

Queensland



Subordinate Legislation 2002 No. 28

Mental Health Act 2000

MENTAL HEALTH REGULATION 2002

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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(5) or 424(2)(b) of the Act.

(2) A clinical file kept at an authorised mental health service for a person is not a record for subsection (1).

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 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;
- (f) 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;
- (g) 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;
- (h) if the tribunal grants an application for an approval to move the person out of Queensland—the day the tribunal grants the application;
- (i) 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 paragraph (i)—

1. Assessment period ends and no involuntary treatment order is made.
2. The person is transferred to another authorised mental health 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, for assessment in the health service;

- (c) the person's detention in the health service under section 101(2), 273(1)(b), 337(5) 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;
- (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”,¹ a law mentioned in the schedule is a corresponding law.

¹ 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. Made by the Governor in Council on 21 February 2002.
2. Notified in the gazette on 22 February 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.