

JU301

Cross-border Justice Act 2008

## **Cross-border Justice Amendment Regulations 2018**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Cross-border Justice Amendment Regulations 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 *Cross-border Justice Regulations 2009*.

### **4. Regulation 10 amended**

- (1) In regulation 10(2) in the insertion delete paragraph (ba) and insert:

(ba)<sup>1M</sup> that the accused be examined by a medical practitioner or authorised health professional under the *Mental Health Act 2009* (South Australia) for the purpose of deciding whether to make an order under section 10(1) or 21(1) of that Act and that Act applies accordingly;

- (2) In regulation 10(5) in the insertion delete the definition of *medical practitioner* and insert:

*medical practitioner*<sup>1M</sup> means a person registered under the Health Practitioner Regulation National Law (Western Australia), the Health Practitioner Regulation National Law (South Australia) or the Health Practitioner Regulation National Law (NT) in the medical profession;

- (3) In regulation 10(5) in the insertion clause (7) in the definition of **authorised hospital** paragraph (b) delete “*Mental Health Act 1993* (South Australia) section 3; or” and insert:

*Mental Health Act 2009* (South Australia) section 3(1); or

- (4) In regulation 10(5) in the insertion clause (7) in the definition of **psychiatrist** delete paragraph (b) and insert:

- (b) a psychiatrist as defined in the *Mental Health Act 2009* (South Australia) section 3(1); or

**5. Regulation 24 amended**

- (1) In regulation 24(2) in the insertion delete the definitions of:

**dentist**

**doctor**

**nurse**

- (2) In regulation 24(2) in the insertion insert in alphabetical order:

**dentist**<sup>1M</sup> means a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law;

**doctor**<sup>1M</sup> means a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the medical profession;

**nurse**<sup>1M</sup> means a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the nursing and midwifery profession whose name is entered on the Register of Nurses kept under that Law;

**6. Regulation 33 amended**

- (1) In regulation 33 in the insertion in section 52 delete the definitions of:

**dentist**

**doctor**

**nurse**

- (2) In regulation 33 in the insertion insert in alphabetical order:

**dentist**<sup>1M</sup> means a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law;

**doctor**<sup>1M</sup> means a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the medical profession;

**nurse**<sup>1M</sup> means a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the nursing and midwifery profession whose name is entered on the Register of Nurses kept under that Law;

**7. Regulation 35 amended**

- (1) In regulation 35(2) in the insertion in the definition of **authorised hospital** paragraph (a) delete “*Mental Health Act 1993* (South Australia) section 3; and” and insert:

*Mental Health Act 2009* (South Australia) section 3(1); and

- (2) In regulation 35(2) in the insertion in the definition of **involuntary patient** delete paragraph (b) and insert:

- (b) includes a person who is the subject of an inpatient treatment order made under the *Mental Health Act 2009* (South Australia) Part 5; and

- (3) In regulation 35(2) in the insertion in the definition of **mental health laws** paragraph (b) delete “*Mental Health Act 1993* (South Australia); or” and insert:

*Mental Health Act 2009* (South Australia); or

- (4) In regulation 35(2) in the insertion in the definition of *psychiatrist* delete paragraph (b)(i) and insert:
- (i) a psychiatrist as defined in the *Mental Health Act 2009* (South Australia) section 3(1); and
- 8. Regulation 37 amended**
- In regulation 37 in the insertion subsection (4)(b) delete “*Mental Health Act 1993* (South Australia) section 12(1)” and insert:
- Mental Health Act 2009* (South Australia) section 21(1)
- 9. Regulation 39 amended**
- In regulation 39(2) in the insertion in the definition of *authorised hospital* paragraph (b) delete “*Mental Health Act 1993* (South Australia) section 3; or” and insert:
- Mental Health Act 2009* (South Australia) section 3(1); or
- 10. Regulation 40 amended**
- (1) In regulation 40(2) in the insertion delete subsection (2A)(a) and insert:
- (a) if that other jurisdiction is South Australia — the Chief Psychiatrist as defined in the *Mental Health Act 2009* (South Australia) section 3(1);  
or
- (2) In regulation 40(3) in the insertion delete subsection (3A)(a) and insert:
- (a) if that other jurisdiction is South Australia — the Chief Psychiatrist as defined in the *Mental Health Act 2009* (South Australia) section 3(1);  
or

**11. Regulation 41 amended**

In regulation 41(2) in the insertion delete subsection (2)(a) and insert:

- (a) if that other jurisdiction is South Australia — the Chief Psychiatrist as defined in the *Mental Health Act 2009* (South Australia) section 3(1);  
or

**12. Regulation 42 amended**

In regulation 42(2) in the insertion delete subsection (5)(a) and insert:

- (a) if that other jurisdiction is South Australia — the Chief Psychiatrist as defined in the *Mental Health Act 2009* (South Australia) section 3(1);  
or

**13. Regulation 43 amended**

In regulation 43 in the insertion in the definition of *prisons laws* delete paragraph (c) and insert:

- (c) if the jurisdiction is the Northern Territory — the *Correctional Services Act* (Northern Territory).

**14. Regulation 44 amended**

In regulation 44(2) in the insertion delete subsection (5A)(a) and insert:

- (a) if that other jurisdiction is South Australia — the Chief Psychiatrist as defined in the *Mental Health Act 2009* (South Australia) section 3(1);  
or

**15. Regulation 58 amended**

In regulation 58 in the insertion in clause 10(2) after “participating jurisdiction” insert:

(or, in the case of the Northern Territory, a judge of the Local Court)

**16. Regulation 78 amended**

In regulation 78 in the insertion in section 72AA(2)(b) delete “the Clerk” and insert:

the Principal Registrar

**17. Regulation 88 replaced**

Delete regulation 88 and insert:

**88. Section 65 altered**

(1) In section 65 delete the definitions of:

*dentist*

*medical practitioner*

*nurse practitioner*

*registered nurse*

(2) In section 65 insert in alphabetical order:

*dentist*<sup>1M</sup> —

(a) means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law; and

(b) except in sections 63(7)(a)(i) and (ii) and 64AB(8)(a)(i) and (ii), includes a person registered under the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law;

*medical practitioner*<sup>1M</sup> —

(a) means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession; and

(b) except in sections 63(7)(a)(i) and (ii) and 64AB(8)(a)(i) and (ii), includes a person registered under the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the medical profession;

**nurse practitioner**<sup>1M</sup> —

- (a) means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Nurses kept under that Law as being qualified to practise as a nurse practitioner; and
- (b) except in sections 63(7)(a)(i) and (ii) and 64AB(8)(a)(i) and (ii), includes a person registered under the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* whose name is entered on the Register of Nurses kept under that Law as being qualified to practise as a nurse practitioner;

**registered nurse**<sup>1M</sup> means a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, the *Health Practitioner Regulation National Law (South Australia)* or the *Health Practitioner Regulation National Law (NT)* in the nursing and midwifery profession whose name is entered on the Register of Nurses kept under that Law;

**18. Regulation 107 amended**

In regulation 107 in the insertion in section 98AA(1) in the definition of **community corrections officer** delete paragraph (b) and insert:

- (b) if the jurisdiction is the Northern Territory — a probation and parole officer as defined in the *Correctional Services Act* (Northern Territory).

**19. Regulation 133 amended**

In regulation 133 in the insertion in subsection (1A) in the definition of **prison laws** delete paragraph (c) and insert:

- (c) if the jurisdiction is the Northern Territory — the *Correctional Services Act* (Northern Territory).

R. NEILSON, Clerk of the Executive Council.

---