

1990 - No. 579

**MENTAL HEALTH ACT 1990 - REGULATION**

(Relating to forms)

NEW SOUTH WALES



*[Published in Gazette No. 109 of 31 August 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Mental Health Act 1990, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS  
Minister for Health.

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The Mental Health Regulation 1990 is amended:

- (a) by omitting clause 8 and by inserting instead the following clause:

**Medical report as to mental state of detained person**

8. For the purposes of:
- (a) section 29 (2) of the Act, the certificate of the medical superintendent may be in a form to the effect of Form 5; and
  - (b) section 33 of the Act, the prescribed form of advice to the medical superintendent is Form 5.
- (b) by inserting after clause 44 the following clause:

**Order etc. by Magistrate - inquiries relating to mentally ill persons**

45. An order or direction of a Magistrate pursuant to an inquiry under Division 2 of Part 2 of Chapter 4 of the Act may be in a form to the effect of Form 30.

- (c) by omitting Form 5 from Schedule 1 and by inserting instead the following form:

DEPARTMENT OF HEALTH, N.S.W.

**FORM 5**

(Cl. 8)

**MENTAL HEALTH ACT 1990**

**Sections 29 (2), 33 (1)**

**MEDICAL REPORT AS TO MENTAL STATE OF  
A DETAINED PERSON**

This report is made as:

- ☐ a certificate of the opinion of the medical superintendent after examination of a person under section 29 of the Act (initial examination)

OR

- ☐ advice by a medical practitioner to a medical superintendent under section 33 of the Act (further examination)  
*(tick whichever is appropriate)*

I, the undersigned, a registered Medical Practitioner, on

..... personally examined .....  
(date) (patient's name)

a person detained at.....  
(Hospital)

\* In my opinion, .....  
(patient's name)

is not a mentally ill or mentally disordered person.

\* In my opinion, .....  
(patient's name)

is a mentally ill person.

\* In my opinion, .....  
(patient's name)

is a mentally disordered person.

\* *Delete whichever is inapplicable*

The basis for my opinion is as follows:

(Reported behaviour of the patient)

.....  
.....  
.....  
.....

(Observations by me of the patient)

.....  
.....  
.....

(Conclusion)

.....  
.....  
.....

Name of Medical Practitioner: .....

Qualifications as a Psychiatrist (*if applicable*)

.....

.....  
(Signature)

.....  
(Date)

\*\* This report may be continued on a separate annexure.

Note that this report is for the use of a legal tribunal and therefore should not be written in technical medical language.

- (d) by omitting Form 22 from Schedule 1 and by inserting instead the following form:

DEPARTMENT OF HEALTH, N.S.W.

**FORM 22**

(Cl. 22)

**MENTAL HEALTH ACT 1990**

**Section 196 (1)**

# REGISTER OF ELECTRO CONVULSIVE THERAPY

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- (e) by omitting Form 29 and by inserting instead the following forms:

DEPARTMENT OF HEALTH, N.S.W.

**FORM 29**

(Cl. 44)

**MENTAL HEALTH ACT 1990**

**Section 302 (2) (m)**

**PSYCHIATRIC ADMISSIONS**

(Advice to Mental Health Review Tribunal)

This form is to be filled out in relation to any person *taken* to a hospital pursuant to Part 2, Chapter 4 of the Mental Health Act 1990.

**1. DETAILS**

Hospital ..... Medical Record No. ....  
Date taken to Hospital .....  
\* Given Names ..... \* Surname .....  
Date of birth .....  
If interpreter required, state language .....

*\* The patient should only be identified by name where detained following the Magistrate's hearing. All other details are still to be provided in these cases.*

**2. METHOD OF REFERRAL** (tick appropriate box)

- ☐ Cert. of Medical Practitioner S. 21  
☐ Request by Relative/Friend S. 23  
☐ Apprehension by Police S. 24  
☐ Order under Crimes Act S. 25  
☐ Welfare Officer S. 26  
☐ Authorised Person's Order S. 27  
☐ Breach Community Treatment Order S. 142

**3. ADMISSION** YES ☐ NO ☐

**4. CLASSIFICATION** INFORMAL ☐ INVOLUNTARY ☐

**5. REASON FOR ADMISSION**  
\* Section 29 \* Section 143  
\* Mentally Ill \* Mentally Ill  
\* Mentally \* Mentally  
Disordered Disordered  
(\* Delete if inapplicable)

Date of Magistrate's Hearing .....

Magistrate's Decision - Made temporary to:  
- Discharge : on CTO:  
: other:

(insert relevant date)

Form completed by ..... Date: .....

This form is to be completed for each person taken to a hospital for involuntary admission and is to be returned to the Tribunal by post within 24 hours of the occurrence of the earliest of the following events:

- (a) refusal to admit
- (b) discharge (give date .....)
- (c) reclassification as informal
- (d) at conclusion of Magistrate's hearing.

This form may also be used to advise the Tribunal about informal patients who have been in hospital for at least 10 months.

DEPARTMENT OF HEALTH, N.S.W.

**FORM 30**

(Cl. 45)

**MENTAL HEALTH ACT 1990**

**Div. 2 of Part 2, Chapter 4**

**ORDER OR DIRECTION OF MAGISTRATE -  
INQUIRY RELATING TO MENTALLY ILL PERSON**

Hospital .....

Address .....

Date .....

I have today \*ordered/\*directed that .....  
(patient's name)

being a person brought before me under section 38 of the Mental Health Act 1990,  
is:

\* to be discharged from hospital

\* to be discharged from hospital into the care of .....  
(name)

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\* to be detained as a temporary patient until no later than .....  
(date)

for further observation or treatment, or both

\* to be made subject to a community counselling order

(\* delete if inapplicable)

Signature of Magistrate .....

Name of Magistrate .....

*NOTE: The reasons for my order or direction (as required by section 53 of the Act) are annexed to this form.*

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**EXPLANATORY NOTE**

The object of this Regulation is to amend the Mental Health Regulation 1990 to make necessary changes and additions to the forms prescribed under the Act. In particular, the existing form which provides for the advice of a medical practitioner as to the mental state of a detained person will also provide for the certificate of the opinion of the medical superintendent who initially examined the person. Also, the form of an order or direction of a Magistrate in respect of an inquiry relating to a mentally ill person may be in a form to the effect of the new Form 30.

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