

MEMORANDUM OF AGREEMENT

DATED this

day of

2002

BETWEEN :

The **MINISTER FOR HEALTH FOR THE STATE OF NEW SOUTH WALES** of Level 33, 1 Farrer Place, Sydney 2000 (“**the NSW Minister**”)

AND

The **MINISTER FOR HEALTH FOR THE STATE OF VICTORIA** of Level 22, 555 Collins Street, Melbourne 3000 (“**the Victorian Minister**”)

PART 1: RECITALS

WHEREAS

- A.** Part 5A of the *Victorian Mental Health Act* 1986 and Chapter 10A of the *NSW Mental Health Act* 1990 provide for the interstate application of mental health provisions and laws respectively.
- B.** The Victorian Minister may, in accordance with section 93C of the Victorian Act, enter into an agreement with a Minister responsible for administering a corresponding law about any matters in connection with the administration of Part 5A of the Victorian Act or a corresponding law.
- C.** The NSW Minister may, in accordance with section 286C of the NSW Act, enter into an agreement with a Minister of another State for or with respect to the application of interstate mental health laws, including transfer, detention and apprehension of persons and any matters contained in or ancillary to Chapter 10A of the NSW Act.

- D.** On 19 February 2002, the Victorian Minister and the NSW Minister executed the February Agreement enabling the commencement of provisions of the corresponding laws to allow for the apprehension of Victorian security, forensic and certain other patients who are absent without leave and are in NSW, and NSW forensic patients who escape into Victoria.
- E.** The Victorian Minister and the NSW Minister now make this further Agreement in accordance with their respective powers under section 93C of the Victorian Act and section 286C of the NSW Act to provide for the administration of Part 5A of the Victorian Act, of Chapter 10A of the NSW Act and the corresponding laws declared under each of those Acts.
- F.** By this Agreement, the Victorian Minister and the NSW Minister provide for the administration of Part 5A of the Victorian Act, of Chapter 10A of the NSW Act and provide for or with respect to:
- (i) the involuntary admission of interstate persons to facilities in NSW and Victoria;
 - (ii) the transfer of interstate persons between facilities in NSW and Victoria;
 - (iii) the apprehension of interstate persons who abscond from Victoria to NSW and from NSW to Victoria and who are not covered by the February Agreement;
 - (iv) the recognition of community treatment orders made under the NSW Act and the Victorian Act for the care and treatment of interstate persons.

IT IS AGREED :

PART 2: DEFINITIONS AND INTERPRETATION

- 2.1 The following words and expressions have the following meanings unless the context otherwise requires:

“**Agreement**” means this Agreement including the Schedules and any Annexures;

“approved mental health service” means a premises or a service proclaimed to be an approved mental health service by Governor in Council under section 94 of the Victorian Act;

“authorised psychiatrist” means a person appointed as such under section 96 of the Victorian Act;

“Chief Psychiatrist” means the Victorian Chief Psychiatrist appointed in accordance with section 105 of the Victorian Act, and includes his or her delegate as appointed from time to time;

“Civil Interstate Apprehension Order” means a document that sets out the information specified in Part 7 of the Agreement and is set out in Schedule 2 to this Agreement, as amended from time to time in accordance with clauses 7.3 and 7.4;

“continued treatment patient” has the same meaning as under Schedule 1 to the NSW Act;

“contact officer” means the person or persons so described in Schedule 1 of the Agreement;

“corresponding laws” means:

- (a) with respect to Victoria, the NSW Act when declared as such under and in accordance with s. 93B of the Victorian Act; and
- (b) with respect to NSW, the Victorian Act when declared as such under and in accordance with s. 286D of the NSW Act;

“facility” means a gazetted mental health service or an approved mental health service;

“February Agreement” means the Agreement between the respective Ministers for the apprehension of Victorian security, forensic and certain other patients who are absent without leave and are in NSW,

and NSW forensic patients who escape into Victoria, dated 19 February 2002;

“gazetted mental health service” means premises in relation to which the Director General of the Department of Health has made an order under section 208 of the NSW Act;

“health care agency” has the same meaning as under Schedule 1 to the NSW Act;

“interstate person” means with respect to NSW, a person who at the relevant time is in Victoria; and with respect to Victoria a person who at the relevant time is in NSW;

“Interstate Guidelines” means any guidelines developed in accordance with Part 14;

“Interstate Transfer Request Notice” means a document that sets out the information specified in Part 6 of the Agreement and is set out in Schedule 3 to this Agreement, as amended from time to time in accordance with clauses 6.6 and 6.7;

“involuntary patient” has the same meaning as under the Victorian Act;

“medical superintendent” has the same meaning as under Schedule 1 of the NSW Act;

“NSW Act” means the NSW *Mental Health Act* 1990, including any regulations and orders made under that Act (but for the purposes of this Agreement a reference to the NSW Act does not, unless expressly provided, include a reference to the Victorian Act on the basis that the Victorian Act has been declared a corresponding law under that Act);

“NSW Community Treatment Order” means an order made under section 131 of the NSW Act;

“NSW Regulations” means the Regulations made pursuant to Part 10A of the NSW Act in relation to matters provided for in this Agreement;

“NSW Department of Health” means the Department established pursuant to section 6 of the NSW *Health Administration Act 1982* and in the event that the name of the Department of Health is changed pursuant to that Act, the Department by its new name;

“NSW Regulations” means the Regulations made pursuant to Part 10A of the NSW Act in relation to matters provided for in this Agreement;

“receiving facility” means the facility to which it is proposed to transfer a person in accordance with Part 6 of this Agreement;

“referring facility” means the facility from which it is proposed to transfer a person in accordance with Part 6 of this Agreement;

“temporary patient” has the same meaning as under Schedule 1 to the NSW Act;

“Victorian Act” means the Victorian *Mental Health Act 1986*, including any regulations and orders made under that Act (but for the purposes of this Agreement a reference to the Victorian Act does not, unless expressly provided, include a reference to the NSW Act on the basis that the NSW Act has been declared a corresponding law under that Act);

“Victorian Community Treatment Order” means a community treatment order made under section 14 of the Victorian Act;

“Victorian Department of Human Services” means the Department of that name established by Order in Council pursuant to Section 10 of the Victorian *Public Sector Management and Employment Act 1998* and in the event that the name of the Department of Human Services is changed pursuant to that Act, the Department by its new name;

“Victorian Regulations” means Regulations made pursuant to the Victorian Act.

- 2.2 In this Agreement, unless the context requires other wise:
- (a) words importing the singular include the plural and vice versa;
 - (b) references to persons include corporations and bodies corporate;
 - (c) references to clauses, Schedules and Annexures are references to clauses of and Schedules to and Annexures to this Agreement (unless stated otherwise);
 - (d) references to a person include the legal personal representatives, successors and assigns of that person;
 - (e) references to this or any other document include the document as varied or replaced, and notwithstanding any change to the identity of the parties;
 - (f) references to a month shall be construed as a reference to a calendar month.

PART 3: COMMENCEMENT OF AGREEMENT

- 3.1 The parties acknowledge that this Agreement cannot be given full effect unless and until:
- (a) The NSW Regulations, are made and commenced; and
 - (b) Victoria promulgates an Order in Council in accordance with section 93B of the Victorian Act declaring the NSW Act to be a corresponding law for the purposes of Part 5A of the Victorian Act; and
 - (c) Victoria promulgates an Order in Council in accordance with section 93B of the Victorian Act declaring that a NSW Community Treatment Order is a “corresponding order” for the purposes of Part 5A of the

Victorian Act; and

- (d) 90 days have elapsed since the date of execution of this Agreement by both parties.

3.2 The parties agree that this Agreement shall commence on the day that the last of each of the things listed in this clause are done.

PART 4: AGREEMENT

4.1 The purpose of this Agreement is to provide for matters in connection with the administration and implementation of Chapter 10A of the NSW Act and Part 5A of the Victorian Act.

4.2 The application and effect of the NSW Act and the Victorian Act as corresponding laws of the Parties respectively is subject to the express limitations, conditions and variations imposed by the terms of this Agreement.

4.3 Nothing in this clause or otherwise in this Agreement is to be taken or construed as extending, limiting or otherwise varying the provisions of the NSW Act or the Victorian Act or a corresponding law declared under either Act, unless expressly provided.

4.4 The parties agree that they will co-operate in a spirit of goodwill to facilitate the purposes of this Agreement.

4.5 The Parties agree that each will, through the contact officers, advise the other party of any proposed amendment to legislation or other relevant instrument or authority which is likely to affect the obligations arising under this Agreement or the application and effect of the corresponding laws.

PART 5: INTERSTATE INVOLUNTARY ADMISSIONS

5.1 This Part applies only to the admission of interstate persons under a corresponding law.

Involuntary Admission under Corresponding Laws

5.2 The parties agree:

- (a) a person subject to a certificate under section 21 of the NSW Act indicating that the person is a “mentally ill person” or a “mentally disordered person”, or a person apprehended by a NSW Police Officer in accordance with section 24 of the NSW Act may be admitted to and detained in an approved mental health service in Victoria;
- (b) a person to whom a request and recommendation under section 9 of the Victorian Act relates, or a person to whom a request and an authority to transport under section 9 of the Victorian Act relates, may be admitted to and detained in a gazetted mental health service in NSW.

Documents for the Purposes of Involuntary Admission

5.3 The documents listed in Column 2 are the documents required for the purpose of allowing involuntary admission of persons to the facilities listed in Column 1:

<u>Column 1</u>	<u>Column 2</u>
(i) an approved mental health service	a Schedule 2 certificate issued pursuant to section 21 of the NSW Act.
(ii) a gazetted mental health service	(a) a Schedule 1 Request and a Schedule 2 Recommendation issued in accordance with section 9 of the Victorian Act and the Victorian Regulations; or

- (b) a Schedule 1 Request and a Schedule 4 “Authority to Transport” issued in accordance with section 9(7A) of the Victorian Act and the Victorian Regulations.

Admissions after detention by NSW Police Officers

- 5.4 A person who may be taken to a hospital by a NSW Police Officer under sections 22 or 24 of the NSW Act, may be taken to and detained at an approved mental health service without documentation pursuant to section 93F(3) of the Victorian Act.

Persons authorised to transport

- 5.5 The parties agree that the persons who may take an interstate person to an approved mental health service or a gazetted mental health service for the purposes of this Agreement are as follows:
- (a) a person prescribed under the NSW Regulations in accordance with section 286F(3)(b) or section 286I(3)(b) of the NSW Act, being :
- The medical superintendent of a gazetted mental health service or any other suitably qualified person authorized to do so by the medical superintendent;
 - A NSW Police Officer;
 - A NSW Ambulance Officer.
- (b) a person under section 9(4) of the Victorian Act authorised to transport persons to an approved mental health service, being :
- a member of the Victorian Police Force;
 - a Victorian Ambulance Officer;
 - the person making the request for the purposes of 9(1)(a);
 - a person authorized by the person making the request for the purposes of 9(1)(a)

Status of person after admission

5.6 The parties agree that:

5.6.1 an interstate person admitted to a gazetted mental health service shall thereafter be dealt with as if that person had been taken to and detained in a gazetted unit under Part 2 of Chapter 4 of the NSW Act;

5.6.2 (a) subject to sub-clause (b), an interstate person admitted to an approved mental health service shall thereafter be dealt with as if that person were a person in relation to whom a request and recommendation has been made under section 9 of the Victorian Act; and

(b) where there are no documents authorising admission and detention of the person under the NSW Act, the person may be detained in an approved mental health service for the minimum time reasonably necessary to allow a request and recommendation to be completed in respect of the person under section 9 of the Victorian Act.

PART 6: TRANSFER OF INVOLUNTARY PATIENTS**Operation of this Part**

6.1.1 This Part applies only to the transfer of interstate persons who:

(a) with respect to NSW, are detained as continued treatment patients or temporary patients; and

(b) with respect to Victoria, are detained as involuntary patients.

6.1.2 In the case of Victoria, Notices and Orders referred to in this part will be provided by the authorized psychiatrist or Chief Psychiatrist. In the case of NSW, Notices and Orders referred to in this part will be provided by the medical superintendent.

- 6.2 The parties agree that subject to the terms and conditions set out in this Part:
- 6.2.1 persons detained as temporary patients and continued treatment patients under the NSW Act may be transferred to any approved mental health service in Victoria; and
- 6.2.2 persons detained as involuntary patients under the Victorian Act may be transferred to any gazetted mental health service in NSW.
- 6.3.1 A transfer from NSW to Victoria shall be made in accordance with the terms of the NSW Regulations.
- 6.3.2 A transfer from Victoria to NSW shall be made in accordance with section 93G of the Victorian Act.
- 6.3.3 The “interstate authority” for the purpose of section 93G of the Victorian Act shall be the medical superintendent of the facility to which the interstate person is transferred.

Interstate Transfer Request Notice

- 6.4 The referring facility shall prior to making any transfer, provide the receiving facility with an Interstate Transfer Request Notice.
- 6.5 The Interstate Transfer Request Notice is to be in the form attached as Schedule 3 to this Agreement, and is to include the following information:
- (a) the full name of the patient and his or her date of birth;
 - (b) the status of the patient under the relevant mental health legislation;
 - (c) the reason for the proposed transfer;
 - (d) any information that may assist in the ongoing care and treatment of the patient; and
 - (e) the details, if any, of who is proposed to transport the interstate person.
- 6.6 The Interstate Guidelines may specify further information to be included in the Interstate Transfer Request Notice.

- 6.7 The parties agree that the form of Interstate Transfer Request Notice may be amended by the written agreement of the Director General of the NSW Department of Health and the Secretary to the Department of Human Services (Victoria).
- 6.8 Prior to a referring facility issuing an Interstate Transfer Request Notice, that facility will consult with the receiving facility concerning the patient and the contents of the Interstate Transfer Request Notice which the referring facility proposes to deliver in accordance with this Part.

Transfer subject to Prior Approval of Receiving Facility

- 6.9 A person detained as an involuntary patient under the Victorian Act shall not be transferred from Victoria to NSW unless the medical superintendent of the receiving facility has approved the transfer in writing.
- 6.10 A person detained as a temporary patient or a continuing treatment patient under the NSW Act shall not be transferred from NSW to Victoria unless the authorised psychiatrist (or his/her delegate) of the receiving facility has approved the transfer in writing.

Transfer

- 6.11 Where an interstate person is transferred in accordance with this Part, the referring facility shall forward to the receiving facility:
- (a) in respect of a transfer from Victoria to NSW, a transfer order under section 93G of the Victorian Act; and
 - (b) in respect of a transfer from NSW to Victoria, a transfer order in accordance with the NSW Regulations.
 - (c) such other information, including medical records, of the interstate person as is reasonably necessary or required for the continued care and treatment of the person by the receiving facility.

Persons authorised to transport

6.12 The parties agree that the persons who may transfer an interstate person in accordance with this Part are as follows:

- (a) a person prescribed under the NSW Regulations in accordance with section 286H(4)(d) or section 286K(4)(b) of the NSW Act, being :
- The medical superintendent of a gazetted mental health service or any other suitably qualified person authorized to do so by the medical superintendent;
 - A NSW Police Officer;
 - A NSW Ambulance Officer.
- (b) any person authorised under section 93G(7) of the Victorian Act to apprehend an involuntary patient who is absent without leave from an approved mental health service, being :
- a prescribed person for the purposes of section 9 of the Victorian Act including a member of the Victorian police force and an ambulance officer;
 - an authorized psychiatrist or any person authorized by an authorized psychiatrist;
 - an employee of the Department authorized by the Chief Psychiatrist.

Status of patient after transfer

6.13 The parties agree that:

6.13.1 An interstate person transferred to a gazetted mental health service shall thereafter be dealt with as if that person was a “continued treatment patient” under the NSW Act and from the time of such transfer, the person will cease to be dealt with as a person to whom the Victorian Act applies.

6.13.2 An interstate person transferred to an approved mental health service in Victoria shall thereafter be dealt with as if that person were a person

in relation to whom a request and recommendation has been made under section 9 of the Victorian Act, and from the time of such transfer will cease to be dealt with as a person to whom the NSW Act applies.

PART 7: APPREHENSION OF PERSONS ABSENT WITHOUT LEAVE

7.1 This Part applies only to “interstate persons absent without leave”, those being persons who are:

- (a) absent without leave from a gazetted mental health service and liable to apprehension under to section 76 of the NSW Act and who there are reasonable grounds to suspect are in Victoria; or
- (b) subject to an order for apprehension for breach of a community treatment order under section 139 of the NSW Act and who there are reasonable grounds to suspect are in Victoria;
- (c) absent without leave from an approved mental health service and liable to apprehension under section 14(4A) or section 43 of the Victorian Act and who there are reasonable grounds to suspect are in NSW.

But does not apply to any person covered by the February Agreement:

Note: Persons covered by the February Agreement are:

- (a) forensic patients as defined in Schedule 1 to the NSW Act;
- (b) security patients or forensic patients as defined in section 3 of the Victorian Act; and
- (c) involuntary patients admitted to an approved mental health service under section 16(3)(a) of the Victorian Act or Part 5 of the *Sentencing Act* 1991 (Vic.).

Civil Interstate Apprehension Order

7.2 The Civil Interstate Apprehension Order is to be in the form attached as Schedule 2 to this Agreement, and is to include the following information:

- (a) the full name of the patient and his or her date of birth;
- (b) a description of the patient;
- (c) the status of the patient under the relevant mental health legislation;
- (d) any information that may assist in the apprehension of the patient; and
- (e) the name and address of the approved mental health service or the gazetted mental health service to which the patient is to be returned.

- 7.3 The Interstate Guidelines may specify further information to be included in the Civil Interstate Apprehension Order.
- 7.4 The parties agree that the form of Civil Interstate Apprehension Order may be amended by the written agreement of the Director General of the NSW Department of Health and the Secretary to the Department of Human Services (Victoria).
- 7.5 A Civil Interstate Apprehension Order may be issued by:
- the medical superintendent of the relevant gazetted mental health service
 - the authorized psychiatrist of the relevant approved mental health service
 - the Chief Psychiatrist
 - an authorized officer as defined in Schedule 1 to the NSW Act
- 7.6 The Interstate Guidelines may specify the requirements for consultation and distribution following the issue of a Civil Interstate Apprehension Order.

Basis for Apprehension of an AWOL Patient

- 7.7 Each Party undertakes to do all things that are reasonably required and within power to facilitate the apprehension and return of an interstate person absent without leave named in the Civil Interstate Apprehension Order.
- 7.8 Subject to clause 7.9, an interstate person absent without leave will not be apprehended unless a Civil Interstate Apprehension Order has been issued in accordance with the terms of this Agreement and the Interstate Guidelines
- 7.9 In an emergency, a person referred to in clause 7.5 may request the apprehension of the interstate person absent without leave without a Civil Interstate Apprehension Order provided:
- (a) the request outlines the nature of the emergency;
 - (b) a copy of the relevant Civil Apprehension Order is provided within 24 hours of the initial request for apprehension.

In this clause “emergency” means those situations where the delay involved in obtaining a Civil Apprehension Order may place the interstate person’s health or safety at risk, or place members of the public at risk (through deterioration of the interstate person’s physical or mental condition or otherwise).

Persons Authorised to apprehend an AWOL Patient

7.10 The parties agree that the persons who may apprehend an interstate person absent without leave are as follows:

- (a) A person authorised to apprehend such a person under the Victorian Act, those persons being:
 - (i) a prescribed person for the purposes of section 9 of the Victorian Act including a member of the Victorian police force and an ambulance officer;
 - (ii) an authorized psychiatrist or any person authorized by the authorized psychiatrist;
 - (iii) an employee of the Department of Human Services authorized by the Chief Psychiatrist;
- (b) A person authorized to apprehend such a person under section 76 of the NSW Act, those persons being:
 - (i) A NSW Police Officer;
 - (ii) the medical superintendent of the facility;
 - (iii) a person authorized by the Minister; or
 - (iv) a person authorized by the medical superintendent.
- (c) A person authorized to apprehend a person who is the subject of an order under section 139 of the NSW Act, those persons being,
 - (i) A NSW Police Officer;
 - (ii) A member of staff of the health care agency named in the order;
- (d) Any other person authorised under the NSW Regulations for the purposes of section 286P(1)(b) of the NSW Act.

7.11 The parties agree that the powers set out in sections 9(5), (6) and (7) of the Victorian Act may be exercised in respect of a interstate person absent without leave for the purposes of the taking of the patient to the gazetted mental health service.

Facilities to which a Person Absent Without Leave can be returned

7.12 Subject to clause 7.14 below, an interstate person absent without leave who is apprehended under this Part may be taken to a gazetted mental health service (subject to consultation with the medical superintendent) or an approved mental health service (subject to consultation with the authorized psychiatrist).

7.13 Where the Civil Interstate Apprehension Order specifies that a person should be taken to a specific facility, every effort should be made to return the person to that facility unless this is not reasonably practicable.

Status of a Person who is Absent Without Leave after apprehension

7.14 The parties acknowledge and agree that:

7.14.1 an interstate person absent without leave who is taken to a facility in NSW shall upon admission and thereafter be dealt with as if that person had been taken to and detained in a hospital under Part 2 of Chapter 4 of the NSW Act;

7.14.2 an interstate person absent without leave taken to a facility in Victoria shall be admitted to and detained in the facility under Division 2 of Part 3 of the Victorian Act pending the person's return to NSW.

PART 8: COMMUNITY TREATMENT ORDERS

8.1 The parties acknowledge that community treatment orders may be made under the NSW Act and the Victorian Act respectively.

8.2 The parties agree that

8.2.1 a NSW community treatment order may be made in respect of a person who resides in Victoria, if the health care agency implementing the order is located in NSW. A person who is authorised to perform functions or exercise powers under a NSW community treatment order may perform those functions or exercise those powers in Victoria.

8.2.2 a Victorian community treatment order may be made in respect of a person who resides in New South Wales, and may provide for the person to receive treatment in that State by any body prescribed to be an interstate health care agency for the purposes of the NSW Act (including an approved mental health service).

8.2 Nothing in this Part or a corresponding law allows the enforcement of a Victorian community treatment order in NSW, if that order involves the administration of electro convulsive therapy.

PART 9: REVIEW OF AGREEMENT

9.1 The Interstate Guidelines may provide for periodic review of the Agreement and Interstate Guidelines by the Contact Officers or their nominees.

PART 10: AMENDMENT OR VARIATION OF AGREEMENT

10.1 Where a party considers that this Agreement should be amended, that party may request consultations with the other party to this end. A party so requested shall agree to consult and shall do so in the first instance through the Contact Officers of NSW and Victoria.

10.2 Amendments to this Agreement may only be made by the written agreement of the parties.

10.3 Any agreed amendments to the Agreement shall be contained in a document distributed to both parties and shall include a reference to the date on which

the amendment shall come into force.

PART 11: CONFIDENTIALITY OF INFORMATION

- 11.1 The parties agree to treat all information acquired from the other party or otherwise acquired or created in the implementation of the Victorian Act, the NSW Act and the corresponding laws and this Agreement as confidential except to the extent that such information is in the public domain or as is otherwise permitted by law to be disclosed.
- 11.2 Any party who receives information from the other party or obtains or creates information in respect of a person from the other State agrees to treat that information in accordance with the legislation relating to privacy and the collection, keeping and disclosure of information that is in force in the receiving party's State.
- 11.3 The parties further agree that each State will take all reasonable steps to ensure that information obtained from the other State or obtained or created in respect of a person from the other State shall be dealt with so as not to cause the other State to offend any of that State's own privacy or confidentiality obligations.

PART 12: DISPUTE RESOLUTION

- 12.1 Disputes arising under this Agreement will be resolved in the manner, if any, provided for by the Interstate Guidelines. If the dispute cannot be resolved under the Interstate Guidelines, it shall be referred to the Contact Officers for resolution.
- 12.2 Pursuant to 12.1, the Contact Officers shall attempt in good faith to resolve any dispute arising under this Agreement within 7 business days.
- 12.3 In the event that the Contact Officers cannot resolve the dispute, the dispute will be referred to the Victorian Minister and the NSW Minister for resolution.

- 12.4 The parties acknowledge that failure to resolve a dispute arising under this Agreement will jeopardize the continued existence of the Agreement and acknowledge that they will co-operate and act in good faith to bring about a satisfactory resolution of any such dispute.

PART 13 : TERMINATION OF AGREEMENT

- 13.1 The parties agree that either party may terminate the Agreement at any time by writing delivered to the other party provided that the first party has given the other party a minimum of three months written notice in advance of the first party's intention to terminate. The parties may agree to waive the requirement to give three months notice of an intention to terminate the Agreement.
- 13.2 The parties further agree, that as soon as possible after the Agreement has been terminated under clause 13.1, both parties will take all such other action within their power as is necessary to effect the termination of this Agreement, including the revocation and/or revision of any Orders, Regulations or other statutory instruments made under the Victorian Act or the NSW Act in support of this Agreement

PART 14: INTERSTATE GUIDELINES

- 14.1 The parties agree to act co-operatively and in good faith to develop Interstate Guidelines, which will include:
- (a) any matter required or provided for under this Agreement;
 - (b) any other matter considered necessary by the parties to support the administration and operation of this Agreement, and the corresponding laws
- and which will be recognized under the NSW Regulations.
- 14.2 Amendment to the Interstate Guidelines may only be by written agreement of

the Director General of the NSW Department of Health and the Secretary to the Department of Human Services.

PART 15 : CONTACT OFFICERS AND SERVICE OF DOCUMENTS

- 15.1 The Contact Officer for NSW and Victoria for the purposes of this Agreement is set out in Schedule 1.
- 15.2 All documents or notices that may or are required to be delivered or served under this Agreement may be delivered or served as permitted by law. The address for service on the parties is as set out in Schedule 1.

PART 16: SEVERANCE

- 16.1 Any provision in this Agreement will be read down to the extent necessary to prevent that provision being invalid, voidable or unenforceable in the circumstances.

PART 17: COUNTERPARTS

- 17.1 This Agreement may be executed in any number of counterparts each of which shall be deemed an original but all of which shall constitute one and the same instrument.

SIGNED SEALED AND DELIVERED)
 by **the MINISTER FOR HEALTH** for and on)
 behalf of the State of New South Wales)
 [including the Department of Health] but) Craig Knowles
 not so as to incur personal liability) Minister for Health
 in the presence of:) for the State of NSW

.....
 Signature

.....
 Print Name

SIGNED SEALED AND DELIVERED)
 by **the MINISTER FOR HEALTH** for)
 and on behalf of the Victoria but)
 not so as to incur personal liability)
 in the presence of:) John Thwaites
 Minister for Health
 for the State of Victoria

.....
 Signature

.....
 Print Name

AGREEMENT DETAILS**Contact Officer**

The contact officer for any issue arising out of the administration or application of the Agreement or the Corresponding laws is:

For NSW the person holding the position of Director (or his/her delegate)
Centre for Mental Health
NSW Department of Health
73 Miller Street north Sydney
Tel: 02 9391 9299
Email: braph@doh.health.nsw.gov.au
Fax: 02 9391 9041

For Victoria the person holding the position of Director (or his/her delegate)
Mental Health
Department of Human Services
555 Collins Street, Melbourne
Tel: 03 9616 8123
Email: angela.jurjevic@dhs.vic.gov.au
Fax: 03 9616 8726