Mental Health Amendment (COVID-19 Special Provisions) Regulation 2020

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.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note
The objects of this Regulation are—

(a) to extend the operation of special provisions of the Mental Health Act 2007 until 26 March 2021 in response to the COVID-19 pandemic, and

(b) to make consequential amendments.

This Regulation is made under the Mental Health Act 2007, including section 196 (the general regulation-making power) and the definition of prescribed period in sections 202 and 203.
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1 Name of Regulation

This Regulation is the Mental Health Amendment (COVID-19 Special Provisions) Regulation 2020.

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 2019

[1] Clause 48
Insert after clause 47—

48 COVID-19 pandemic—extension of prescribed period
The prescribed period referred to in sections 202(6) and 203(5) of the Act ends on 26 March 2021.

[2] Schedule 1 Forms
Omit “section 27 or 27A” from the first line of Form 1 of Schedule 1.
Insert instead “section 27, 27A or 203”.

[3] Schedule 1, Form 1
Insert above note 1 to Form 1—

OR, if the carrying out of the examination or observation of a person by audio visual link is authorised under section 203 of the Act—
This report is made as—
(tick whichever is appropriate)
☐ a certificate of the opinion of a medical practitioner after examination of a person using an audio visual link in accordance with section 203(2)(a) of the Act,
☐ a certificate of the opinion of an accredited person authorised by the medical superintendent of [name of mental health facility] after examination of a person using an audio visual link in accordance with section 203(2)(b) of the Act.

[4] Schedule 1, Form 1, note 1
Insert “or 203” after “section 27A”.

[5] Schedule 1, Form 1, note 2
Insert “or accredited person” after “medical practitioner” wherever occurring.

[6] Schedule 1, Form 1, note 2
Omit “section 27A(3)”. Insert instead “sections 27A(3) and 203(3)”.