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SPECIAL SUPPLEMENT

Mental Health Amendment (Queensland Patients) Regulation 2002

under the

Mental Health Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mental Health Act 1990*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to enable the apprehension in New South Wales of certain Queensland classified and forensic patients (as classified under the *Mental Health Act 2000* of Queensland), in the event that any such patients escape into this State, and the transfer of such patients to Queensland. The Regulation complements an agreement between the Ministers for Health for New South Wales and Queensland.

This Regulation is made under the *Mental Health Act 1990*, including sections 286D, 286O, 286P, 286Q and 302 (the general regulation-making power).

Clause 1 Mental Health Amendment (Queensland Patients) Regulation 2002

Mental Health Amendment (Queensland Patients) Regulation 2002

1 Name of Regulation

This Regulation is the *Mental Health Amendment (Queensland Patients) Regulation 2002*.

2 Amendment of Mental Health Regulation 2000

The *Mental Health Regulation 2000* is amended as set out in Schedule 1.

Mental Health Amendment (Queensland Patients) Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 38A Definitions

Omit clause 38A (1). Insert instead:

(1) In this Part:

interstate agreement means any of the following agreements with respect to the interstate application of mental health laws:

- (a) the agreement dated 19 February 2002 made between the Minister and the Minister for Health for Victoria (the *Victorian agreement*),
- (b) the agreement dated 23 April 2002 made between the Minister and the Minister for Health for Queensland (the *Queensland agreement*).

interstate apprehension order means an interstate apprehension order issued under an interstate agreement.

interstate patient means a Victorian patient or a Queensland patient.

Queensland patient has the same meaning as it has in the Queensland agreement.

relevant corresponding law means any of the following:

- (a) in relation to the Victorian agreement and a Victorian patient, the *Mental Health Act 1986* of Victoria, or
- (b) in relation to the Queensland agreement and a Queensland patient, the *Mental Health Act 2002* of Queensland,

Victorian patient has the same meaning as it has in the Victorian agreement.

[2] Clause 38B Corresponding laws

Insert at the end of the clause:

Mental Health Act 2000 of Queensland

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Schedule 1 Amendments

[3] Clause 38C

Omit the clause. Insert instead:

38C Recognition of interstate orders

For the purposes of section 286O of the Act, it is a condition of recognition of an interstate apprehension order that it must comply with the interstate agreement under which it is issued and any applicable requirements of the relevant corresponding law.

[4] Clause 38D Apprehension of patients under interstate apprehension orders

Omit “a Victorian patient” from clause 38D (1).
Insert instead “an interstate patient”.

[5] Clause 38D (1) and (2)

Omit “a Victorian interstate apprehension order” wherever occurring.
Insert instead “an interstate apprehension order”.

[6] Clause 38D (1) (a)

Omit “Victorian”. Insert instead “relevant”.

[7] Clause 38D (2)

Omit “the Victorian Agreement”. Insert instead “an interstate agreement”.

[8] Clause 38D (2)

Omit “a Victorian” where firstly occurring. Insert instead “an interstate”.

[9] Clause 38D (2) (b)

Omit the paragraph. Insert instead:

- (b) the patient may be conveyed to or transferred to:
 - (i) in the case of a Victorian patient, an approved mental health service within the meaning of the *Mental Health Act 1986* of Victoria, or

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Schedule 1

- (ii) in the case of a Queensland patient, an authorised mental service within the meaning of Chapter 2 of the *Mental Health Act 2000* of Queensland.

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