



Review of the **Mental Health Act 1996**
and **Criminal Law (Mentally Impaired Defendants) Act 1996**

Criminal Law (Mentally Impaired Defendants) Act Working Party

TERMS OF REFERENCE

Purpose

The purpose of this Working Party is to consider the operations and effectiveness of the *Criminal Law (Mentally Impaired Defendants) Act 1996* and make recommendations as to possible alterations to the Act.

Objectives of the Working Party

In regards to the operation and effectiveness of the *CLMIDA 1996*, consider and have regard to the:

1. Effectiveness of the operations of the Mentally Impaired Defendants Review Board; and
2. Need for the continuation of the functions of the Mentally Impaired Defendants Review Board.
3. Other matters as appear to be relevant to the operations and effectiveness of the *Criminal Law (Mentally Impaired Defendants) Act 1996*, including its relationship with the *Mental Health Act 1996*.

If the Working Party identifies issues regarding policy and implementation that are of considerable concern, then these must be clearly identified as policy and/or implementation issues and not matters that can be dealt with by legislation. The Chair will then decide how to best bring these issues to the attention of the relevant authorities.

Membership

The Stakeholder Committee has identified a range of individuals to be members of the Working Party. The Working Party can co-opt other individuals, as it considers necessary.

All members must be aware of and abide by the Review's *Conflict of Interest Policy*.

Timeline

Given the specific nature of the task, the Working Party should finalise their deliberations and prepare a report by no later than Friday 28th February 2003.

The Working Party is expected to provide the Stakeholder Committee with a presentation outlining their deliberations and recommendations regarding the relevant part of the Act at the Stakeholder Committee meeting in March 2003.

Professor C. D'Arcy J. Holman
Chairperson

September 2002