



Queensland

Mental Health Regulation 2017

Subordinate Legislation 2017 No. 16

made under the

Child Protection (Offender Reporting) Act 2004

Forensic Disability Act 2011

Hospital and Health Boards Act 2011

Mental Health Act 2016

Public Sector Ethics Act 1994

Queensland Civil and Administrative Tribunal Act 2009

Supreme Court of Queensland Act 1991

Weapons Act 1990

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1 Short title

This regulation may be cited as the *Mental Health Regulation 2017*.

2 Commencement

This regulation commences on 5 March 2017.

3 Corresponding law—Act, sch 3, definition *corresponding law*

For the Act, schedule 3, definition *corresponding law*, each law of another State mentioned in schedule 1 is a corresponding law for the stated provision of the Act.

4 Prescribed registrant—Act, sch 3, definition *psychiatrist*, paragraph (b)

(1) For the Act, schedule 3, definition *psychiatrist*, paragraph (b), each of the following types of registrants are prescribed—

- (a) a registrant who holds limited registration to practise in an area of need in a specialist position in psychiatry;
- (b) a registrant who holds limited registration to undertake postgraduate training or supervised practice in a specialist position in psychiatry;
- (c) a registrant who holds provisional registration to practise in a specialist position in psychiatry.

(2) In this section—

limited registration means limited registration in the medical profession under the Health Practitioner Regulation National Law.

provisional registration means provisional registration in the medical profession under the Health Practitioner Regulation National Law.

[s 5]

5 Consequential amendments of other legislation

Schedule 2 amends the legislation it mentions.

Schedule 1 Corresponding laws

section 3

1 Corresponding laws for provisions of Act relating to transfer of patients or transport of persons

(1) For a relevant provision, the corresponding laws are each of the following—

- *Mental Health Act 2015* (ACT)
- *Mental Health Act 2007* (NSW)
- *Mental Health Act 2009* (SA)
- *Mental Health Act 2013* (Tas)
- *Mental Health Act 2014* (Vic)
- *Mental Health Act 2014* (WA)
- *Mental Health and Related Services Act 1998* (NT).

(2) In this section—

relevant provision means each of the following provisions of the Act—

- section 355(7), definition *interstate order*
- section 357(4)
- section 369(2)
- section 370(1), (5)(b) and (6)
- section 520(2)(c)
- section 527(2)(c).

2 Corresponding laws for Act, s 368(1)(b) and (2)

For section 368(1)(b) and (2) of the Act, the corresponding laws are each of the following—

- *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic)

- *Criminal Justice (Mental Impairment) Act 1999* (Tas)
- *Criminal Law Consolidation Act 1935* (SA)
- *Criminal Law (Mentally Impaired Accused) Act 1996* (WA)
- *Magistrates Court Act 1930* (ACT)
- *Mental Health and Related Services Act 1998* (NT)
- *Mental Health (Forensic Provisions) Act 1990* (NSW)
- the general law of a State providing for a person's apprehension under a warrant.

3 Corresponding laws for Act, s 513, definition *interstate forensic order*

For section 513 of the Act, definition *interstate forensic order*, the corresponding laws are each of the following—

- *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic)
- *Criminal Code Act 1983* (NT)
- *Criminal Justice (Mental Impairment) Act 1999* (Tas)
- *Criminal Law Consolidation Act 1935* (SA)
- *Criminal Law (Mentally Impaired Accused) Act 1996* (WA)
- *Mental Health Act 2015* (ACT)
- *Mental Health (Forensic Provisions) Act 1990* (NSW).

4 Corresponding laws for Act, ss 513 and 521, definition *interstate transfer requirements*

For section 513 of the Act, definition *interstate transfer requirements* and section 521 of the Act, definition *interstate transfer requirements*, the corresponding laws are each of the following—

- *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic)

- *Mental Health Act 2015 (ACT)*
- *Mental Health Act 2007 (NSW)*
- *Mental Health Act 2013 (Tas)*
- *Mental Health and Related Services Act 1998 (NT).*

Schedule 2 Consequential amendments of other legislation

section 5

Child Protection (Offender Reporting) Regulation 2015

- 1 Section 18, table, item 1, column 2, ‘the Director of Mental Health appointed under the Mental Health Act 2000’—**

omit, insert—

the chief psychiatrist appointed under the *Mental Health Act 2016*

Criminal Practice Rules 1999

- 1 Rule 42(5)(e), ‘Tribunal’—**

omit, insert—

Court

- 2 Schedule 3, form 203, heading and item 1, ‘Mental Health Act 2000’—**

omit, insert—

Mental Health Act 2016

Forensic Disability Regulation 2011

1 Section 5(1)(d)—

omit.

2 Section 5(1)(e) to (j)—

renumber as section 5(1)(d) to (i).

Hospital and Health Boards Regulation 2012

1 Section 29(3), definition *mental illness*, ‘*Mental Health Act 2000*, section 12’—

omit, insert—

Mental Health Act 2016, section 10

2 Schedule 3, part 2, item 15—

omit.

Public Sector Ethics Regulation 2010

1 Schedule, entry for Mental Health Review Tribunal, from ‘established’—

omit, insert—

continued under the *Mental Health Act 2016*

Queensland Civil and Administrative Tribunal Rules 2009

1 Rule 21(3)(b)(v)(C), from ‘forensic order’—

omit, insert—

treatment authority, forensic order or treatment support order under the *Mental Health Act 2016*—the chief psychiatrist appointed under that Act; and

Weapons Regulation 2016

1 Section 17(b)(iii), from ‘(however called)’—

omit, insert—

under the *Mental Health Act 2016*, or another order, however described, made under a law of another State that provides for similar matters to a recommendation for assessment.

ENDNOTES

- 1 Made by the Governor in Council on 23 February 2017.
- 2 Notified on the Queensland legislation website on 24 February 2017.
- 3 The administering agency is Queensland Health.