



Mental Health Act 2016

Mental Health Regulation 2017

Current as at 1 July 2022

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Queensland

Mental Health Regulation 2017

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Mental Health Regulation 2017

1 Short title

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

2 Commencement

This regulation commences on 5 March 2017.

3 Corresponding law—Act, sch 3, definition *corresponding law*

For the Act, schedule 3, definition *corresponding law*, each law of another State mentioned in schedule 1 is a corresponding law for the stated provision of the Act.

4 Prescribed registrant—Act, sch 3, definition *psychiatrist*, paragraph (b)

- (1) For the Act, schedule 3, definition *psychiatrist*, paragraph (b), each of the following types of registrants are prescribed—
 - (a) a registrant who holds general registration if—
 - (i) the registrant is an overseas-trained health practitioner who holds a qualification in psychiatry; and
 - (ii) the registrant’s qualification has been assessed by the Royal Australian and New Zealand College of Psychiatrists as substantially comparable to the qualification called ‘Fellowship of the Royal Australian and New Zealand College of Psychiatrists’;
 - (b) a registrant who holds limited registration to practise in an area of need in a specialist position in psychiatry;

- (c) a registrant who holds limited registration to undertake postgraduate training or supervised practice in a specialist position in psychiatry;
 - (d) a registrant who holds provisional registration to practise in a specialist position in psychiatry.
- (2) In this section—

general registration means general registration in the medical profession under the Health Practitioner Regulation National Law.

limited registration means limited registration in the medical profession under the Health Practitioner Regulation National Law.

provisional registration means provisional registration in the medical profession under the Health Practitioner Regulation National Law.

Schedule 1 Corresponding laws

section 3

1 **Corresponding laws for particular provisions of Act relating to transfer of patients or transport of persons**

(1) For a relevant provision, the corresponding laws are each of the following—

- *Mental Health Act 2015* (ACT)
- *Mental Health Act 1996* (Norfolk Island)
- *Mental Health Act 2007* (NSW)
- *Mental Health Act 2009* (SA)
- *Mental Health Act 2013* (Tas)
- *Mental Health Act 2014* (Vic)
- *Mental Health Act 2014* (WA)
- *Mental Health and Related Services Act 1998* (NT).

(2) In this section—

relevant provision means each of the following provisions of the Act—

- section 355(8), definition *interstate order*
- section 357(4)
- section 369(2)
- section 370(1), (5)(b) and (6)
- section 520(2)(b)(iii)
- section 527(2)(b)(iii).

2 **Corresponding laws for Act, s 368(1)(b) and (5)**

For section 368(1)(b) and (5) of the Act, the corresponding laws are each of the following—

- *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)
- *Magistrates Court Act 1930* (ACT)
- *Mental Health Act 1996* (Norfolk Island)
- *Mental Health and Related Services Act 1998* (NT)
- *Mental Health (Forensic Provisions) Act 1990* (NSW)
- the general law of a State providing for a person's apprehension under a warrant or another document (however described).

3 Corresponding laws for Act, s 513, definition *interstate forensic order*

For section 513 of the Act, definition *interstate forensic order*, the corresponding laws are each of the following—

- *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic)
- *Criminal Code Act 1983* (NT)
- *Criminal Justice (Mental Impairment) Act 1999* (Tas)
- *Criminal Law Consolidation Act 1935* (SA)
- *Criminal Law (Mentally Impaired Accused) Act 1996* (WA)
- *Mental Health Act 1996* (Norfolk Island)
- *Mental Health Act 2015* (ACT)
- *Mental Health (Forensic Provisions) Act 1990* (NSW).