



Queensland

# Mental Health (Transitional) Regulation 2017

## Subordinate Legislation 2017 No. 17

made under the

*Mental Health Act 2016*

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**1 Short title**

This regulation may be cited as the *Mental Health (Transitional) Regulation 2017*.

**2 Commencement**

This regulation commences on 5 March 2017.

**3 Declaration that regulation is a transitional regulation—Act, s 864**

This regulation is a transitional regulation.

*Note—*

Under section 864(4) of the Act, this regulation expires on 5 March 2018.

**4 Person subject to multiple forensic orders (mental health)**

- (1) This section applies if, immediately before the commencement of the Act, a person is subject to 2 or more forensic orders (mental health) of the type mentioned in section 836(2) of the Act.
- (2) When the first review, under chapter 12 of the Act, of 1 of the orders is heard by the tribunal, the tribunal must—
  - (a) conduct the review as a periodic review, under chapter 12 of the Act, of all of the orders as if they were a single forensic order (mental health); and
  - (b) in exercising the powers of the tribunal under chapter 12, part 3 of the Act, combine all of the orders into a single forensic order (mental health).
- (3) This section does not limit section 839 or 851 of the Act or the powers of the tribunal under chapter 12, part 3 of the Act.

**5 Person subject to multiple forensic orders (disability)**

- (1) This section applies if, immediately before the commencement of the Act, a person is subject to 2 or more

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forensic orders (disability) of the type mentioned in section 837(2) of the Act.

- (2) When the first review, under chapter 12 of the Act, of 1 of the orders is heard by the tribunal, the tribunal must—
  - (a) conduct the review as a periodic review, under chapter 12 of the Act, of all of the orders as if they were a single forensic order (disability); and
  - (b) in exercising the powers of the tribunal under chapter 12, part 3 of the Act, combine all of the orders into a single forensic order (disability).
- (3) This section does not limit section 839 or 851 of the Act or the powers of the tribunal under chapter 12, part 3 of the Act.

## 6 Continuation of interstate agreements

- (1) An interstate agreement in force immediately before the commencement of the Act continues in force for—
  - (a) the purpose of a corresponding law; and
  - (b) the period the agreement would have been in force if the repealed Act had not been repealed.
- (2) In this section—

*corresponding law* means each of the following—

- *Mental Health Act 2015 (ACT)*
- *Mental Health Act 2007 (NSW)*
- *Mental Health Act 2014 (Vic)*.

*interstate agreement* means an interstate agreement entered into under the repealed *Mental Health Act 2000*, section 176.

ENDNOTES

- 1 Made by the Governor in Council on 23 February 2017.
- 2 Notified on the Queensland legislation website on 24 February 2017.
- 3 The administering agency is Queensland Health.

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