



Mental Health Act 2000

Mental Health Regulation 2002

Current as at 6 November 2015

Reprint note

This is the last reprint before lapse. Lapsed on 5 March 2017 by 2016 Act No. 5 s 801.



Queensland

Mental Health Regulation 2002

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Mental Health Regulation 2002

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).

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;
- (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 162L 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.

Schedule

Corresponding laws

section 6

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)

Mental Health Act 2014 (Vic)

Mental Health Act 2007 (NSW)

Mental Health Act 2009 (SA)

Mental Health Act 2013 (Tas)

Mental Health Act 1996 (WA)

Mental Health and Related Services Act 1998 (NT)

Mental Health (Forensic Provisions) Act 1990 (NSW)

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

1 Index to endnotes

- 2 Key
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2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum m	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

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

Reprint No.	Amendments to	Effective	Reprint date
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	

Current as at	Amendments included	Notes
6 November 2015	2015 SL No. 154	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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)
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)

Health Legislation Amendment Regulation (No. 3) 2015 SL No. 154 s 1, pt 4

notfd <www.legislation.qld.gov.au> 6 November 2015
commenced on date of notification

5 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

Record about seclusion of patients

s 5 amd 2015 SL No. 154 s 14

SCHEDULE—CORRESPONDING LAWS

amd 2015 SL No. 154 s 15

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