



New South Wales

Mental Health Amendment Regulation 2009

under the

Mental Health Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mental Health Act 2007*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Mental Health Regulation 2007* as follows:

- (a) to prescribe the Director-General of the Department of Ageing, Disability and Home Care, the Chief Executive of Justice Health and the Chief Executive of the Royal Alexandra Hospital for Children as persons who may be required to provide the Mental Health Review Tribunal with information about actions taken in relation to orders made by the Tribunal,
- (b) to prescribe persons authorised by the Director-General of the Department of Health as persons who may take patients to or from mental health facilities or other health facilities,
- (c) to update references as a result of amendments made by the *Mental Health Legislation Amendment (Forensic Provisions) Act 2008*.

This Regulation is made under the *Mental Health Act 2007*, including sections 81 (1) (d), 162A and 196 (the general regulation-making power).

2009 No 78

Clause 1 Mental Health Amendment Regulation 2009

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1 Name of Regulation

This Regulation is the *Mental Health Amendment Regulation 2009*.

2 Commencement

This Regulation commences on 1 March 2009.

Schedule 1 Amendment of Mental Health Regulation 2007

[1] Clause 27 Apprehension of patients and persons under interstate apprehension orders

Omit “section 60 of the *Mental Health (Criminal Procedure) Act 1990*”.

Insert instead “section 70 of the *Mental Health (Forensic Provisions) Act 1990*”.

[2] Clause 47A

Insert after clause 47:

47A Bodies who may be requested to provide Tribunal with information

For the purposes of section 162A of the Act, the following may be requested by the Tribunal to provide it with information:

- (a) the Director-General of the Department of Ageing, Disability and Home Care,
- (b) the Chief Executive of Justice Health,
- (c) the Chief Executive of the Royal Alexandra Hospital for Children.

[3] Clause 48 Involuntary referrals to be reported to Tribunal

Insert “, correctional patient” after “forensic patient” in clause 48 (1).

[4] Clause 52

Insert after clause 51:

52 Transport of persons to and from mental health facilities and other facilities

For the purposes of section 81 (1) (d) of the Act, a person who provides a transport service approved by the Director-General for the purposes of that section is prescribed.

[5] Schedule 1 Forms

Omit “section 33 of the *Mental Health (Criminal Procedure) Act 1990*” from Form 10.

Insert instead “section 33 of the *Mental Health (Forensic Provisions) Act 1990*”.