



New South Wales

Mental Health (Forensic Provisions) Amendment Regulation 2010

under the

Mental Health (Forensic Provisions) Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mental Health (Forensic Provisions) Act 1990*.

CARMEL TEBBUTT, MP
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Mental Health (Forensic Provisions) Regulation 2009* to:

- (a) to amend a provision that allows a report on the proposed release of a forensic patient to be given by a qualified psychologist (as an alternative to a report by a forensic psychiatrist) to remove the limitation that currently prevents such a report being given by a qualified psychologist for a patient with an intellectual disability, and
- (b) to amend a provision that authorises the taking of enforcement action when a person breaches a forensic community treatment order so that the provision will require that there be a significant *risk* of deterioration in the person's condition before enforcement action can be taken (rather than requiring that there be actual significant deterioration, as at present).

This Regulation is made under the *Mental Health (Forensic Provisions) Act 1990*, including sections 74 and 77 (the general regulation-making power).

2010 No 106

Clause 1 Mental Health (Forensic Provisions) Amendment Regulation 2010

Mental Health (Forensic Provisions) Amendment Regulation 2010

under the

Mental Health (Forensic Provisions) Act 1990

1 Name of Regulation

This Regulation is the *Mental Health (Forensic Provisions) Amendment Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Mental Health (Forensic Provisions) Regulation 2009

(1) Clause 5 Matters to be considered by Tribunal

Omit “who is suffering from a mental condition (other than a mental illness)”.

Insert instead “(other than a person who is suffering from a mental illness)”.

(2) Clause 11 Breaches of forensic community treatment orders

Omit “significant deterioration” from clause 11 (3) (b).

Insert instead “significant risk of deterioration”.