

## INFORMATION SHEET

### Application for Examination Authority

This information is to assist you in understanding and completing an Application for an Examination Authority.

### What is an Examination Authority?

An Examination Authority authorises a doctor or authorised mental health practitioner to examine a person without the person's consent, to determine whether further steps should be taken to assess the person's mental state.

An Application for Examination Authority may be appropriate where there is a concern that a person's mental health needs to be assessed by a doctor or authorised mental health practitioner but voluntary assessment has not been possible.

An Application for Examination Authority should not be used in emergency type situations. Should the situation be an emergency where a person's safety is at immediate risk of serious harm, you should call triple zero. When needed, police and ambulance officers can issue an Emergency Examination Authority.

Further information in relation to the Emergency Examination Authority process can be found on the Queensland Health website:

<https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/emergency-examinationauthorities-eeas>

### Who can apply for an Examination Authority?

The following persons may apply to the Mental Health Review Tribunal for an Examination Authority for another person:

- a) the Administrator of an authorised mental health service;
- b) a person authorised in writing by the administrator of an authorised mental health service to make an application; or
- c) a person who has received advice from a doctor or authorised health practitioner, about the clinical matters for the person who is subject of the application

If you are a) an Administrator of an authorised mental health service and you are a doctor or authorised mental health practitioner, you are only required to complete Part A of the application.

If you are b) a person authorised in writing by the administrator of an authorised mental health service, and you are a doctor or authorised mental health practitioner, you are only required to complete Part A. A copy of the Administrator's approval must be provided with the application.

All other persons will need to arrange for Parts A and B to be completed.



## **I am a family member, friend, neighbour or other member of the community. How do I apply for an Examination Authority?**

A member of the public can apply for an Examination Authority if they have received advice from a doctor or authorised mental health practitioner about the person's mental state and the doctor or authorised mental health practitioner supports the need for an Examination Authority.

A member of the public must complete Part A of the approved application form and discuss the reasons surrounding the Application with a doctor or authorised mental health practitioner. If the doctor or authorised mental health practitioner supports the Application, they are required to complete Part B of the approved application form. Both completed parts need to be sent to the Mental Health Review Tribunal by email or post. Further details on where to send the application can be found on the application form.

If you require help contacting your local authorised mental health service, you can telephone the 24 Hour Mental Health Hotline on 1300 MH CALL (1300 64 22 55) or alternatively call 13HEALTH (13 43 25 84). A General Practitioner (GP) may also assist in completing Part B.

## **What happens after I submit my Application?**

On receiving the completed application, the Tribunal will contact the Applicant and a hearing will be organised to determine the application.

The *Mental Health Act 2016* requires that an Applicant be given 3 days' notice of the hearing however an Applicant may agree to waive the 3 days' notice.

Most applications are heard within 7 days of the Tribunal receiving a completed application.

## **What happens at the hearing?**

Tribunal hearings usually take place at its office in Brisbane. Applicants may attend via phone or in person. The Tribunal will ask the Applicant questions in relation to the application they have submitted. The Applicant may be accompanied by a support person if they choose.

## **What decisions can the Tribunal make?**

After reviewing the Application for Examination Authority and listening to all the information at the hearing, the Tribunal will make a decision whether to issue, or refuse to issue, an Examination Authority. In some cases, the Tribunal may decide more information is required, and may, for example contact the person who completed Part B.

The Tribunal may issue an Examination Authority for the person only if the Tribunal considers

- a) the person has, or may have, a mental illness; and
  - b) the person does not, or may not, have capacity to consent to be treated for the mental illness;
- and



- c) either –
  - 1) reasonable attempts have been made to encourage the person to have a voluntary examination; or
  - 2) it is not practicable to attempt to encourage the person to have a voluntary examination; and
- d) there is, or may be, an imminent risk of -
  - 1) serious harm to the person or someone else: or
  - 2) the person suffering serious mental or physical deterioration.

Should an Examination Authority be issued, the Authority is valid for 7 days.

### **What happens after my hearing?**

In most cases, the Tribunal will tell you what their decision is at the hearing. On limited occasions the Tribunal may not be able to make their decision at the hearing and the Applicant will receive their decision at a later time. A written notice advising of the Tribunal's decision will also be sent to you via email or post.

Should an Examination Authority be issued, a copy of the Authority will be provided to the stated authorised mental health service to carry out an assessment within 7 days. The Tribunal is not responsible for carrying out the assessment. The Applicant may be contacted by the authorised mental health service if further information or assistance is required.

The person subject to the application may be provided with a copy of the Authority upon request. The Examination Authority does not contain the name of the applicant. Please be aware that there may be other legal mechanisms via which a person the subject of an Examination Authority can gain information about the application.

If the Applicant would like to know the reasons for the Tribunal's decision, they can request a written statement of reasons. You will find further information on how to request statement of reasons on the back of the decision notice or alternatively the Tribunal office can be contacted.

The Tribunal's decision regarding an Application for Examination Authority cannot be appealed to the Mental Health Court. However, a new Application can be submitted for consideration.

### **Where can I get more information?**

If you would like further information, you can contact the Tribunal on telephone 07 3338 8300, at [enquiry@mhrt.qld.gov.au](mailto:enquiry@mhrt.qld.gov.au) or at [www.mhrt.qld.gov.au](http://www.mhrt.qld.gov.au)