



New South Wales

Mental Health Amendment Regulation 2024

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*.

ROSE JACKSON, MLC
Minister for Mental Health

Explanatory note

The object of this regulation is to amend the *Mental Health Regulation 2019* to update cross-references to Victorian legislation.

This regulation is made under the *Mental Health Act 2007*, including sections 172(1) and (2), 179(4)(a), 182(2)(a), 187(e) and 196, the general regulation-making power.

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1 Name of regulation

This regulation is the *Mental Health Amendment Regulation 2024*.

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 19 Definitions

Omit “section 150 of the *Mental Health Act 2014* of Victoria” from clause 19(1), definition of *authorised psychiatrist*.

Insert instead “the *Mental Health and Wellbeing Act 2022* of Victoria, section 328”.

[2] Clause 19(1), definition of “relevant corresponding law”, paragraph (a)

Omit “*Mental Health Act 2014*”. Insert instead “*Mental Health and Wellbeing Act 2022*”.

[3] Clause 19(1), definition of “Victorian mental health facility”

Omit “*Mental Health Act 2014*”. Insert instead “*Mental Health and Wellbeing Act 2022*”.

[4] Clause 20 Corresponding laws

Omit “*Mental Health Act 2014*” from clause 20(a).

Insert instead “*Mental Health and Wellbeing Act 2022*”.

[5] Clause 22 Apprehension of patients and persons under interstate apprehension orders

Omit “*Mental Health Act 2014*” from clause 22(2)(b)(i).

Insert instead “*Mental Health and Wellbeing Act 2022*”.

[6] Clause 26 Transfer of interstate persons to mental health facilities in this State

Omit “under the *Mental Health Act 2014*” from clause 26(2).

Insert instead “under the *Mental Health and Wellbeing Act 2022*”.

[7] Clause 26(2)(b)

Omit “section 322 or 323 of the *Mental Health Act 2014* of Victoria”.

Insert instead “the *Mental Health and Wellbeing Act 2022* of Victoria, section 600 or 602”.

[8] Clause 27 Victorian community treatment orders relating to New South Wales residents

Omit “section 45 or 55 of the *Mental Health Act 2014* of Victoria” from clause 27(1).

Insert instead “the *Mental Health and Wellbeing Act 2022* of Victoria, section 180 or 192”.

[9] Clause 27(2)

Omit “*Mental Health Act 2014*”. Insert instead “*Mental Health and Wellbeing Act 2022*”.