

# **Mental Health Regulation 2017**

Explanatory notes for SL 2017 No. 16

made under the

*Mental Health Act 2016*

## **General Outline**

### **Short title**

*Mental Health Regulation 2017*

### **Authorising law**

Section 800 of the *Mental Health Act 2016*

### **Policy objectives and the reasons for them**

The objective of the regulation is to support the *Mental Health Act 2016* by defining two terms for use under the Act, and making consequential amendments to other regulations.

### **Achievement of policy objectives**

The regulation defines ‘corresponding law’ to enable provisions that relate to interstate matters to be effectively applied, for example, for the interstate transfer of patients and for apprehending persons who have absconded from other States.

The regulation also expands on the definition of ‘psychiatrist’ under the *Mental Health Act 2016* to cover other ancillary registrant categories.

The regulation makes consequential amendments to other regulations that are required as a result of the commencement of the *Mental Health Act 2016*.

### **Consistency with policy objectives of authorising law**

The regulation is consistent with the policy objectives of the Act.

### **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

### **Alternative ways of achieving policy objectives**

There is no alternative way of achieving the policy objectives.

### **Benefits and costs of implementation**

The costs of the implementation of the proposals will be met within existing budgets.

## **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles.

## **Consultation**

Extensive consultation was undertaken in the development of the *Mental Health Act 2016*.

## **Notes on provisions**

*Clause 1* provides the short title of the regulation.

*Clause 2* states that the regulation commences on 5 March 2017, at the same time as the *Mental Health Act 2016*.

*Clause 3* defines 'corresponding law' for the purposes of the Act by reference to Schedule 1. This supports the interstate transfer and transport of patients.

*Clause 4* expands the definition of 'psychiatrist' under the Act by including registrants with limited registration to practise in an area of need or to undertake postgraduate training or supervised practice in psychiatry, and provisional registrants who practise psychiatry.

*Clause 5* makes consequential amendments to other regulations as outlined in Schedule 2.