

MEMORANDUM OF AGREEMENT

DATED this

day of

2003

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 AUSTRALIAN CAPITAL TERRITORY** of The ACT Legislative Assembly GPO Box 1020 Canberra ACT 2601 (“**the ACT Minister**”)

PART 1: RECITALS

WHEREAS

- A.** Part 5A of the ACT *Mental Health (Treatment and Care) Act* 1994 and Chapter 10A of the NSW *Mental Health Act* 1990 provide for the interstate application of mental health provisions and laws respectively.
- B.** The ACT Minister may, in accordance with section 48C of the ACT Act, enter into an agreement with a Minister of another State for or with respect to the application of interstate mental health laws, including the transfer, detention and apprehension of persons and any matters contained in or ancillary to Part 5A of the ACT 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 the transfer, detention

and apprehension of persons and any matters contained in or ancillary to Chapter 10A of the NSW Act or a corresponding law.

- D.** The ACT Minister and the NSW Minister now make this Agreement in accordance with their respective powers under section 48C of the ACT Act and section 286C of the NSW Act to provide for the administration of Part 5A of the ACT Act, of Chapter 10A of the NSW Act and the corresponding laws declared under each of those Acts.
- E.** By this Agreement, the ACT Minister and the NSW Minister provide for the administration of Part 5A of the ACT Act, of Chapter 10A of the NSW Act and provide for or with respect to:
- (i) involuntary admission of interstate persons to facilities in NSW and ACT;
 - (ii) the transfer of interstate persons between facilities in NSW and ACT;
 - (iii) the apprehension of interstate persons who abscond from the ACT to NSW and from NSW to the ACT ;
 - (iv) the recognition of community treatment orders made under the NSW Act for the care and treatment of interstate persons; and
 - (v) the recognition of psychiatric treatment orders made under the ACT Act for the community treatment and care 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:

“ACT” means:

- (a) when used in the geographical sense, the Australian Capital Territory; or
- (b) when used in any other sense, the Australian Capital Territory, a body politic established under the *Australian Capital Territory (Self-Government) Act 1988* (C'th);

“ACT Act” means the ACT *Mental Health (Treatment and Care) Act* 1994, including any regulations and orders made under that Act (but for the purposes of this Agreement a reference to the ACT 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);

“ACT Department of Health and Community Care” means the Department currently responsible for the administration of the ACT Act being an administrative unit of the ACT, or in the event of a change in the administrative arrangements relevant to the ACT Act, the Department then responsible;

“ACT Psychiatric Treatment Order” means a treatment order made under section 26(1) of the ACT Act;

“ACT Regulations” means Regulations to be made pursuant to section 48D of the ACT Act.

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

“approved facility” means the Canberra Hospital, Garran ACT a business unit of the ACT or such other facility approved by the ACT Minister to be an approved health facility under section 48(1)(a) or an approved mental health facility under section 48(1)(b) of the ACT Act as notified in writing to NSW by the contact officer;

“Chief Psychiatrist” means the ACT Chief Psychiatrist appointed in accordance with section 112 of the ACT 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;

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

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

“corresponding laws” means:

- (a) with respect to the ACT, the NSW Act when declared as such under and in accordance with section 48D of the ACT Act; and
- (b) with respect to NSW, the ACT Act when declared as such under and in accordance with section 286D of the NSW Act;

“Deputy Director of a health care agency” means a person appointed as a deputy director under section 115 of the NSW Act;

“Director of a health care agency” means a person appointed as a director under section 115 of the NSW Act;

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

“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 the ACT; and with respect to the ACT 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” means a person subject to orders of the ACT Mental Health Tribunal under the ACT 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 ACT Act on the basis that the ACT 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 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 to be 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;

“State” means State or Territory for the purpose of this Agreement; and

“temporary patient” has the same meaning as under Schedule 1 to the NSW 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 will not commence unless and until both the NSW Regulations and the ACT Regulations are made and commenced.

- 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 ACT Act.
- 4.2 The application and effect of the NSW Act and the ACT 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 ACT 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 facility;
- (b) a person apprehended under section 37 of the ACT Act 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:

Column 1

- (i) an approved facility
- (ii) a gazetted mental health service

Column 2

- a Schedule 2 certificate issued pursuant to section 21 of the NSW Act;
- a statement of action taken prepared in accordance with section 39 of the ACT Act.

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 facility in the ACT by a NSW Police Officer.

Persons authorised to transport

5.5 The parties agree that the persons who may take an interstate person to an approved facility 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 :
 - (i) The medical superintendent of a gazetted mental health service or any other suitably qualified person authorized to do so by the medical superintendent;
 - (ii) A NSW Police Officer; or
 - (iii) A NSW Ambulance Officer;
- (b) a person authorised under section 37 of the ACT Act to transport persons to an approved facility, being :
 - (i) a member of the Australian Federal Police Force;
 - (ii) a mental health officer as defined under section 4 of the ACT Act;
or
 - (iii) a doctor, as defined under the *Legislation Act 2001* (ACT); and
- (c) any other person authorised under the ACT Regulations under sections 48F(3)(b) and 48I(3)(b) of the ACT Act.

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 mental health service under Part 2 of Chapter 4 of the NSW Act; and
- 5.6.2 an interstate person admitted to an approved facility shall thereafter be dealt with as if that person had been taken to and detained in an approved facility under Part 5 of the ACT Act.

PART 6: TRANSFER OF DETAINED INTERSTATE PERSONS

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 the ACT, are detained persons subject to section 26(1) or section 41.
- 6.1.2 In this Part, any reference to a notice, order or consultation required to be made or issued under this Part by a referring or receiving facility must be provided:
- (a) in the case of the ACT, by the ACT Chief Psychiatrist or his/ her delegate; and
 - (b) in the case of NSW, by the medical superintendent.
- 6.2 The parties agree that subject to the terms and conditions set out in this Part:
- (a) persons detained as temporary patients and continued treatment patients under the NSW Act may be transferred to the Canberra Hospital or such other approved facility in the ACT as advised by the Chief Psychiatrist; and
 - (b) persons detained as involuntary patients under the ACT Act may be transferred to any gazetted mental health service in NSW.
- 6.3. A transfer from NSW to the ACT shall be made in accordance with the terms of the NSW Regulations, if any.
- 6.4 A transfer from the ACT to NSW shall be made in accordance with section 48G of the ACT Act.
- 6.5 The “responsible person” for the purpose of section 48H of the ACT Act shall be the medical superintendent of the facility to which the interstate person is transferred.

Interstate Transfer Request Notice

- 6.6 The referring facility shall prior to making any transfer, provide the receiving facility with an Interstate Transfer Request Notice.
- 6.7 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 interstate person and his or her date of birth;
 - (b) the status of the interstate person 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 interstate person; and
 - (e) the details, if any, of who is proposed to transport the interstate person.
- 6.8 The Interstate Guidelines may specify further information to be included in the Interstate Transfer Request Notice.
- 6.9 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 Executive Officer of the ACT Department of Health and Community Care.
- 6.10 Prior to a referring facility issuing an Interstate Transfer Request Notice, that facility will consult with the receiving facility concerning the interstate person 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

- 6.11 A person detained as an involuntary patient under the ACT Act shall not be transferred from the ACT to NSW unless the medical superintendent of the receiving facility has approved the transfer in writing.

6.12 A person detained as a temporary patient or a continuing treatment patient under the NSW Act shall not be transferred from NSW to the ACT unless the Chief Psychiatrist (or his/her delegate) has approved the transfer in writing.

Transfer

6.13 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 the ACT to NSW, a transfer order in accordance with the ACT Regulations; and
- (b) in respect of a transfer from NSW to the ACT, 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

6.14 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 :
 - (i) The medical superintendent of a gazetted mental health service or any other suitably qualified person authorized to do so by the medical superintendent;
 - (ii) A NSW Police Officer; or
 - (iii) A NSW Ambulance Officer;
- (b) any person authorised under section 32A of the ACT Act to apprehend a person in contravention of a mental health order, being :
 - (i) a member of the Australian Federal Police Force;
 - (ii) a mental health officer as defined under section 4 in the ACT Act;
or
 - (iii) a doctor, as defined under the *Legislation Act 2001* (ACT); or

- (c) any other person authorised under the ACT Regulations under sections 48G(3)(d) and 48K(4)(b) of the ACT Act.

Status of patient after transfer

6.15 The parties agree that:

- (a) 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 ACT Act applies.
- (b) An interstate person transferred to an approved facility in the ACT shall thereafter be dealt with as if that person were a person in relation to whom an order under section 41 of the ACT Act applies, 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 the ACT; 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 the ACT;
- (c) subject to an authorisation for apprehension for breach of a mental health order under section 32A of the ACT Act and are suspected on reasonable grounds to be in NSW.

Civil Interstate Apprehension Order

- 7.2 If a party has reasonable grounds to suspect that an interstate person absent without leave is interstate in NSW or ACT, as the case may be, that party may issue a Civil Interstate Apprehension Order to the other party.
- 7.3 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 interstate person and his or her date of birth;
 - (b) a description of the interstate person;
 - (c) the status of the interstate person under the relevant mental health legislation;
 - (d) any information that may assist in the apprehension of the interstate person; and
 - (e) the name and address of the approved facility in the ACT as advised by the Chief Psychiatrist or the gazetted mental health service to which the interstate person is to be returned.
- 7.4 The Interstate Guidelines may specify further information to be included in the Civil Interstate Apprehension Order.
- 7.5 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 Executive Officer of the ACT Department of Health and Community Care.
- 7.6 A Civil Interstate Apprehension Order may be issued by:
- (a) the medical superintendent of the relevant gazetted mental health service;
 - (b) the Director or Deputy Director of a health care agency;
 - (c) an authorized officer as defined in Schedule 1 to the NSW Act; or
 - (d) the Chief Psychiatrist of the ACT or his / her delegate.

7.7 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

7.8 Each party undertakes to do all things that are reasonably required and within its power to facilitate the apprehension and return of an interstate person absent without leave named in the Civil Interstate Apprehension Order.

7.9 Subject to clause 7.10, 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.

7.10 In an emergency, a person referred to in clause 7.6 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; and
- (b) a copy of the relevant Civil Interstate 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 Interstate 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

7.11 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 ACT Act, those persons being:
 - (i) a member of the Australian Federal Police Force;
 - (ii) a mental health officer; or

- (iii) a doctor, as defined under the *Legislation Act 2001 (ACT)*;
- (b) A person authorized to apprehend such a person under section 76 of the NSW Act, those persons being:
 - (iv) A NSW Police Officer;
 - (v) the medical superintendent of the facility;
 - (vi) a person authorized by the Minister; or
 - (vii) 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; or
 - (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; and
- (e) Any other person authorised under the ACT Regulations under section 48Q(1)(d) of the ACT Act.

7.12 The parties agree that the powers set out in sections 32A (3) and (4) of the ACT 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

7.13 Subject to clause 7.15 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 the Canberra Hospital or such other approved facility in the ACT as advised by the Chief Psychiatrist (or his/ her delegate).

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

Status of a Person who is Absent Without Leave after apprehension

7.15 The parties acknowledge and agree that:

- (a) an interstate person absent without leave who is taken to a facility in NSW shall be admitted to and detained in the facility under Part 2 of Chapter 4 of the NSW Act pending the interstate's person's return to the ACT under to section 286H of the NSW Act; and;
- (b) an interstate person absent without leave taken to an approved facility in the ACT shall be admitted to and detained in the approved facility under section 48Q of the ACT Act pending the interstate person's return to NSW.

PART 8: COMMUNITY TREATMENT ORDERS

8.1 The parties agree that

- (a) a NSW community treatment order may be made in respect of a person who resides in the ACT, 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 the ACT; and
- (b) an ACT Psychiatric 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 in the NSW Regulations to be an interstate health care agency.

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

8.3 Nothing in this Part or a corresponding law allows the enforcement of an NSW Tribunal determination under section 194 of the NSW Act in ACT, 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 This Agreement may be amended by agreement of the Parties.

10.2 Any proposed amendment will at first instance be discussed by the Contact Officers.

10.3 Where agreement is reached on changes to this Agreement they shall be included in a written Amendment Agreement, which will:

- (a) be signed by both parties; and
- (b) include a date on which the amendments will commence or an agreed timeframe for the commencement of the amendments.

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 ACT 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 or required 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 should be resolved at first instance by discussion between the Mental Health Directors or Medical Superintendents of the relevant ACT Area Mental Health Service and NSW Area Health Service.

12.2 If the dispute cannot be resolved under 12.1, it shall be referred to the Contact Officers for resolution.

12.3 The Contact Officers shall attempt in good faith to resolve any dispute arising under this Agreement within 7 business days.

12.4 In the event that the Contact Officers cannot resolve the dispute, the dispute will be referred to the ACT Minister and the NSW Minister for resolution.

12.5 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 ACT 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; and
- (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 and ACT 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 Executive Officer of the ACT Department of Health and Community Care.

PART 15 : CONTACT OFFICERS AND SERVICE OF DOCUMENTS

15.1 The Contact Officer for NSW and the ACT 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) Morris Iemma
 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)
 the Australian Capital Territory) but not) Simon Corbell
 so as to incur personal liability) Minister for Health
 in the presence of) for the Australian Capital
) Territory

.....
 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 The Australian Capital Territory

the person holding the position of General Manager (or his/her delegate)
Mental Health ACT

Department of Health and Community Care

The North Building London Circuit Canberra

Tel: 02 6207 1066

Email: brian.jacobs@act.gov.au

Fax: 02 6205 2037