parliament together with a statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006*.

The opportunity for public consideration of the Bill will occur after the second reading of the Bill in Parliament. The record of the debate of the Bill will be publicly available through Hansard at <http://www.legislation.vic.gov.au/>. This period of consideration usually occurs over a period of 14 days, before the Bill returns to Parliament for amendments where necessary and further debate. The Bill will then be read for a third time. Both Houses of Parliament must support the passing of the Bill before it receives Royal Assent for it to become law.

Commencement and implementation

The Mental Health Bill is expected to be introduced into Parliament in Spring 2010. Once passed into law, to allow a period for preparation for the operation of the new legislation, it is likely that the new Act will commence in 2012.

Further communication

The period for the public input to the review ended in 2009, however further information or advice on the specific proposals presented in the Government response are welcome. Contact details for the Review team can be found at <http://www.health.vic.gov.au/mentalhealth/mhactreview/contact.htm>.

