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**JUSTICE**

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JU302\*

Cross-border Justice Act 2008

**Cross-border Justice Amendment Regulations  
(No. 2) 2015**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Cross-border Justice Amendment Regulations (No. 2) 2015*.

**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 (a) and insert:
  - (a)<sup>1M</sup> that the accused be assessed, either by a medical practitioner or an authorised mental health practitioner (as defined in the *Mental Health Act 2014* section 4) for the purpose of deciding whether to make a referral under section 26 of that Act and that Act applies accordingly;
- (2) In regulation 10(3) delete “*Mental Health Act 1996*);” and insert:

*Mental Health Act 2014* section 4);”
- (3) In regulation 10(5) in the insertion in the definition of **authorised hospital** paragraph (a) delete “*Mental Health Act 1996* section 3; or” and insert:

*Mental Health Act 2014* section 4; or

- (4) In regulation 10(5) in the insertion in the definition of *psychiatrist* paragraph (a) delete “*Mental Health Act 1996* section 3; or” and insert:

*Mental Health Act 2014* section 4; or

**5. Regulation 35 amended**

- (1) In regulation 35(2) in the insertion in the definition of *involuntary patient* paragraph (a) delete “*Mental Health Act 1996*; and” and insert:

*Mental Health Act 2014* section 4; and

- (2) In regulation 35(2) in the insertion in the definition of *mental health laws* paragraph (a) delete “*Mental Health Act 1996*; or” and insert:

*Mental Health Act 2014*; or

- (3) In regulation 35(2) in the insertion in the definition of *psychiatrist* paragraph (a) delete “*Mental Health Act 1996*; and” and insert:

*Mental Health Act 2014* section 4; and

**6. Regulation 37 amended**

In regulation 37 in the insertion subsection (4)(a) delete “*Mental Health Act 1996* section 3, the order has effect as if the accused had been referred under section 29” and insert:

*Mental Health Act 2014* section 4, the order has effect as if the accused had been referred under section 26(2)

**7. Section 38 amended**

In regulation 38 delete ““the *Mental Health Act 1996*”” and insert:

“the *Mental Health Act 2014*”

**8. Regulation 39 amended**

- (1) In regulation 39(1) delete “*authorised hospital*”.

- (2) In regulation 39(2) in the insertion in the definition of ***authorised hospital*** in paragraph (a) delete “*Mental Health Act 1996* section 3; or” and insert:

*Mental Health Act 2014* section 4; or

**9. Regulation 40 amended**

Delete regulation 40(4) and insert:

- (4) In section 25(3)(a) delete “from the hospital under the *Mental Health Act 2014* Part 7 Division 4 or to be granted leave of absence under Part 7 Division 6 of that Act; or” and insert:

or granted a leave of absence from the hospital under a participating jurisdiction’s mental health laws; or

N. HAGLEY, Clerk of the Executive Council.

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