

South Australia

## **Mental Health Variation Regulations 2009**

under the *Mental Health Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Mental Health Regulations 1995***

- 4 Variation of heading to Part 4
  - 5 Variation of regulation 14—Interpretation
  - 6 Substitution of regulation 15
    - 15 Requests or approvals relating to actions involving other jurisdictions
  - 7 Variation of regulation 16—Powers of South Australian officers under corresponding laws or Ministerial agreement
  - 8 Variation of heading to Part 4 Division 3
  - 9 Variation of regulation 22—Transport to other jurisdictions of persons with apparent mental illness
  - 10 Variation of regulation 25—Transport to South Australia of person with apparent mental illness
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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Mental Health Variation Regulations 2009*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Mental Health Regulations 1995***

#### **4—Variation of heading to Part 4**

Heading to Part 4—delete "Northern Territory" and substitute:

**other jurisdictions**

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## **5—Variation of regulation 14—Interpretation**

- (1) Regulation 14, definition of *corresponding law*—delete the definition and substitute:

*corresponding law* means—

- (a) the *Mental Health and Related Services Act* of the Northern Territory; or
- (b) the *Mental Health Act 2007* of New South Wales;

- (2) Regulation 14, definition of *interstate authorised officer*—delete "the corresponding law" and substitute:

a corresponding law

- (3) Regulation 14, definition of *interstate detention and treatment order*—delete "the corresponding law" and substitute:

a corresponding law

- (4) Regulation 14, definition of *interstate officer*—delete "the corresponding law" and substitute:

a corresponding law

- (5) Regulation 14, definition of *interstate patient at large*—delete "the corresponding law" and substitute:

the relevant corresponding law

- (6) Regulation 14, definition of *Ministerial agreement*—delete the definition and substitute:

*Ministerial agreement* means—

- (a) the agreement entered into on 6 June 2008 between the Northern Territory Minister responsible for the administration of the *Mental Health and Related Services Act* of the Northern Territory and the South Australian Minister responsible for the administration of the *Mental Health Act 1993* of South Australia, providing for the administration of Part 18 of the Northern Territory Act and these regulations; or
- (b) the agreement entered into on 18 March 2009 between the Minister for Health for the State of New South Wales and the Minister for Mental Health and Substance Abuse for the State of South Australia providing for the administration of Chapter 8 of the New South Wales Act and these regulations;

- (7) Regulation 14, definition of *patient transport request*—delete "the Minister agreement" and substitute:

the relevant Ministerial agreement

## **6—Substitution of regulation 15**

Regulation 15—delete the regulation and substitute:

### **15—Requests or approvals relating to actions involving other jurisdictions**

- (1) If a provision of this Part provides that this subregulation applies to the taking of specified action, the action may only be taken if—
  - (a) such action is contemplated by a Ministerial agreement with a Minister of the other State or the Territory that would be affected by the action; and
  - (b) the action has been requested or approved by an interstate officer under the corresponding law of the State or Territory, or the Ministerial agreement.
- (2) The Chief Advisor in Psychiatry may request or approve action by an interstate officer under the corresponding law of another State or a Territory that would affect South Australia if—
  - (a) there is a Ministerial agreement with a Minister of the State or Territory that contemplates such action; and
  - (b) the action may be taken under the corresponding law or the Ministerial agreement at the request or with the approval of a South Australian officer.

## **7—Variation of regulation 16—Powers of South Australian officers under corresponding laws or Ministerial agreement**

Regulation 16—delete "the corresponding law or under the Ministerial agreement" and substituting:

a corresponding law or under a Ministerial agreement

## **8—Variation of heading to Part 4 Division 3**

Heading to Part 4 Division 3—delete "Northern Territory" and substitute:

**other jurisdictions**

## **9—Variation of regulation 22—Transport to other jurisdictions of persons with apparent mental illness**

Regulation 22(5), definition of *interstate authorised health professional*—delete "the corresponding law" and substitute:

a corresponding law

## **10—Variation of regulation 25—Transport to South Australia of person with apparent mental illness**

Regulation 25(1)(a)—delete "the corresponding law" and substitute:

a corresponding law

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 9 April 2009

No 30 of 2009

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