



New South Wales

# Mental Health Amendment (COVID-19 Special Provisions) Regulation 2020

under the

Mental Health Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mental Health Act 2007*.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The objects of this Regulation are—

- (a) to extend the operation of special provisions of the *Mental Health Act 2007* until 26 March 2021 in response to the COVID-19 pandemic, and
- (b) to make consequential amendments.

This Regulation is made under the *Mental Health Act 2007*, including section 196 (the general regulation-making power) and the definition of *prescribed period* in sections 202 and 203.

## **Mental Health Amendment (COVID-19 Special Provisions) Regulation 2020**

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### **1 Name of Regulation**

This Regulation is the *Mental Health Amendment (COVID-19 Special Provisions) Regulation 2020*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Mental Health Regulation 2019

**[1] Clause 48**

Insert after clause 47—

**48 COVID-19 pandemic—extension of prescribed period**

The *prescribed period* referred to in sections 202(6) and 203(5) of the Act ends on 26 March 2021.

**[2] Schedule 1 Forms**

Omit “section 27 or 27A” from the first line of Form 1 of Schedule 1.

Insert instead “section 27, 27A or 203”.

**[3] Schedule 1, Form 1**

Insert above note 1 to Form 1—

OR, if the carrying out of the examination or observation of a person by audio visual link is authorised under section 203 of the Act—

This report is made as—  
(tick whichever is appropriate)

- a certificate of the opinion of a medical practitioner after examination of a person using an audio visual link in accordance with section 203(2)(a) of the Act,
- a certificate of the opinion of an accredited person authorised by the medical superintendent of [*name of mental health facility*] after examination of a person using an audio visual link in accordance with section 203(2)(b) of the Act.

**[4] Schedule 1, Form 1, note 1**

Insert “or 203” after “section 27A”.

**[5] Schedule 1, Form 1, note 2**

Insert “or accredited person” after “medical practitioner” wherever occurring.

**[6] Schedule 1, Form 1, note 2**

Omit “section 27A(3)”. Insert instead “sections 27A(3) and 203(3)”.