

Queensland



Mental Health Act 1974

MENTAL HEALTH REGULATION 1985

**Reprinted as in force on 28 February 2002
(includes amendments up to SL No. 276 of 2001)**

This is the reprint current on the repeal date

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Information about this reprint

This regulation is reprinted as at 28 February 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

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

Also see endnotes for information about—

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

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MENTAL HEALTH REGULATION 1985

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MENTAL HEALTH REGULATION 1985

[as amended by all amendments that commenced on or before 28 February 2002]

PART 1—PRELIMINARY PROVISIONS

Short title

1. This regulation may be cited as the *Mental Health Regulation 1985*.

Definitions

4. In this regulation—

“**centre director**” means the officer in charge, by whatever name called, of a training centre, including a community villa or residential centre for the intellectually handicapped.

“**chairperson**” means the chairperson of a Tribunal.

“**designated psychiatric facility**” means a hospital stated in schedule 7.

“**hospital patient**”, when used in relation to a public hospital or psychiatric hospital, means a person—

- (a) who, at the material time, is attending that hospital whether as an in-patient, a day patient, an outpatient or a casualty clinic attendee; or
- (b) in respect of whom an application for admission to hospital under section 18 of the Act is, at the material time, in the hands of the hospital administrator in question.

“**hospital traffic sign**” means any sign or notice of whatever material and whether fixed or movable, including a sign or notice painted on any building, roadway or footpath, within any hospital grounds within the meaning of section 64 of the Act, which sign or notice—

- (a) indicates where or at what times the parking of vehicles within the hospital grounds is authorised; or

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- (b) indicates where or at what times the parking of vehicles within the hospital grounds is prohibited; or
- (c) defines spaces within the hospital grounds which are reserved or set aside solely for the parking of vehicles owned or driven by a class of persons; or
- (d) defines spaces within the hospital grounds which are reserved or set aside solely for the purpose of the parking or loading and unloading of ambulance vehicles; or
- (e) defines loading zones and vehicle stands within the hospital grounds; or
- (f) otherwise relates to the manner in which or the time at which vehicles may be driven, used or parked within the hospital grounds.

“liquor” has the meaning given in the *Liquor Act 1992*.

“litter” includes any kind of rubbish, refuse or garbage, and any matter that, when on hospital grounds within the meaning of section 64 of the Act, causes, contributes to, or leads to the defacement or defilement of the hospital grounds.

“medical superintendent” includes—

- (a) in relation to—
 - (i) a hospital that contains a psychiatric unit—the psychiatrist for the time being in charge of the treatment of patients in that unit;
 - (ii) a patient in a private hospital—the psychiatrist in charge of the treatment of that patient;
 - (iii) a hospital other than one specified in subparagraph (i) or (ii), where there is no medical superintendent—the person charged with the treatment of patients in that hospital;
- (b) in relation to any hospital specified in paragraph (a)—the psychiatrist, medical director or person who is on duty therein at the material time.

“principal nurse”, in relation to—

- (a) a hospital that contains a psychiatric unit—means the senior

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member of the nursing staff for the time being in charge of the nursing staff of that unit;

- (b) a public hospital that does not contain a psychiatric unit—means the nursing superintendent of that hospital;
- (c) a private hospital—means the nursing superintendent or person by whatever name called holding an office indicating that that person is the senior member of the nursing staff of that hospital;
- (d) a psychiatric hospital—means the person appointed as such or person by whatever name called holding an office indicating that that person is the senior member of the nursing staff of that hospital;
- (e) a hospital specified in paragraph (a), (b), (c) or (d)—means the senior member of the nursing staff who is on duty therein at the material time.

“psychiatric unit” means a ward or part thereof or a group of wards of a public hospital declared by the hospital administrator of that hospital as being for the treatment of patients.

“psychologist” means a psychologist within the meaning of that term in section 4 of the *Psychologists Act 1977*.

“restraint” means prevention of the free movement of the body or a limb by mechanical means to protect other persons in the case of violence, but does not include prevention of free movement in the course of or following medical, nursing or psychological procedures for the care of physically ill or infirm patients or for the prevention of self injury.

“seclusion” means confinement alone in any locked room or area during the hours of the day when the patient would ordinarily be allowed to associate freely with other patients, but does not include the procedure known as ‘time out’ as part of a behavioural program in respect of a patient or resident and prescribed by a psychologist or medical practitioner and authorised by a medical superintendent, or a psychiatrist or, as the case may be, centre director for the purposes of psychological intervention in response to disruptive or unacceptable behaviour.

“secretary” means a person appointed under the Act as secretary to a Tribunal.

“security officer” means a person who has been authorised by the manager of a hospital to be responsible for, and to provide and maintain security at, a hospital.

Forms

5.(1) If a provision of the Act or this regulation requires or permits a person to use a prescribed or approved form—

- (a) the chief executive must approve a form for the purpose of the provision; and
- (b) the form approved by the chief executive is the prescribed or approved form for the purpose of the provision.

(2) A person may ask the chief executive for a document setting out the approved form.

(3) The chief executive must promptly comply with the request.

Mode of service of documents

7.(1) Any notice, requisition, summons or other document or writing required or authorised by or under this regulation to be given to or served on a person shall be duly given or served if—

- (a) it is served personally on the person to whom it is directed;
- (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives it;
- (c) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives it;
- (d) where it is addressed to the chief executive or Director—it is left with some person at the person’s office or forwarded to the chief executive or Director by post.

(2) A person who effects service of a document or writing in accordance with this section shall endorse on a copy thereof a memorandum of such service indicating the place, time, date and mode of service.

Cessation of certain psychiatric hospitals and training centres

7A.(1) The psychiatric hospitals mentioned in schedule 1, part 1 cease to be psychiatric hospitals.

(2) The training centres mentioned in schedule 1, part 2 cease to be training centres.

Establishment of psychiatric hospitals, security patients' hospitals, training centres and other places

7B. The following are established under section 16(1) of the Act—

- (a) the psychiatric hospitals mentioned in schedule 2;
- (b) the security patients' hospitals mentioned in schedule 3;
- (c) the places mentioned in schedule 4;
- (d) the training centres mentioned in schedule 5.

Certain hospitals to be operative as designated psychiatric facility only after gazette notice

7C.(1) This section applies to Maryborough Hospital and Redland Hospital.

(2) Even though a hospital mentioned in subsection (1) appears as a designated psychiatric facility in schedule 7, it is not a designated psychiatric facility until the Minister, by gazette notice, declares it to be operative as a designated psychiatric facility.

Parts of certain designated psychiatric facilities to be operative as designated psychiatric facilities only after gazette notice

7D.(1) This section applies to the following units that, in schedule 7, are included as part of a designated psychiatric facility—

- (a) the acquired brain injury unit at Bald Hills Hospital;
- (b) the psychogeriatric unit at Moreton Bay Nursing Care Unit;

- (c) the psychogeriatric unit at Nambour Nursing Home;¹
- (d) the psychogeriatric unit at Redcliffe Hospital;²
- (e) the acquired brain injury unit at Casuarina Lodge, Wynnum West.

(2) Even though a unit is included as part of a designated psychiatric facility in schedule 7, the unit is not included in the facility as stated in the schedule until the Minister, by gazette notice, declares the unit to be operative as part of the designated psychiatric facility.

PART 2—PERSONS ADMINISTERING THE ACT

Authorised persons

8.(1) Each of the following persons is an authorised person for the purposes of the Act—

- (a) a person appointed as an authorised person by the Minister;
- (b) a person appointed as an authorised person with respect to a particular patient by—
 - (i) the Supreme Court;
 - (ii) a Tribunal;
 - (iii) the Director;
- (c) with respect to a hospital patient of a public hospital—
 - (i) the nurse in charge of that hospital;
 - (ii) the nurse in charge of a psychiatric unit of that hospital;
 - (iii) another person appointed by the hospital administrator of that hospital;

¹ The unit was previously known as the psychogeriatric extended treatment unit at Nambour Nursing Home.

² The unit was previously known as the psychogeriatric extended treatment unit at Redcliffe Hospital.

- (d) with respect to a hospital patient of a psychiatric hospital—
 - (i) the nurse in charge of that hospital;
 - (ii) another person appointed by the Director;
- (e) a justice of the peace or a minister of religion, when a relative of the patient is not readily available and willing to act.

(2) A person who is appointed as a designated authorised person is not by virtue of that appointment alone an authorised person.

(3) A hospital administrator who appoints a person as an authorised person pursuant to subsection (1)(c)(iii) shall forthwith notify the Director thereof in writing.

(4) Notwithstanding subsections (1) to (3)—

- (a) a patient;
- (b) a person who is a protected person within the meaning of the *Public Trustee Act 1978*;

shall not be appointed or act as an authorised person.

Lapse of appointment of authorised person or designated authorised person

9.(1) The appointment of a person as an authorised person in accordance with a request purporting to be made by or on behalf of an organisation that employs that person shall lapse—

- (a) upon the expiration of the date immediately preceding the date on which that person ceases to be so employed; or
- (b) in the case of a person who has ceased to be so employed immediately preceding the date of the commencement of this regulation—upon the date of such commencement.

(1A) For the purposes of subsection (1)—

“organisation” means a society, institution, undertaking or body by whatever name called whether incorporate or unincorporate and includes a department of the Government of the State or of the Commonwealth or of a local government, or a private hospital.

(2) The appointment of a designated authorised person shall lapse upon

the expiration of the date on which the purpose for which the person's appointment as a designated authorised person was made ceases to be relevant for the purpose of section 25 of the Act.

Hospital administrator

10. The hospital administrator with respect to any hospital or institution set forth in this regulation is the holder of the office specified in relation to that hospital or institution, that is to say in the case of—

- (a) a psychiatric hospital—the manager thereof;
- (b) a security patients' hospital under section 16 of the Act—the manager thereof;
- (c) another place established under section 16 of the Act—the manager of the place.

Training centre administrator

11. The training centre administrator with respect to a training centre set forth in this regulation is the holder of the office specified in relation to that training centre, that is to say—

- (a) where a manager is appointed to a training centre, a community villa, a residential centre or a regional service for the intellectually handicapped—that officer;
- (b) where no manager is appointed—an officer of the public service employed therein, nominated by the Director of Intellectual Handicap Services and approved by the chief executive, Department of Health.

Functions, powers and duties of official visitor

12.(1) An official visitor, on or in respect of every visit to a hospital or training centre—

- (a) shall enter in a book or like record called the official visitors' book the fact of the official visitor's visit with such observations and other comments as the official visitor thinks fit;

- (b) shall inspect the several registers, books and records prescribed by the Act to be kept by the hospital administrator or training centre administrator including, but without limiting the generality of this paragraph, the medical recommendation and application for admission with respect to a regulated patient;
- (c) may require the hospital administrator or, as the case may be, training centre administrator to show the official visitor every part thereof and every patient or, as the case may be, resident therein;
- (d) may by notice in the approved form request that a person assist the official visitor in any inquiry concerning the detention of or treatment to a patient by answering questions put by the official visitor to such person and by producing such books, documents or writings in such person's custody or control as are specified in the notice.

(2) A person who receives a notice in the approved form and who wilfully furnishes information of any kind that is to the person's knowledge false or misleading to an official visitor commits an offence against this regulation.

Maximum penalty—4 penalty units.

Duties of hospital administrator or training centre administrator with respect to official visitor

13. The hospital administrator or training centre administrator—

- (a) shall produce or cause to be produced to an official visitor such registers, books and records and such orders and other documents and writings as the official visitor requires and in respect of such patients or, as the case may be, residents as the official visitor specifies;
- (b) shall when requested to by an official visitor direct any person under his or her control, supervision or direction who has received a notice in the approved form to assist such official visitor in the official visitor's inquiry;
- (c) save in the case of a visit by an official visitor under the direction of the Minister or the chief executive shall—

- (i) in the case of a visit to a hospital—forward to the Director;
- (ii) in the case of a visit to a training centre—forward to the Director of Intellectual Handicap Services;

a true copy of every entry made by an official visitor in the official visitors' book and every such copy upon its receipt by the Director or, as the case may be, Director of Intellectual Handicap Services shall constitute a report by the official visitor in every case where a report is not furnished to the Director or, as the case may be, Director of Intellectual Handicap Services by the official visitor in respect of the visit to which the entry refers.

PART 3—ADMISSION AND DETENTION OF PATIENTS GENERALLY AND THEIR REMOVAL TO PLACES OF SAFETY

Requirements as to additional notices

14.(1) Without prejudicing, limiting or derogating from the requirements of the Act as to the giving of notices to patients by him or her, the hospital administrator of a designated psychiatric facility where patients are admitted or detained under the Act shall cause 1 or more than 1 notice setting forth the information concerning the matters specified in section 15 to be given and displayed in such manner and at such locations as to ensure that every patient, unless prevented by unusual circumstances, has an opportunity to peruse a copy of the notice on at least 1 occasion during each day without having to request access thereto.

(1A) In addition to the giving and display of notices in accordance with subsection (1), the hospital administrator in question may issue or cause to be issued for the information of patients, their relatives or other interested persons a brochure or some other printed matter contained information as to and explanations of the relevant provisions of the Act.

(2) A notice in accordance with subsection (1)—

- (a) shall be written in legible characters and expressed in the English language;

- (b) may include additional statements in such language or languages as the hospital administrator thinks fit advising patients with respect to—
 - (i) the procedure for obtaining the services of a translator in respect of a specified language to assist them in reading the notice; and
 - (ii) the procedure for perusing a written translation in a specified language of the matters referred to in the notice.

Matters to be contained in notice

15. A notice given and displayed in accordance with section 14 shall contain information with respect to the following matters—

- (a) the provisions of the Act relating to—
 - (i) the admission and detention of a patient;
 - (ii) the circumstances under and the procedure by which an application may be made to a Tribunal;
 - (iii) the procedure by which a patient may be discharged from detention;
 - (iv) the functions, powers and duties of an official visitor in respect of patients including, but without limiting the generality of this subparagraph, the right of a patient to access to an official visitor in person or by writing;
 - (v) the circumstances under which the Public Trustee may manage or cease to manage the estate of a patient;
 - (vi) visits to and examinations of a patient by a private medical practitioner or mental health professional;
 - (vii) restricted patients;
- (b) the right of a patient to communicate with the patient's legal adviser or an organisation that provides legal aid to eligible persons;
- (c) the address and telephone number of at least 1 organisation referred to in paragraph (b).

Additional requirements re informal admissions

16.(1) The hospital administrator, with respect to the informal admission of a patient pursuant to section 17 of the Act and without limiting the generality of the arrangements that may be made or required in connection therewith, may, if the hospital administrator considers it necessary, require the production to the hospital administrator of all or any of the following documents—

- (a) a request in writing for admission signed by the patient or a relative;
- (b) a report in writing with respect to the case signed by a medical practitioner or another person who, the hospital administrator considers, is competent to assess whether or not the admission is desirable;
- (c) an undertaking in writing, signed by a relative or another person that he or she will care for the patient where the hospital administrator at any time considers that the patient should no longer remain in the hospital but should be discharged;
- (d) a consent in writing signed by the patient or the patient's guardian that the patient will undergo all treatments, educational programs or excursions found to be necessary consequent upon the patient's admission.

(2) The production of a document in compliance with this regulation does not by reason only thereof render the patient liable to detention under the Act.

Duty of medical practitioner who gives second recommendation under s 21(1) of the Act

17. A medical practitioner who gives a second recommendation under section 21(1) of the Act shall—

- (a) where possible inform the patient concerned that the patient's detention has been renewed for a period not exceeding 21 days from the date of the patient's admission;
- (b) enter in the patient's medical records the fact that the patient was

so informed or, where the patient was not so informed, the reasons therefor.

Duty of psychiatrist who furnishes report under s 21(4) of the Act

18. A psychiatrist who furnishes to a hospital administrator a report under section 21(4) of the Act shall, where possible, inform the patient concerned that—

- (a) the patient's liability to detention is to be renewed for the period specified in that report;
- (b) the patient will be informed in writing of the authority for renewal of detention;
- (c) the hospital administrator is required to make forthwith an application to the Tribunal to review the detention;
- (d) the patient or a relative, or another person by leave of a Tribunal may apply to a Tribunal for the patient's discharge once during a period of detention authorised under section 21(3) of the Act.

Form of notice of renewal of detention

19. A renewal of a period of detention of a patient pursuant to sections 21(4) and 21(5) of the Act shall be notified in the approved form to the patient and all other persons prescribed for the purpose.

Form of recommendation by medical practitioner

20. A recommendation by a medical practitioner for the purpose of the admission of a patient to a hospital or the detention of a patient for a period of 21 days from the date of the patient's admission pursuant to of part 3, division 2 of the Act shall be given in the approved form.

Person prescribed for purposes of s 27(3) of the Act and time prescribed for the purposes of ss 29A(8), 30(2), 31(7) and 38(5) of the Act

21.(1) A person prescribed for the purposes of the exercise of the power conferred by section 27(3) of the Act to convey a person from one place of

safety to another and referred to in section 27(3A)(c) shall be—

- (a) a member of the nursing staff of the place of safety in question;
- (b) an authorised person.

(2) The time prescribed for the purposes of sections 29A(8), 30(2), 31(7) and 38(5) of the Act within which the psychiatrist who examines the patient is required to report to the Director shall be 21 days after the date on which the Director completes a notice in the approved form.

PART 4—PATIENTS CONCERNED IN CRIMINAL AND LIKE PROCEEDINGS

Hospitals to which defendant may be admitted upon order under s 29A of the Act

22.(1) An order made by justices under section 29A(2) of the Act may authorise the admission of the defendant to any of the following hospitals—

- (a) the public hospitals located in the following local government areas—
 - (i) Toowoomba;
 - (ii) Gold Coast;
 - (iii) Bundaberg;
 - (iv) Rockhampton;
 - (v) Townsville;
 - (vi) Cairns;
 - (vii) Mackay;
 - (viii) Mt. Isa;
 - (ix) Nambour;
 - (x) Logan;
 - (xi) Caboolture;

- (xii) Ipswich;
- (xiii) Maryborough;
- (xiv) Redland;
- (b) the public hospitals at Brisbane set out hereunder—
 - (i) Prince Charles;
 - (ii) Princess Alexandra;
 - (iii) Royal Brisbane;
- (d) the hospitals established or deemed to be established under section 16 of the Act set out hereunder—
 - (i) Baillie Henderson Hospital, Toowoomba;
 - (ii) Mosman Hall Hospital, Charters Towers;
 - (iv) Wolston Park Hospital, Wacol.

(2) However, until the Minister has, under section 7C, declared Maryborough Hospital operative as a designated psychiatric facility, an order mentioned in subsection (1) may not authorise the admission of a defendant to the hospital.

(3) In this section—

“local government areas” means the parts of the State declared to be local government areas under the *Local Government Act 1993*.

Applications and medical recommendations under s 31 of the Act

23. An application for the removal of a person to whom section 31(1) of the Act refers from the person’s place of custody and the person’s admission to a security patients’ hospital for treatment for mental illness and the written recommendation of a medical practitioner or psychiatrist upon which that application is founded must be in the approved form and the particulars or other matters required to be inserted in completing each of those forms shall, upon such insertion, be taken to be the conditions and requirements referred to in section 31(2A) of the Act and until other conditions and requirements are prescribed, particulars or other matters so inserted shall be the prescribed conditions and requirements for the purposes of that subsection.

Information to be given to person detained under part 4 of the Act

24. The psychiatrist in charge of the treatment of a person detained under part 4 of the Act shall ensure as far as is practicable that the person is at all times kept informed of—

- (a) the matters specified in section 18, subject to all necessary adaptations;
- (b) any change in the circumstances of the person's detention;
- (c) the person's rights under the Act with respect to the person's detention.

Grant of leave of absence by Director

25.(1) Subject to the Act, the Director, with the approval of the Minister, may grant leave of absence from time to time to a person charged with an indictable offence—

- (a) who has been admitted to a hospital for treatment of mental illness under section 29B, 29C, 31, 32 or 43 of the Act; and
- (b) in respect of whom the Governor in Council has not ordered that the patient—
 - (i) be not further proceeded against for the offence; or
 - (ii) be tried for the offence with which the person is charged.

(2) Where the patient was removed from a prison under section 43 of the Act, the Director shall not grant leave of absence under subsection (1) without the concurrence of the chief executive of the Commission.

Power of Director to revoke leave of absence

26.(1) The Director, at any time if the Director thinks fit, may revoke leave of absence granted to a person under this part and in force at the material time.

(2) Notice in writing of a revocation of leave of absence by the Director shall be given forthwith to—

- (a) the officer in charge of the police district in which it is believed the person resides or was last known to have resided;

- (b) such other police officers as the Director thinks fit;
- and thereupon the person whose leave of absence has been revoked may be taken into custody by a police officer and—
- (c) returned to the hospital from which the person was granted leave of absence; or
 - (d) with the authority of the Director, removed to some other hospital.

Person on leave deemed in legal custody of hospital administrator

27. A person, while on leave of absence granted under this part, shall be deemed at all times during such leave of absence to be in the legal custody of the hospital administrator of the hospital from which the person was granted such leave.

PART 5—RECORDS AND REGISTERS OF PATIENTS LIABLE TO BE DETAINED

Endorsement by hospital administrator on hospital records of restricted patient

28. The hospital administrator shall—

- (a) cause the hospital records of a patient—
 - (i) determined to be a restricted patient under section 50 and 21 or 29A of the Act, to be endorsed with the words ‘Restricted patient section 50 and 21/29A. Not to be discharged, transferred or granted leave without the written consent of the Director’;
 - (ii) deemed to be or treated as a restricted patient under part 4 of the Act, to be endorsed with the words ‘Restricted patient part 4. Not to be discharged, transferred or granted leave without the written consent of the Patient Review Tribunal or the Director’;

- (b) when the patient ceases to be a restricted patient, cause the endorsement made under paragraph (a) to be deleted from the hospital records of the patient.

Form of restricted patients' register

29. The restricted patients' register for the purposes of the Act shall—

- (a) be in book form;
- (b) consist of 2 parts, of which—
 - (i) part 1 shall contain the prescribed particulars with respect to persons who are determined to be restricted patients under section 50 of the Act and persons treated as restricted patients under section 29A of the Act;
 - (ii) part 2 shall contain the prescribed particulars with respect to persons who are deemed to be or treated as restricted patients under part 4 of the Act;
- (c) contain with respect to each restricted patient the following particulars—
 - (i) his or her full name;
 - (ii) the date of and decision with respect to each review—
 - (A) of a determination made under section 50 of the Act;
 - (B) made under section 36 of the Act;
 - (iii) the name of the authority by whom the review is made;
 - (iv) in the front thereof, a list containing the names in alphabetical order of all restricted patients particulars of whom are entered therein;
- (d) provide therein sufficient space for each certificate of review by the official visitor to be entered.

Duty of official visitor upon review of restricted patients' register

30. The certificate of the official visitor in accordance with section 50(3A) of the Act that the official visitor has reviewed the restricted

patients' register shall be entered by the official visitor in the place provided therein for the purpose following each monthly visit by the official visitor to the hospital in question.

Register of patients in a designated psychiatric facility

32.(1) The hospital administrator of a designated psychiatric facility shall establish and thereafter maintain with respect to that facility a register called the register of patients liable to be detained and shall direct all staff under the hospital administrator's control, supervision or direction to record in that register the following particulars—

- (a) the full name and date of admission to the facility in question of the patient; as well as
- (b) in the case of each patient admitted in accordance with—
 - (i) section 21, 25 or 26 of the Act—the date of each extension of the authority to detain for a period of 3 months under section 21(3)(a) of the Act or for 12 months under section 21(3)(b) of the Act;
 - (ii) an order of the Mental Health Tribunal, of the Minister or of a court—the date of each review under section 36 of the Act of the patient's liability to be detained and particulars of the decision made thereon;
 - (iii) section 31 or 32 of the Act—the date of the application for the removal of the patient, the date of the recommendation of a medical practitioner on which that application is founded, and the date of each certificate or report by a psychiatrist under section 31(3) and (6) of the Act;
 - (iv) section 43 of the Act—the date of the application for the removal of the patient, the date of the recommendation of a medical practitioner on which that application is founded, and the date of each certificate or review of the patient's case under section 43(5) and (6C) of the Act.

(2) The hospital administrator of a designated psychiatric facility shall upon a request duly made in that behalf furnish to the Director at such times and in such manner as the Director determines such of the information

contained in the register as the Director requires either generally or in a particular case.

PART 6—PATIENT REVIEW TRIBUNALS

Patient review tribunal regions

32A.(1) For the purposes of section 14 of the Act,³ the State is divided into the regions mentioned in schedule 6,⁴ column 1.

(2) The area of each region mentioned in the schedule, column 1 is the same as the area of the health service districts declared under the *Health Services Act 1991* and mentioned in schedule 6, column 2 opposite its name.

Form of instruments in writing and notification re vacancy

33.(1) An instrument in writing to be used for a purpose related to the functions of a Tribunal shall be in one of the approved forms that is applicable to the particular purpose.

(2) Notwithstanding subsection (1), where if there is no form approved by the chief executive the form to be used shall be such as the chairperson of the Tribunal in question directs or approves.

(3) The notification in accordance with section 14(5B) of the Act by the Minister shall be in writing addressed to an association within the meaning of that section.

Notice of hearing of application

34. A notice signed by the chairperson or secretary to a Tribunal of the hearing of an application in respect of a patient shall be given to—

- (a) the applicant; and

³ Section 14 of the Act (Patient Review Tribunals)

⁴ Schedule 6 (Patient review tribunal regions)

- (b) the patient where the patient is not the applicant; and
- (c) the nearest relative where the applicant is a relative other than the nearest relative;

not less than 14 days or such shorter period as the chairperson directs or the applicant requests before the date fixed for the hearing.

Power of chairperson to issue summons to witness and examine on oath

35.(1) The chairperson of a Tribunal, may, in the approved form, issue the chairperson's summons directed to a person to attend before the Tribunal at a time and place named therein and then and there—

- (a) to give evidence touching the matters in question before the Tribunal; and
- (b) to produce such books, documents or writings in the person's custody or under the person's control as the person is required by the summons to produce.

(2) The chairperson of a Tribunal may, under and subject to the *Oaths Act 1867*, administer an oath to and examine on oath a person summonsed in accordance with subsection (1) or a person appearing as a witness or present at the place and time named in the summons, whether or not the person so appearing or present has been served with a summons specified in subsection (1).

(3) A person served with a summons issued in accordance with subsection (1) who, having had paid or tendered to the person at the time of service of the summons the person's reasonable expenses not exceeding in any case those set forth in the *Magistrates Courts Rules 1960*—

- (a) fails to appear in obedience to the summons and having so failed to appear does not assign some reasonable excuse for such failure;
- (b) appears in obedience to the summons but refuses to produce such books, documents or writings in the person's custody or under the person's control as the person is required by the summons to produce or to be sworn or having been sworn refuses to be examined;

commits in respect of each such failure or refusal an offence against this regulation and is liable on summary conviction, on the complaint of the secretary to the Tribunal, to a maximum penalty of 4 penalty units.

General powers, authorities, duties and functions of Tribunal

36.(1) A Tribunal may—

- (a) dispose of any application, reference, inquiry or other matter before it with or without a formal hearing with respect thereto;
- (b) dismiss without a formal hearing an application before it that, in the opinion of the Tribunal, is frivolous or vexatious;
- (c) transfer to another Tribunal any application, reference, inquiry or other matter brought before it;
- (d) subject to subsection (4), upon application duly made in that behalf or of its own volition at any time and from time to time, adjourn any application, reference, inquiry or other matter before it;
- (e) order that a patient be medically examined by any specialist or other medical practitioner within the meaning of the *Medical Act 1939*.

(2) In determining in accordance with section 15(8)(c) of the Act whether legal representation is warranted for the purpose of assisting the applicant during the hearing of an application made by that person, the Tribunal in the exercise of the discretion conferred on it by that provision may have regard to—

- (a) the public interest generally;
- (b) the interests of the applicant;
- (c) the nature and extent of the legal representation sought;
- (d) whether or not—
 - (i) the allowance of legal representation to the applicant would—
 - (A) assist the Tribunal in the performance of its functions and duties;

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- (B) further the applicant's interests;
- (ii) the lack of legal representation would adversely affect the applicant's interests;
- (iii) the interests of the applicant would best be served by legal representation limited to a watching brief as determined by the Tribunal;
- (e) the functions and duties of the Tribunal under the Act with respect to the application;
- (f) the effect that the allowance of legal representation to the applicant may have on the rights of other persons appearing before the Tribunal;
- (g) the fact that the Tribunal's functions on the hearing of an application include a review of decisions made at a hospital and the gathering and sifting of material and information of a confidential nature;
- (h) the effect that the allowance of legal representation to the applicant may have on the relationship between the applicant and other persons including the medical practitioner, authorised person and relatives of the applicant;
- (i) the extent to which the Tribunal may be regarded as an administrative body as against a judicial body;
- (j) the objects and purposes of the Act generally.

(3) Any member or members of a Tribunal may at the direction of the Tribunal interview and, where so directed, examine in private a patient by or in respect of whom any application, reference, inquiry or other matter has been made to or is before the Tribunal.

(3A) The member or members directed under subsection (3) shall report to the Tribunal the result of every interview or examination carried out in accordance with such direction.

(4) Subject to the Act, a Tribunal or the chairperson thereof may adjourn the consideration of an application, reference, inquiry or other matter before it where it is deemed that further information is required to allow a decision to be made.

(5) Save where a Tribunal directs in a particular case that it is in the

public interest to do so, members of the public shall not be admitted to a hearing conducted by a Tribunal.

(6) Save with the authority of a Tribunal first had and obtained a person shall not publish in a newspaper or journal or otherwise howsoever a report of or any matter with respect to a proceeding or part of a proceeding that has been before that Tribunal or the name of a person concerned in such proceeding.

Maximum penalty for subsection (6)—4 penalty units.

(7) For section 15A(e) of the Act, the Attorney General is a prescribed person.

PART 7—ADMINISTRATION OF CERTAIN HOSPITALS

Application

37. This part applies to any psychiatric hospital, security patients' hospital or other place established or deemed to have been established under section 16 of the Act, in such part referred to as an “**establishment**”.

Duties and responsibilities of medical superintendent

38. Subject to the Act and the chief executive, a medical superintendent of an establishment—

- (a) is responsible for the treatment of patients therein;
- (b) has in that establishment the control, supervision and direction of—
 - (i) medical practitioners, psychologists, dentists, dispensers;
 - (ii) occupational therapists, physiotherapists, speech pathologists;
 - (iii) radiographers;
 - (iv) special teachers, social workers, social work associates, case

- aides;
 - (v) recreation officers;
 - (vi) nursing staff, but only in the case of those functions and duties that derive from medical authority;
 - (vii) the medical records section;
 - (viii) all other medical services;
 - (ix) undergraduate and postgraduate students;
 - (x) all other employees engaged in the treatment of patients and all visitors;
- (c) shall cause to be kept for and in respect of each ward therein a book or like record called the ward report book in such form and for such purposes as the chief executive determines.

Duties and responsibilities of manager

39. Subject to the Act and the chief executive, the manager of an establishment—

- (a) is responsible in that establishment for—
 - (i) the following branches or personnel thereof—
 - (A) accounts;
 - (B) correspondence and records;
 - (C) engineers;
 - (D) housekeeping and domestic activities;
 - (E) kitchen;
 - (F) laundry;
 - (G) storekeepers;
 - (H) artisans not otherwise specified;
 - (ii) other branches or personnel thereof not by this part made the responsibility of another person;
- (b) has in that establishment the duties and responsibilities of the

person in charge within the meaning of that term in sections 73, 74 to 76 of the Act.

Duties and responsibilities of principal nurse

40. Subject to the Act, the chief executive and to section 38(b)(vi), the principal nurse in an establishment—

- (a) has the direct control, supervision and direction of the nursing staff thereat;
- (b) shall ensure that each member of the nursing staff thereat executes efficiently at all times the respective functions and duties for which that member is responsible.

Duty to report absence without leave of patient

41.(1) A member of the nursing staff who acquires knowledge that a patient is absent without leave or otherwise contravenes section 47(1) of the Act shall forthwith report to the principal nurse the fact of such absence or other contravention.

(2) The member of the nursing staff for the time being in charge of the ward in which the patient was detained immediately prior to the commencement of the absence without leave or the commission of the other contravention of section 47(1) of the Act shall make in the ward report book an exact record setting forth the circumstances of such absence or other contravention.

Requirements in case of constant or continuous observation of patient

42.(1) A member of the nursing staff shall be assigned to watch every patient in an establishment who is required to be kept under constant or continuous observation.

(2) A member of the nursing staff so assigned—

- (a) shall not have assigned to him or her any duty save the observation of the patient;
- (b) shall not on any account allow the patient out of his or her sight;

- (c) shall, immediately upon the commencement of the special duty specified in this section, enter in the ward report book his or her name and the date and time of commencement of that special duty.

(3) A member of the nursing staff who relieves another such member who is on special duty within the meaning of this section shall enter in the ward report book his or her name and the date and the time of the period of relief.

Duty of nurse in charge with respect to observation of patient

43. The nurse in charge of a ward in an establishment shall deploy the nursing staff under his or her control in such manner as will ensure that the particular category of observation ordered by a medical practitioner with respect to a patient in that establishment is effected.

Chaplains

44.(1) The medical superintendent, by signed writing may authorise a person having appropriate qualifications to the medical superintendent's satisfaction to be a chaplain to an establishment.

(2) A person so authorised has in the hospital such freedom of movement and of communication with patients as the medical superintendent considers consistent with the welfare of patients and may, subject to the medical superintendent, participate in the treatment of patients.

PART 8—ADMINISTRATION OF TRAINING CENTRES

Application

45. This part applies to a training centre, including a community villa or residential centre for the intellectually handicapped established or deemed to have been established under section 16 of the Act, in such part referred to as an “**establishment**”.

Duties and responsibilities of centre director

46. Subject to the Act, the Director and of Intellectual Handicap Services, a centre director of an establishment—

- (a) is responsible for the care and training of residents therein;
- (b) has in that establishment the control, supervision and direction of—
 - (i) medical practitioners, psychologists, dentists, dispensers;
 - (ii) occupational therapists, physiotherapists, speech pathologists;
 - (iii) audiologists;
 - (iv) special teachers, social workers, social work associates, case aides;
 - (v) recreation officers;
 - (vi) residential care staff;
 - (vii) the clinical records section;
 - (viii) undergraduate and postgraduate students;
 - (ix) nurses;
 - (x) all other employees engaged in the treatment of residents and all visitors;
- (c) shall cause to be kept—
 - (i) for and in respect of that establishment or a part thereof books called residential report books in such form and number and for such purposes as the Director of Intellectual Handicap Services determines;
 - (ii) for and in respect of each individual resident therein such training and environment plans and in such form as the Director of Intellectual Handicap Services requires.

Duties and responsibilities of training centre administrator

47. Subject to the Act and the Director of Intellectual Handicap Services, the training centre administrator of an establishment—

- (a) is responsible for the direction, control and supervision of—
 - (i) the following branches or personnel thereof—
 - (A) accounts;
 - (B) correspondence and records;
 - (C) engineers;
 - (D) housekeeping and domestic activities;
 - (E) kitchen;
 - (F) laundry;
 - (G) storekeepers;
 - (H) artisans not otherwise specified;
 - (ii) other branches or personnel thereof not by this part made the responsibility of another person;
- (b) has in that establishment the duties and responsibilities of the person in charge within the meaning of that term in sections 73, 74 to 76 of the Act.

PART 9—GOVERNMENT OF CERTAIN HOSPITALS

Application

48.(1) Except where the contrary intention appears this part applies to any psychiatric hospital or security patients' hospital, or any other place (not being a training centre) established or deemed to be established under section 16 of the Act and for the purposes of this part a place to which this part applies is referred to as an “**establishment**”.

(2) Where the context permits, this part, other than section 56A shall have application to the land on which an establishment is situated including all land appurtenant thereto, and where the establishment is situated on a reserve within the meaning of the *Land Act 1962*, the whole of that reserve.

Searching

49.(1) Where in the opinion of the Director it is necessary for the proper security of a security patients' hospital so to do, the Director may make it a condition of entry of any person to the security patients' hospital that the person be searched for the purpose of ensuring that no dangerous article or thing is introduced into the security patients' hospital by that person.

(2) For the purpose of subsection (1) a search may consist of such of the following as in the opinion of the Director the circumstances may reasonably require—

- (a) a visual and electronic inspection by persons nominated by the medical superintendent and carried out by means of an electronic scanning device passed within close proximity to the person and any article or thing in the person's possession;
- (b) a body search carried out under the direction of the medical superintendent or deputy medical superintendent and performed by 2 nursing officers of the same sex as the person being searched, and consisting of—
 - (i) emptying of the pockets of all articles by the person being searched and the inspection thereof;
 - (ii) touching the person's garments for the purpose of detecting articles carried by the person and the removal and inspection of any detected articles.

(3) In making any search the searcher shall observe the proprieties and shall cause to the person being searched not more inconvenience than may be necessary for the purpose of making an efficient search.

Exclusion of certain visitors

50. A medical superintendent or a deputy medical superintendent may refuse to grant any person permission to visit a patient where in the opinion of the medical superintendent or the deputy medical superintendent the proposed visit will adversely affect the treatment of the patient or, generally, the security of the hospital.

Articles received for patients

54.(1) Any parcel, package or other article or thing received at an establishment for delivery to a patient therein may before being so delivered be examined by the medical superintendent or at the medical superintendent's direction.

(2) A parcel, package or any article or thing or a part thereof contained therein to which this regulation refers—

- (a) may be withheld from the patient concerned if the medical superintendent finds as a result of the examination that it constitutes a danger to the patient or to the security of the security patients' hospital; and
- (b) shall, upon being so withheld and where practicable, be returned to the sender thereof unless—
 - (i) it is of negligible value; or
 - (ii) it is in the opinion of the medical superintendent related to or connected with a deliberate attempt to breach the security of the security patients' hospital; or
 - (iii) its possession by the sender is unlawful.

Use of dangerous articles or things

55.(1) Any article or thing that could constitute a danger to a patient or other person in an establishment that is being used for a lawful purpose therein shall at the direction of the medical superintendent—

- (a) be kept secure from access by patients except when being used under proper supervision;
- (b) be accounted for to an appropriate senior officer, having regard to the administrative arrangements put in place by the medical superintendent at the establishment, after each period of use.

(2) The loss of any article or thing to which this section refers shall be reported immediately to the senior officer.

Restrictions upon entry

56.(1) A person who desires to enter an establishment shall do so in accordance with this regulation.

(2) A person shall forthwith leave an establishment upon being requested so to do by the medical superintendent, the director of nursing, the Manager or a security officer.

(3) Every patient who has been discharged from an establishment shall forthwith leave an establishment upon being requested so to do by the medical superintendent, the director of nursing, the Manager or a security officer.

Traffic

56A.(1) For the purposes of this regulation a reference to hospital grounds is a reference to hospital grounds within the meaning of section 64 of the Act.

(2) A person shall not drive or use a vehicle within hospital grounds in contravention of a direction or indication given by a security officer or by a hospital traffic sign.

(3) A person shall not park a vehicle within hospital grounds in contravention of a direction or indication given by a security officer or by a hospital traffic sign.

Littering

56D. A person shall not drop, throw, place or leave litter at any place, save in a place or receptacle provided for the disposal of litter.

Use of liquor

56E.(1) Subject to subsections (2) and (3), a person shall not bring liquor upon or into an establishment.

(2) A person may to the extent authorised by the medical superintendent, bring liquor in respect of a patient, where in the opinion of the medical superintendent the administration of an amount of liquor to the patient is necessary in the course of the patient's treatment.

(3) The provisions of this regulation shall not apply to areas as are determined by the chief executive.

Penalties

56F.(1) A person who commits an offence against any provision of this part shall, save where a penalty set out in subsection (2) applies, be liable to a penalty not exceeding \$40.00.

(2) The penalties set out hereunder shall apply to the offences set out opposite each such penalty—

	\$
disobedience of a stop sign	15.00
parking in areas set aside for ambulances	25.00
parking in areas designated as ‘No Standing Anytime’, or ‘No Parking’ or ‘Keep Clear’	20.00
breach of parking requirements as directed by a security officer or indicated by a hospital traffic sign	10.00
breach of section 56D, where the littering involves broken glass or any other material or substance that is likely to cause danger or a risk of injury	30.00
any other breach of section 56D	\$5.00

Control of traffic

56G.(1) The chief executive shall give all such directions to officers, including security officers, and shall order the erection of such hospital traffic signs within hospital grounds within the meaning of section 64 of the Act, as shall be necessary for the efficient regulation and control of vehicular traffic, including the parking of vehicles.

(2) For the purposes of the Act a security officer may carry out all the functions and duties required for the purpose of regulating, controlling and prohibiting traffic in relation to all or any of the hospital grounds.

PART 10—FUNCTIONS AND DUTIES OF STAFF AND TREATMENT OF PATIENTS GENERALLY

Provisions as to seclusion

57.(1) The hospital administrator shall establish and thereafter maintain a register in book form called the register of seclusion containing the particulars specified in this regulation.

(2) A patient shall not be secluded except on the order in writing of the medical superintendent or medical practitioner in charge of the treatment of the patient set forth in the clinical notes with respect to the patient and, upon that order, subject to compliance with subsection (4).

(3) In a case involving extreme violence a patient may be secluded without prior authority but in that event the seclusion shall be reported immediately to the medical practitioner in charge of the treatment of the patient who shall thereupon forthwith review the patient's condition and make an order for seclusion in the clinical file or order that the patient be no longer secluded.

(4) On ordering the seclusion of a patient, the medical superintendent or medical practitioner—

- (a) shall give in writing such instructions as to the time intervals and extent of the observation required to be undertaken with respect to the patient and such other instructions as are necessary to ensure that the patient while secluded—
 - (i) receives proper medical and nursing treatment;
 - (ii) is under adequate supervision and observation;
- (b) shall specify in writing the period during which the patient is to be secluded;
- (c) may order that the patient, at the discretion of the nurse in charge of the ward in which the patient is at the material time, be released from seclusion at any time during the period for which the seclusion has been ordered and by him or her returned to such seclusion at any time within the period.

(5) The member of the nursing staff for the time being in charge of the

ward in which a patient is at the material time—

- (a) immediately upon the seclusion of that patient shall enter in the register of seclusion an exact record of the circumstances necessitating the seclusion;
- (b) in a case where the medical superintendent or medical practitioner has so ordered—may—
 - (i) release the patient from seclusion at any time during the period for which such seclusion has been ordered;
 - (ii) return the patient to seclusion at any time within the period for which the seclusion has been ordered.

(6) A patient placed in seclusion shall, at all times during the period of seclusion, be kept under regular observation in the manner and to the extent specified in writing in the order.

Mechanical restraint of patient

58. A patient shall not be restrained for the purpose of protecting other persons except on the order in writing of the medical superintendent made with the approval of the Director.

Search of patient

59.(1) A patient may be searched at the direction of a medical practitioner on admission to a hospital or an institution and at any time thereafter during treatment.

(2) A search of a patient shall be carried out with due regard to decency and self respect and in as seemly a manner as is consistent with a thorough search as for a concealed article.

PART 11—FEES AND EXPENSES

Fees and expenses payable to a medical practitioner for the performance of certain duties

60. There shall be payable to a medical practitioner—

- (a) for—
 - (i) accompanying a police officer in the execution by that officer of a warrant under section 25 of the Act; and
 - (ii) making an examination of the person the subject of the warrant; and
 - (iii) informing the police officer in writing, if the case requires it, that in the medical practitioner's opinion the person the subject of the warrant is not mentally ill or not requiring removal to a place of safety;
- (b) for making an examination of a person charged with an offence—
 - (i) for the purposes of the Act;
 - (ii) following a direction given by the court;
 - (iii) at the request of the prosecution;

such fees and expenses as are from time to time approved by the Governor in Council.

Fees and expenses payable to authorised person for the performance of certain duties

61. There shall be payable to an authorised person or designated authorised person—

- (a) for taking and conveying to hospital in accordance with section 20 of the Act a patient;
- (b) for—
 - (i) accompanying a police officer in the execution by that officer of a warrant under section 25 of the Act;
 - (ii) making an examination of the person the subject of the

warrant;

- (iii) informing the police officer in writing if the case requires it that in his or her opinion the person the subject of the warrant is not mentally ill or not requiring removal to a place of safety;

such fees and expenses as are from time to time approved by the Governor in Council.

Payment to medical practitioner or authorised person who is a salaried officer of the Crown

62. Travelling expenses only and not other fees or expenses shall be paid in accordance with this regulation in respect of duties performed by any medical practitioner or, as the case may be, authorised person or designated authorised person during ordinary office hours who is a salaried officer of the Crown and who has not the right of private practice or employment.

PART 12—MISCELLANEOUS PROVISIONS

Legal custody of person detained in hospital

64. Save where it is otherwise expressly provided by or under the Act or any other Act or enactment—

- (a) a person detained in a hospital shall be deemed to be in the legal custody of the hospital administrator of that hospital;
- (b) a person liable to be detained in a hospital who is absent from that hospital for any reason shall be deemed to be in the legal custody of the hospital administrator of the hospital at which the person was last detained until the person is admitted to some other hospital and the authority for the person's detention has been transferred to that hospital.

Notice of death of patient or resident

65. The hospital administrator or other person in charge of a hospital, training centre or other place where a patient or, as the case may be, resident has died shall, in a case where that patient or resident is one whose estate the Public Trustee is authorised under the Act to manage, within 7 days after the death, notify the Public Trustee in the approved form.

Prescription of other place under s 41

66. A place where medical treatment is provided within a prison within the meaning of the *Corrective Services Act 1988* shall be a prescribed place for the purposes of section 41(2)(a) of the Act.

Prescription of manner of service of copies of petition and affidavit under sch 5, s 5

67. Copies of the petition and affidavit supporting it filed in Supreme Court in connection with an application under schedule 5, section 5 to the Act shall be served in the manner prescribed by the Rules of the Supreme Court with respect to such service.

Prescription of fees and duties required to be paid under sch 5, s 8(3)

68.(1) The fees required to be paid on an order or declaration under schedule 5, section 8(3) to the Act shall be those prescribed with respect to orders or declarations by the Rules of the Supreme Court.

(2) The duties required to be paid on an order or declaration under schedule 5, section 8(3) to the Act shall be those prescribed by the relevant Act with respect to such duties.

Prescribed amount under s 73A of the Act

69. For the purposes of section 73A of the Act, the prescribed amount is \$10 000.

SCHEDULE 1**PSYCHIATRIC HOSPITALS AND TRAINING
CENTRES CEASING TO BE**

section 7A

PART 1—PSYCHIATRIC HOSPITALS

1. Baillie Henderson Hospital, Toowoomba
2. Mosman Hall Hospital, Charters Towers
3. Wolston Park Hospital, Wacol

PART 2—TRAINING CENTRES

1. Basil Stafford Training Centre for the Intellectually Handicapped, Wacol
2. Challinor Centre for the Training and Care of the Intellectually Handicapped, Ipswich

SCHEDULE 2

PSYCHIATRIC HOSPITALS

section 7B(1)(a)

1. Baillie Henderson Hospital, Toowoomba
2. Mosman Hall Hospital, Charters Towers
3. Wolston Park Hospital, Wacol (including the Clark Unit and Whitlock Unit, John Oxley Memorial Hospital)

SCHEDULE 3**SECURITY PATIENTS' HOSPITALS**

section 7B(1)(b)

1. John Oxley Memorial Hospital, Wacol (including the Clark Unit and Whitlock Unit also established as wards within the Wolston Park Hospital, Wacol)

SCHEDULE 4

OTHER PLACES

section 7B(1)(c)

1. Barrett Adolescent Centre, Wacol
3. Kirwan Rehabilitation Unit, Townsville

SCHEDULE 5**TRAINING CENTRES**

section 7B(1)(d)

1. Basil Stafford Centre, Wacol
2. Challinor Centre, Ipswich
3. Community Villas at Ipswich, Toowoomba, Maryborough and Rockhampton

SCHEDULE 6**PATIENT REVIEW TRIBUNAL REGIONS**

section 32A

Tribunal Region**Health Service Districts**

Northern

Tablelands
 Bowen
 Cairns
 Cape York
 Charters Towers
 Innisfail
 Mt Isa
 Torres Strait and Northern
 Peninsula Area
 Townsville

Central

Banana
 Bundaberg
 Central Highlands
 Central West
 Fraser Coast
 Gladstone
 Mackay
 Moranbah
 North Burnett
 Rockhampton
 South Burnett

SCHEDULE 6 (continued)

South Western

Charleville
Northern Downs
Roma
Southern Downs
Toowoomba

South Eastern

Bayside
Gold Coast
Gympie
Logan–Beaudesert
Redcliffe–Caboolture
Sunshine Coast
The Prince Charles Hospital
Queen Elizabeth II Hospital
Princess Alexandra Hospital
Royal Children’s Hospital
Royal Brisbane Hospital
Royal Women’s Hospital

Moreton

West Moreton

SCHEDULE 7**DESIGNATED PSYCHIATRIC FACILITIES**

section 4, definition “designated psychiatric facility”

Baillie Henderson Hospital, Toowoomba

Barrett Adolescent Centre, Wacol

Bundaberg Base Hospital

Caboolture Hospital, including the psychogeriatric unit at Redcliffe Hospital

Cairns Base Hospital

Ipswich Hospital

John Oxley Memorial Hospital, Wacol

Kirwan Rehabilitation Unit, Townsville

Logan Hospital

Mackay Base Hospital

Maryborough Hospital

Mosman Hall Hospital, Charters Towers, including the psychogeriatric unit at Eventide Nursing Home, Charters Towers

Mt Isa Base Hospital

Nambour General Hospital, including the psychogeriatric unit at Nambour Nursing Home

Princess Alexandra Hospital, Brisbane

Redland Hospital, including—

- the psychogeriatric unit at Moreton Bay Nursing Care Unit
- the acquired brain injury unit at Casuarina Lodge, Wynnum West

Rockhampton Base Hospital, including the psychogeriatric unit at Eventide Rockhampton

SCHEDULE 7 (continued)

Royal Brisbane Hospital

Southport Hospital

The Prince Charles Hospital, Brisbane, including—

- the psychogeriatric unit at the hospital
- the acquired brain injury unit at Bald Hills Hospital

Toowoomba General Hospital

Townsville General Hospital

Wolston Park Hospital, Wacol

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 28 February 2002. Future amendments of the Mental Health Regulation 1985 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

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	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 240 of 1994	27 July 1994
1A	to SL No. 220 of 1996	25 November 1996
1B	to SL No. 58 of 1997	22 March 1997
1C	to SL No. 102 of 1997	19 May 1997
1D	to SL No. 304 of 1997	14 October 1997
2	to SL No. 304 of 1997	5 December 1997
2A	to SL No. 374 of 1998	18 January 1999
2B	to SL No. 59 of 2000	10 April 2000
2C	to SL No. 237 of 2000	25 September 2000
2D	to SL No. 276 of 2001	4 January 2002

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	1
Corrected minor errors	1, 2
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Mental Health Regulation 1985 (prev Mental Health Services Regulation 1985)

made by the Governor in Council on 9 May 1985

pubd gaz 11 May 1985 pp 521–634

commenced 1 July 1985 (see s 1)

rep 28 February 2002 (2000 No. 16 s 547)

Note—For construction of certain regulations see Acts Amendment and Construction Act 1988 No. 47 s 9 (as amd 1989 No. 49 s 9)

amending legislation—

regulations published gazette (pre SL series)—

1 July 1989 pp 2242–6

commenced 1 July 1989 (see s 2)

9 September 1989 pp 224–5

commenced on date of publication

17 March 1990 pp 1404–8

commenced on date of publication

16 June 1990 p 964

commenced on date of publication

4 May 1991 p 87

commenced on date of publication

Mental Health Amendment Regulation (No. 1) 1994 SL No. 109

notfd gaz 25 March 1994 pp 1228–32

ss 1–2 commenced on date of notification

remaining provisions commenced 28 March 1994 (see s 2)

Mental Health Amendment Regulation (No. 2) 1994 SL No. 240

notfd gaz 1 July 1994 pp 1170–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1994 (see s 2)

Mental Health Amendment Regulation (No. 1) 1995 SL No. 297

notfd gaz 27 October 1995 pp 863–4
ss 1–2 commenced on date of notification
remaining provisions commenced 4 December 1995 (see s 2)

Mental Health Amendment Regulation (No. 1) 1996 SL No. 30

notfd gaz 16 February 1996 pp 735–6
commenced on date of notification

Mental Health Amendment Regulation (No. 2) 1996 SL No. 220

notfd gaz 23 August 1996 pp 1901–3
commenced on date of notification

Regional Health Authorities (Consequential Amendments) Regulation 1996 SL No. 413 pts 1, 7

notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Mental Health Amendment Regulation (No. 1) 1997 SL No. 25

notfd gaz 14 February 1997 pp 631–2
commenced on date of notification

Mental Health Amendment Regulation (No. 2) 1997 SL No. 58

notfd gaz 21 March 1997 pp 1234–5
commenced on date of notification

Mental Health Amendment Regulation (No. 3) 1997 SL No. 102

notfd gaz 2 May 1997 pp 61–2
commenced on date of notification

Mental Health Amendment Regulation (No. 4) 1997 SL No. 304

notfd gaz 19 September 1997 pp 262–3
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 1998 SL No. 343 pts 1, 7

notfd gaz 18 December 1998 pp 1551–7
ss 1–2 commenced on date of notification
remaining provisions commenced 21 December 1998 (see s 2)

Mental Health Amendment Regulation (No. 1) 1998 SL No. 374

notfd gaz 18 December 1998 pp 1551–7
commenced on date of notification

Health Services and Mental Health Amendment Regulation (No. 1) 2000 SL No. 59 pts 1, 3

notfd gaz 7 April 2000 pp 1312–13
commenced on date of notification

Mental Health Amendment Regulation (No. 1) 2000 SL No. 237

notfd gaz 15 September 2000 pp 222–5
commenced on date of notification

Mental Health Amendment Regulation (No. 1) 2001 SL No. 276

notfd gaz 21 December 2001 pp 1482–8
commenced on date of notification

7 List of annotations

Short title

s 1 sub 1994 SL No. 109 s 4

Repeal

s 2 om R1 (see RA s 40)

Arrangement

s 3 amd reg pubd gaz 17 March 1990 pp 1404–8
om R1 (see RA s 36)

Definitions

prov hdg sub 1998 SL No. 343 s 24(1)

s 4 amd 1994 SL No. 109 s 5(3)

def “**Chief Health Officer**” ins 1994 SL No. 109 s 5(2)
om 1998 SL No. 343 s 24(2)

def “**designated psychiatric facility**” sub 1997 SL No. 58 s 3

def “**hospital traffic sign**” ins reg pubd gaz 17 March 1990 pp 1404–8

def “**liquor**” ins reg pubd gaz 17 March 1990 pp 1404–8

sub 1994 SL No. 109 s 5(1), (2)

def “**litter**” ins reg pubd gaz 17 March 1990 pp 1404–8

def “**security officer**” ins reg pubd gaz 17 March 1990 pp 1404–8

def “**the Act**” om 1994 SL No. 109 s 5(1)

Forms

s 5 sub 1994 SL No. 109 s 6
amd 1998 SL No. 343 s 25

Offences and penalties

s 6 om 1994 SL No. 109 s 7

Mode of service of documents

s 7 amd 1994 SL No. 109 s 8

Cessation of certain psychiatric hospitals and training centres

s 7A ins 1994 SL No. 109 s 9

Establishment of psychiatric hospitals, security patients’ hospitals, training centres and other places

s 7B ins 1994 SL No. 109 s 9
amd 1996 SL No. 413 s 24

Certain hospitals to be operative as designated psychiatric facility only after gazette notice

s 7C ins 1998 SL No. 374 s 3

Parts of certain designated psychiatric facilities to be operative as designated psychiatric facilities only after gazette notice

s 7D ins 1998 SL No. 374 s 3
amd 2000 No. 237 s 3

Lapse of appointment of authorised person or designated authorised person

s 9 amd 1994 SL No. 109 s 10; 1996 SL No. 413 s 25

Hospital administrator

s 10 amd 1994 SL No. 109 s 11; 1997 SL No. 58 s 4

Training centre administrator

s 11 (Note—for construction of this section see 1988 No. 47 s 9, as amd 1989 No. 49 s 9)

Functions, powers and duties of official visitor

s 12 amd 1994 SL No. 109 s 12

Duties of hospital administrator or training centre administrator with respect to official visitor

s 13 amd 1994 SL No. 109 s 13

Form of notice of renewal of detention

s 19 amd 1994 SL No. 109 s 14

Form of recommendation by medical practitioner

s 20 amd 1994 SL No. 109 s 15

Person prescribed for purposes of s 27(3) of the Act and time prescribed for the purposes of ss 29A(8), 30(2), 31(7) and 38(5) of the Act

s 21 amd 1994 SL No. 109 s 16

Hospitals to which defendant may be admitted upon order under s 29A of the Act

s 22 amd reg pubd gaz 16 June 1990 p 964; 4 May 1991 p 87; 1994 SL No. 109 s 17; 1998 SL No. 374 s 4; 2000 SL No. 237 s 4

Applications and medical recommendations under s 31 of the Act

s 23 amd 1994 SL No. 109 s 18

Grant of leave of absence by Director

s 25 amd 1994 SL No. 109 s 19

Designated psychiatric facilities

s 31 amd reg pubd gaz 16 June 1990 p 964; 4 May 1991 p 87; 1994 SL No. 109 s 20
om 1997 SL No. 58 s 5

Patient review tribunal regions

s 32A ins 1994 SL No. 240 s 4
amd 1996 SL No. 413 s 26

Form of instruments in writing and notification re vacancy

s 33 amd 1994 SL No. 109 s 21; 1998 SL No. 343 s 25

Power of chairperson to issue summons to witness and examine on oath

s 35 amd 1994 SL No. 109 s 22

General powers, authorities, duties and functions of Tribunal

s 36 amd 1994 SL No. 109 s 23; 2001 SL No. 276 s 3

Duties and responsibilities of medical superintendent

s 38 amd 1994 SL No. 109 s 24; 1996 SL No. 413 s 28

Duties and responsibilities of manager

s 39 amd 1994 SL No. 109 s 25; 1996 SL No. 413 s 28

Duties and responsibilities of principal nurse

s 40 amd 1994 SL No. 109 s 26; 1996 SL No. 413 s 28

Duties and responsibilities of centre director

s 46 amd 1994 SL No. 109 s 27

(**Note**—For construction of this section see 1988 No. 47 s 9, as amd 1989 No. 49 s 9)

PART 9—GOVERNMENT OF CERTAIN HOSPITALS

pt hdg sub reg pubd gaz 17 March 1990 pp 1404–8

Application

s 48 amd reg pubd gaz 1 July 1989 pp 2242–6
sub reg pubd gaz 17 March 1990 pp 1404–8

Searching

s 49 amd reg pubd gaz 1 July 1989 pp 2242–6
sub reg pubd gaz 17 March 1990 pp 1404–8

Exclusion of certain visitors

prov hdg amd reg pubd gaz 1 July 1989 pp 2242–6
s 50 amd reg pubd gaz 1 July 1989 pp 2242–6
sub reg pubd gaz 17 March 1990 pp 1404–8

Powers, authorities, duties and functions of superintendent

s 51 om reg pubd gaz 1 July 1989 pp 2242–6

Consultations between medical director and superintendent

s 52 om reg pubd gaz 1 July 1989 pp 2242–6

Provisions with respect to hospital officers

s 53 om reg pubd gaz 1 July 1989 pp 2242–6

Articles received for patients

s 54 amd reg pubd gaz 1 July 1989 pp 2242–6; 17 March 1990 pp 1404–8

Use of dangerous articles or things

s 55 amd reg pubd gaz 17 March 1990 pp 1404–8

Restrictions upon entry

s 56 sub reg pubd gaz 1 July 1989 pp 2242–6
amd reg pubd gaz 17 March 1990 pp 1404–8

Traffic

s 56A ins reg pubd gaz 1 July 1989 pp 2242–6
sub reg pubd gaz 17 March 1990 pp 1404–8

Smoking

s 56B ins reg pubd gaz 1 July 1989 pp 2242–6
om reg pubd gaz 17 March 1990 pp 1404–8

Damage to property

- s 56C** ins reg pubd gaz 1 July 1989 pp 2242–6
om reg pubd gaz 17 March 1990 pp 1404–8

Littering

- s 56D** ins reg pubd gaz 1 July 1989 pp 2242–6
amd reg pubd gaz 17 March 1990 pp 1404–8

Use of liquor

- s 56E** ins reg pubd gaz 1 July 1989 pp 2242–6
amd reg pubd gaz 17 March 1990 pp 1404–8; 1994 SL No. 109 s 28; 1996
SL No. 413 s 28

Penalties

- s 56F** ins reg pubd gaz 1 July 1989 pp 2242–6
amd reg pubd gaz 17 March 1990 pp 1404–8

Control of traffic

- prov hdg** amd reg pubd gaz 17 March 1990 pp 1404–8
s 56G ins reg pubd gaz 1 July 1989 pp 2242–6
amd reg pubd gaz 17 March 1990 pp 1404–8; 1994 SL No. 109 s 29; 1996
SL No. 413 s 28

Payment to medical practitioner or authorised person who is a salaried officer of the Crown

- prov hdg** amd 1994 SL No. 109 s 30(1); 1996 SL No. 413 s 27
s 62 amd 1994 SL No. 109 s 30(2); 1996 SL No. 413 s 27

Maintenance charges for treatment and control of a patient in a psychiatric hospital, security patients' hospital or other place

- prov hdg** amd 1994 SL No. 109 s 31(1)
s 63 sub reg pubd gaz 9 September 1989 pp 224–5
amd 1994 SL No. 109 s 31(2)–(6); 1995 SL No. 297 s 4
om 2000 SL No. 59 s 8

Maintenance charges for treatment and control of a resident in a training centre

- s 63A** ins reg pub gaz 9 September 1989 pp 224–5
amd 1994 SL No. 109 s 32
om 2000 SL No. 59 s 8

Notice of death of patient or resident

- s 65** amd 1994 SL No. 109 s 33

Prescription of other place under s 41

- s 66** amd 1994 SL No. 109 s 34

Prescribed amount under s 73A of the Act

- s 69** ins 1994 SL No. 109 s 35

Transitional—applications or references to patient review tribunals

- s 70** ins 1994 SL No. 240 s 5
om R1 (see RA s 37)

SCHEDULE

om 1994 SL No. 109 s 36

**SCHEDULE 1—PSYCHIATRIC HOSPITALS AND TRAINING CENTRES
CEASING TO BE**

ins 1994 SL No. 109 s 36

SCHEDULE 2—PSYCHIATRIC HOSPITALS

ins 1994 SL No. 109 s 36

amd 1996 SL No. 30 s 3; 1996 SL No. 220 s 3

sub 1996 SL No. 413 s 29

amd 1997 SL No. 304 s 3

SCHEDULE 3—SECURITY PATIENTS' HOSPITALS

ins 1994 SL No. 109 s 36

amd 1996 SL No. 30 s 4; 1996 SL No. 220 s 4

sub 1996 SL No. 413 s 30

amd 1997 SL No. 304 s 4

SCHEDULE 4—OTHER PLACES

ins 1994 SL No. 109 s 36

amd 1996 SL No. 30 s 5

sub 1996 SL No. 413 s 31

amd 2000 SL No. 237 s 5

SCHEDULE 5—TRAINING CENTRES

ins 1994 SL No. 109 s 36

SCHEDULE 6—PATIENT REVIEW TRIBUNAL REGIONS

ins 1994 SL No. 240 s 6

sub 1996 SL No. 413 s 32

amd 1997 SL No. 25 s 3; 1997 SL No. 102 s 3

SCHEDULE 7—DESIGNATED PSYCHIATRIC FACILITIES

ins 1997 SL No. 58 s 6

amd 1998 SL No. 374 s 5; 2000 SL No. 237 s 6