



New South Wales

# Mental Health Amendment (Corresponding Laws) Regulation 2014

under the

Mental Health Act 2007

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

JAI ROWELL, MP  
Minister for Mental Health

## Explanatory note

The objects of this Regulation are to amend the *Mental Health Regulation 2013*:

- (a) to declare that the *Mental Health Act 2014* of Victoria, which replaces the *Mental Health Act 1986* of Victoria (*the repealed Act*), is a law corresponding to the *Mental Health Act 2007* or the *Mental Health (Forensic Provisions) Act 1990* for the purposes of Chapter 8 of the *Mental Health Act 2007*, and
- (b) to update references to the repealed Act.

This Regulation is made under the *Mental Health Act 2007*, including sections 172 (1) and 196 (the general regulation-making power).

## **Mental Health Amendment (Corresponding Laws) Regulation 2014**

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### **1 Name of Regulation**

This Regulation is the *Mental Health Amendment (Corresponding Laws) Regulation 2014*.

### **2 Commencement**

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

## **Schedule 1 Amendment of Mental Health Regulation 2013**

**[1] Clause 21 Definitions**

Omit “section 96 of the *Mental Health Act 1986*” from the definition of *authorised psychiatrist* in clause 21 (1).

Insert instead “section 150 of the *Mental Health Act 2014*”.

**[2] Clauses 21 (1) (definition of “relevant corresponding law”) and 23**

Omit “*Mental Health Act 1986*” wherever occurring.

Insert instead “*Mental Health Act 2014*”.

**[3] Clauses 21 (1) (definition of “Victorian mental health facility”), 25 (2) (b) (i) and 30 (2)**

Omit “an approved mental health service within the meaning of the *Mental Health Act 1986*” wherever occurring.

Insert instead “a designated mental health service within the meaning of the *Mental Health Act 2014*”.

**[4] Clause 29 Transfer of interstate persons to mental health facilities in this State**

Omit “detained as an involuntary patient under the *Mental Health Act 1986*” from clause 29 (2).

Insert instead “who is subject to an Inpatient Temporary Treatment Order or an Inpatient Treatment Order under the *Mental Health Act 2014*”.

**[5] Clause 29 (2) (b)**

Omit “transfer order made under section 93G of the *Mental Health Act 1986*”.

Insert instead “interstate transfer order made under section 322 or 323 of the *Mental Health Act 2014*”.

**[6] Clause 30 Victorian community treatment orders relating to New South Wales residents**

Omit “community treatment order made under section 14 of the *Mental Health Act 1986*” from clause 30 (1).

Insert instead “Community Temporary Treatment Order or Community Treatment Order made under section 45 or 55 of the *Mental Health Act 2014*”.