



New South Wales

Mental Health Amendment (Corresponding Law) Regulation 2017

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*.

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The objects of this Regulation are to amend the *Mental Health Regulation 2013* to update references to corresponding laws of the ACT and Queensland.

This Regulation is made under the *Mental Health Act 2007*, including sections 172 (1), 179 (4) (a) and 196 (the general regulation-making power).

Mental Health Amendment (Corresponding Law) Regulation 2017

under the

Mental Health Act 2007

1 Name of Regulation

This Regulation is the *Mental Health Amendment (Corresponding Law) Regulation 2017*.

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 the definitions of *ACT approved facility* and *administrator* from clause 21 (1).

Insert instead:

ACT approved mental health facility means an approved mental health facility within the meaning of the *Mental Health Act 2015* of the ACT.

administrator, of a Queensland authorised mental health service, means the person appointed under section 332 of the *Mental Health Act 2016* of Queensland to be the administrator of the service.

[2] Clauses 21 (1) (paragraph (b) of the definition of “interstate mental health facility”), 25 (2) (b) (iii), 26 (2) (b), 27 (3) and (6) (b), 29 (3) and 31 (2)

Insert “mental health” after “approved” wherever occurring.

[3] Clause 21 (1), definition of “Queensland authorised mental health service”

Omit “section 495 of the *Mental Health Act 2000*”.

Insert instead “section 329 of the *Mental Health Act 2016*”.

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

Omit “*Mental Health Act 2000*” and “*Mental Health (Treatment and Care) Act 1994*” wherever occurring.

Insert instead “*Mental Health Act 2016*” and “*Mental Health Act 2015*”, respectively.

[5] Clause 25 Apprehension of patients and persons under interstate apprehension orders

Omit “mental service within the meaning of Chapter 2 of the *Mental Health Act 2000*” from clause 25 (2) (b) (ii).

Insert instead “mental health service within the meaning of the *Mental Health Act 2016*”.

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

Omit “detained as an involuntary patient under the *Mental Health (Treatment and Care) Act 1994*” from clause 29 (3).

Insert instead “subject to a mental health order under the *Mental Health Act 2015*”.

[7] Clause 29 (4)

Omit “an in-patient category involuntary treatment order under the *Mental Health Act 2000*”.

Insert instead “an inpatient category treatment authority under the *Mental Health Act 2016*”.

[8] Clause 31 ACT treatment orders relating to New South Wales residents

Omit “An involuntary psychiatric treatment order made under section 28 of the *Mental Health (Treatment and Care) Act 1994*” from clause 31 (1).

Insert instead “A psychiatric treatment order made under section 58 of the *Mental Health Act 2015*”.

[9] Clause 32 Queensland treatment authorities relating to New South Wales residents

Omit “involuntary treatment order made under Division 1 of Part 1 of Chapter 4 of the *Mental Health Act 2000*” from clause 32 (1).

Insert instead “treatment authority made under Part 4 of Chapter 2 of the *Mental Health Act 2016*”.