



New South Wales

# Mental Health Amendment (Psychosurgery) Regulation 2010

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*.

CARMEL TEBBUTT, MP  
Minister for Health

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe certain conditions or illnesses the treatment of which is not to be regarded as psychosurgery, so that neurological procedures carried out to relieve symptoms of those conditions or illnesses are not prohibited as psychosurgery, and
- (b) to update references to the Protective Commissioner, as the functions of the Protective Commissioner have been taken over by the NSW Trustee and Guardian.

This Regulation is made under the *Mental Health Act 2007*, including sections 83 and 196 (the general regulation-making power).

## **2010 No 479**

Clause 1            Mental Health Amendment (Psychosurgery) Regulation 2010

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# **Mental Health Amendment (Psychosurgery) Regulation 2010**

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### **1 Name of Regulation**

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

### **2 Commencement**

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

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## **Schedule 1      Amendment of the Mental Health Regulation 2007**

**[1]    Clause 12**

Omit the clause. Insert instead:

**12    Psychosurgery**

For the purposes of section 83 of the Act, *psychosurgery* does not include a neurological procedure carried out for the relief of symptoms of the following:

- (a)    Parkinson's disease,
- (b)    Gilles de la Tourette syndrome,
- (c)    Chronic tic disorder,
- (d)    Tremor,
- (e)    Dystonia.

**[2]    Clause 39 Discharge or death of a patient**

Omit "Protective Commissioner" wherever occurring.

Insert instead "NSW Trustee and Guardian".

**[3]    Schedule 1 Forms**

Omit "Protective Commissioner" wherever occurring in Form 2.

Insert instead "NSW Trustee and Guardian".