



New South Wales

Mental Health Amendment (Queensland Interstate Agreement) Regulation 2018

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 object of this Regulation is to amend the *Mental Health Regulation 2013* to update references relating to the interstate application of mental health laws.

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

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1 Name of Regulation

This Regulation is the *Mental Health Amendment (Queensland Interstate Agreement) Regulation 2018*.

2 Commencement

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

3 Amendment of Mental Health Regulation 2013

- (1) **Clauses 21 (1), definitions of “civil interstate apprehension order” and “interstate transfer request notice”, 27 (4) (a) (i) and 29 (4) (a) (i)**
Omit “Queensland civil” wherever occurring. Insert instead “Queensland”.
- (2) **Clause 21 Definitions**
Omit “23 April 2002” from paragraph (b) of the definition of *interstate agreement* in clause 21 (1).
Insert instead “17 September 2018”.
- (3) **Clause 21 (1), definition of “interstate agreement”**
Omit paragraph (e).
- (4) **Clause 21 (1), definition of “relevant corresponding law”**
Omit paragraph (b). Insert instead:
 - (b) in relation to the Queensland agreement and a Queensland patient, the *Mental Health Act 2016* of Queensland and Chapter 4A of the *Public Health Act 2005* of Queensland, or
- (5) **Clause 25 Apprehension of patients and persons under interstate apprehension orders**
Omit clause 25 (2) (b) (iv). Insert instead:
 - (iv) in the case of a person subject to an interstate apprehension order under the Queensland agreement, a Queensland authorised mental health service, or