



Queensland

Mental Health Act 2000

Mental Health Regulation 2002

Reprinted as in force on 1 July 2011

Reprint No. 1B

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Information about this reprint

This regulation is reprinted as at 1 July 2011. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

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Mental Health Regulation 2002

[as amended by all amendments that commenced on or before 1 July 2011]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Mental Health Regulation 2002*.

2 Commencement

This regulation commences on 28 February 2002.

Part 2 Record keeping

3 Record about particular persons

- (1) The administrator of an authorised mental health service must keep a record for each of the following persons—
 - (a) an involuntary patient of the health service;
 - (b) a person ordered to be detained in the health service, under section 101(2), 273(1)(b), 337(6) or 424(2)(b) of the Act;
 - (c) a person detained in the health service under section 309B of the Act.
- (2) A clinical file kept at an authorised mental health service for a person is not a record for subsection (1).

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4 Information for record

- (1) The record for the person must contain the following information—
 - (a) the person's name and date of birth, if known;
 - (b) the day the person became an involuntary patient, or was detained in the health service;
 - (c) if the health service consists of more than 1 facility—details of the facility in which the person is detained;
 - (d) if the person is moved from 1 facility in the health service to another facility in the health service—the day the person is moved;
 - (e) if the director, tribunal or Mental Health Court makes an order for the person's transfer from the health service to another authorised mental health service or the forensic disability service—the day the order is made;
 - (f) if the person is moved from the health service to another authorised mental health service or the forensic disability service under an order mentioned in paragraph (e)—the day the person is moved;
 - (g) if limited community treatment is approved, authorised or ordered for the person under section 129, 191(2)(b)(i), 203(2)(a) or (b), 275, 289(1)(a) or (b) of the Act—the day the treatment is approved, authorised or ordered;
 - (h) if the director approves the person's absence from the health service under section 186 of the Act—the approved period of absence and the conditions, if any, under the approval;
 - (i) if an authorised doctor gives the person a notice under section 507 of the Act requiring the person to return to an authorised mental health service—the day the doctor issues the notice;

- (j) if the tribunal grants an application for an approval to move the person out of Queensland—the day the tribunal grants the application;
- (k) the day the person ceases to be an involuntary patient, or otherwise detained, in the health service and the reason for the ceasing.

Examples of reasons for the ceasing—

- 1 The assessment period for the person ends and no involuntary treatment order is made.
 - 2 The person is transferred to another authorised mental health service or the forensic disability service.
- (2) Also, the record must contain details of any decision or order made under the Act about a prescribed matter for the person, including, for example, the following details—
 - (a) the entity that made the decision or order;
 - (b) the day the decision or order was made;
 - (c) the conditions, if any, of the decision or order;
 - (d) if the conditions are changed—the day of the change;
 - (e) the day the decision or order ceases to have effect.
 - (3) In subsection (2)—

prescribed matter, for a person, means any of the following matters—

- (a) the person's detention in the health service under an emergency examination order;
- (b) the person's detention, under chapter 2, part 4 of the Act, for assessment in the health service;
- (c) the person's detention in the health service under section 101(2), 273(1)(b), 337(6) or 424(2)(b) of the Act;
- (d) the person's status as a classified or forensic patient;
- (e) the person's treatment under an involuntary treatment order, including the category of the order;

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- (f) the application of chapter 7, part 2 of the Act to the person.

5 Record about seclusion of patients

- (1) The administrator of an authorised mental health service must keep a record about each patient authorised under section 150 of the Act to be kept in seclusion in the health service.
- (2) The record must contain the following information—
 - (a) the patient's name and date of birth, if known;
 - (b) the name of the person who authorised seclusion and whether the person is a doctor or a senior registered nurse on duty;
 - (c) the day and time seclusion was authorised;
 - (d) for seclusion authorised by a doctor—
 - (i) whether, during seclusion, the patient was to be observed continuously or at intervals; and
 - (ii) if the patient was to be observed at intervals—the intervals;
 - (e) if an order for seclusion states that a senior registered nurse is authorised to release a patient from, or return a patient to, seclusion—
 - (i) the name of the nurse who released the patient from, or returned the patient to, seclusion; and
 - (ii) the day and time the nurse released or returned the patient;
 - (f) the day and time seclusion ended.
- (3) A clinical file kept at an authorised mental health service for a patient is not a record for subsection (1).

Part 3 Miscellaneous

6 Corresponding laws

For the Act, definition *corresponding law*, a law mentioned in the schedule is a corresponding law.

Editor's note—

For the definition *corresponding law*, see schedule 2 of the Act.

Schedule

Corresponding laws

section 6

Criminal Justice (Mental Impairment) Act 1999 (Tas)

Criminal Law Consolidation Act 1935 (SA)

Criminal Law (Mentally Impaired Defendants) Act 1996
(WA)

Mental Health Act 1986 (Vic)

Mental Health Act 1990 (NSW)

Mental Health Act 1993 (SA)

Mental Health Act 1996 (Tas)

Mental Health Act 1996 (WA)

Mental Health and Related Services Act 1998 (NT)

Mental Health (Treatment and Care) Act 1994 (ACT)

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2011. Future amendments of the Mental Health Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
0A	none	28 February 2002	28 February 2002
1	none	28 February 2002	18 March 2002
1A	2002 SL No. 52	28 March 2002	5 April 2002

Reprint No.	Amendments included	Effective	Notes
1B	2011 Act No. 13	1 July 2011	

5 List of legislation

Mental Health Regulation 2002 SL No. 28

made by the Governor in Council on 21 February 2002

notfd gaz 22 February 2002 pp 752–3

ss 1–2 commenced on date of notification

remaining provisions commenced 28 February 2002 (see s 2)

exp 1 September 2012 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Mental Health Amendment Regulation (No. 1) 2002 SL No. 52

notfd gaz 28 March 2002 pp 1177–8

commenced on date of notification

Forensic Disability Act 2011 No. 13 ch 1 pt 1, s 270 sch 2 pt 2

date of assent 19 May 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2011 (2011 SL No. 121 item 1)

6 List of annotations

Record about particular persons

s 3 amd 2002 SL No. 52 s 3; 2011 Act No. 13 s 270 sch 2 pt 2

Information for record

s 4 amd 2002 SL No. 52 s 4; 2011 Act No. 13 s 270 sch 2 pt 2

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