

Involuntary assessment

Fact sheet 2

The *Mental Health Act 2000* (the Act) sets out processes for a person to be assessed and authorises the person's detention for assessment. Treatment for mental illness cannot be given unless an involuntary treatment order is made. Information about involuntary treatment is provided in Fact sheet 3.

What is the purpose of the involuntary assessment?

The purpose of involuntary assessment is to determine if the person requires treatment for mental illness. The assessment is made by an authorised doctor.

How is the involuntary assessment process started?

Two assessment documents, the request for assessment and the recommendation for assessment, must be made before a person can be assessed without their consent.

A request for assessment can be made by any adult who, having seen the person within the last three days, believes the person has a mental illness of a nature, or to an extent, that requires involuntary assessment.

A recommendation for assessment can be made by any doctor or an authorised mental health practitioner who has examined the person in the last three days. The doctor or health practitioner must be satisfied that all of the assessment criteria (set out in section 13 of the Act) apply to the person. The recommendation is effective for seven days.

What safeguards are there in this process?

The request and the recommendation for assessment must be made by different people. In addition, the person making the request cannot be a relative or employee of the person making the recommendation. The Act also applies penalties for providing false or misleading information.

What if the assessment documents cannot be made?

Two options are available to enable a person to be examined to determine if the assessment documents should be made.

A justices examination order may be made by a justice of the peace (qualified) or magistrate. The justices examination order is valid for up to seven days. The justices examination order authorises a doctor or authorised mental health practitioner to go to the location of the person and conduct an examination to decide if a recommendation for assessment should be made. The person can only be taken to an authorised mental health service if the assessment documents are made.

An emergency examination order can be made by a police officer, ambulance officer or a psychiatrist. Strict criteria apply to the making of an order. An emergency examination order authorises a person to be taken to an authorised mental health service and detained for up to six hours. The person must be examined by a doctor or authorised mental health practitioner to determine if a recommendation for assessment should be made. If a recommendation for assessment is not made, arrangements must be made for the person to be returned to the place from where they were taken or to another place the person reasonably asks to be taken.

What happens once the request and recommendation have been made?

The person can be taken to an authorised mental health service by a health practitioner or an ambulance officer for assessment. Police are not automatically involved in this process, but must provide assistance if requested.

Where can involuntary assessment occur?

Involuntary assessment can occur in a hospital or community facility of an authorised mental health service. Where there is no authorised mental health service readily accessible (for example, in rural or remote areas), the person can be assessed or examined in a public hospital.

What happens when the person has been taken to the service?

Once the person is at the service and the assessment documents are provided, the person becomes an involuntary patient. This means they may be detained for assessment. The person must be informed of any changes to their involuntary status and have their rights explained to them. In addition, the person can nominate an allied person to help represent their views (see *Fact sheet 7 – Patient rights*).

How long is the involuntary assessment period?

A person may be detained for involuntary assessment for up to 24 hours. Where necessary (ie. to allow a full and proper assessment), this can be further extended by an authorised doctor to a maximum of 72 hours.

What happens if an involuntary treatment order has not been made by the end of the assessment period?

The person is no longer an involuntary patient and may only be assessed or treated with their consent.

Definitions

Health practitioner – a doctor, registered nurse, social worker, occupational therapist, psychologist or other person appointed as a health practitioner.

Authorised mental health practitioner – an experienced mental health practitioner appointed by the Director of Mental Health.

Authorised doctor – a doctor experienced in mental health appointed by the administrator of the authorised mental health service.

Authorised mental health service – a health facility declared by the Director of Mental Health to provide involuntary assessment and treatment services.

Further information

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