



New South Wales

Mental Health (Forensic Provisions) Amendment (Forensic Patients) 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 prescribe a class of persons as forensic patients for the purposes of section 42 of the *Mental Health (Forensic Provisions) Act 1990*. This gives the Mental Health Tribunal jurisdiction to make orders in respect of their detention, care and treatment.

The class of persons prescribed is certain persons found not guilty of an offence by reason of mental illness or mental impairment under a law of Norfolk Island, who are transferred to and detained in New South Wales under New South Wales law.

This Regulation is made under the *Mental Health (Forensic Provisions) Act 1990*, including sections 42 and 77 (the general regulation-making power).

2010 No 630

Clause 1

Mental Health (Forensic Provisions) Amendment (Forensic Patients)
Regulation 2010

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(Forensic Patients) Regulation 2010**

under the

Mental Health (Forensic Provisions) Act 1990

1 Name of Regulation

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

2 Commencement

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

Schedule 1 Amendment of Mental Health (Forensic Provisions) Regulation 2009

Clause 14A

Insert after clause 14:

14A Forensic patients

For the purposes of section 42 (b) of the Act, the class of persons prescribed is the class of persons consisting of persons each of whom, whether before or after the commencement of this clause:

- (a) is found not guilty of an offence under the law of Norfolk Island by reason of mental illness or mental impairment, and
- (b) is transferred to and being held in the custody of this State, under a law of this State that provides for the person to be held in the custody of this State, pursuant to an order made or warrant issued following the finding.