

Mental Health Amendment Regulations (No. 3) 2018

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mental Health Amendment Regulations (No. 3) 2018*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Mental Health Regulations 2015*.

4. Regulation 19 amended

- (1) In regulation 19 delete “For” and insert:

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- (2) In regulation 19(h) delete “Australia.” and insert:

Australia;

- (3) After regulation 19(h) insert:

- (i) the department of the Public Service principally assisting in the administration of the *Mental Health Act 2014*;
- (j) the State Administrative Tribunal established under the *State Administrative Tribunal Act 2004* section 7.

(4) At the end of regulation 19 insert:

- (2) For the definition of *prescribed State authority* in section 573(1)(b) of the Act, the following are prescribed —
- (a) the office of the State Coroner established under the *Coroners Act 1996* section 6;
 - (b) the office of the Public Advocate created under the *Guardianship and Administration Act 1990* section 91.

5. Regulation 20 inserted

After regulation 19 insert:

20. Prescribed authorised recording, disclosure or use of information (Act s. 577(1)(h))

For section 577(1)(h) of the Act, the following circumstances are prescribed —

- (a) where the recording, disclosure or use of the information is reasonably necessary to lessen or prevent a serious risk to the life, health or safety of any individual;
- (b) where the recording, disclosure or use of the information is reasonably necessary to lessen or prevent a real or immediate risk of danger to the public.

N. HAGLEY, Clerk of the Executive Council.
