



Queensland Government



(Affix patient identification label here)

URN/MRN:

Family Name:

Given Names:

Address:

Date of Birth: / /

Sex: M F I

Interstate Apprehension Order – Request to Apprehend

Mental Health Act 2016 (Queensland Act) and
Mental Health Act 2007 (NSW Act)
Mental Health (Forensic Provisions) Act 1990 (NSW Forensic Act)

Patient Status:

Civil Patient

Involuntary Patient as defined in s11 of the Qld Act, other than a Forensic Patient, a Treatment Support Order Patient, a Classified Patient, a person subject to a Judicial Order or an Examination Authority

Note: This form does not apply to NSW Civil Patients

Forensic/Treatment Support Order/Classified/Judicial Order Patient

- Forensic Patient as defined in Schedule 3 of the Queensland Act
- Treatment Support Order Patient under s143(1) of the Queensland Act
- Classified Patient as defined under s64 of the Queensland Act
- Person subject to a Judicial Order as defined in Schedule 3 of the Queensland Act
- Forensic Patient as defined in s4 of the NSW Act

Name of Interstate Facility (Authorised Mental Health Service (Qld) or Declared Mental Health Service (NSW)) where the Patient is to be returned:

Address:

Town/Suburb:

State:

Postcode:

Description of the Patient:

Height: Cm

Weight: Kg

Build:

Complexion:

Colour of eyes:

Hair style/colour/length:

Distinguishing features: (e.g. tattoos/scars/piercings/facial hair)

Extra details attached Yes No

Information that will assist with apprehension: (e.g. aliases, current locations)

Extra details attached Yes No

Risk Summary: (include date of last risk assessment)

Extra details attached Yes No

Date of last risk assessment: / /

Treatment and care requirements:

Extra details attached Yes No

Contact at Facility where Patient is to be returned (MUST BE AVAILABLE 24 HOURS/7 DAYS PER WEEK)

Name of position:

Phone No:

Fax No:

Email:

Person making request to apprehend:

Qld: Administrator, Authorised Doctor, Person in Charge of Queensland Public Sector Health Service Facility, or Authorised Mental Health Practitioner

NSW: Forensic Patients: President, Deputy President or Registrar of NSW Mental Health Review Tribunal

Name:

Designation:

Phone No:

Fax No:

Email:

Signature:

Print name:

Date: / /

DO NOT WRITE IN THIS BINDING MARGIN

All clinical form creation and amendments must be conducted through Health Information Services

Version1 – NOVEMBER 2018

INTERSTATE APPREHENSION ORDER

Send this form to:

- Original** to the issuing agency or Facility
- Copy** to the Administrator (Qld) or Medical Superintendent (NSW) of the interstate Facility to which the person is to be returned (if different from the issuing agency or Facility)

NOTES

The terms used in this form are defined in clause 1.1 of the Agreement

The apprehension and return of an Involuntary Patient absent or otherwise liable to be apprehended from Queensland or NSW is governed by Part 8 of the Memorandum of Agreement on Planned Interstate Transfers and the Apprehension and Return of Interstate Persons between the two States and Chapter 11, Part 6, Division 4 of the Queensland Act and Chapter 8 of the NSW Act and Division 2 of Part 8 of the NSW Regulation.

The Ministerial Agreement can be accessed at: <https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/clinical-staff/mental-health/agreements/default.asp> or <http://www.health.nsw.gov.au/legislation/Pages/agreements.aspx>

PERSONS AUTHORISED TO APPREHEND A PATIENT UNDER AN INTERSTATE APPREHENSION ORDER**Apprehension and Return of a Queensland Civil Patient in NSW**

- (a) a person authorised to apprehend such a person under section 48 of the NSW Act, being:
- (i) a NSW police officer;
 - (ii) an Authorised Medical Officer or any other suitably qualified person employed at the NSW Facility;
 - (iii) a person authorised by the Minister or the Authorised Medical Officer; or
 - (iv) a person assisting a person referred to above;
- (b) a person authorised or requested to transport an absent person under section 364 of the Queensland Act, being:
- (i) a Queensland ambulance officer;
 - (ii) an Authorised Doctor;
 - (iii) an Authorised Mental Health Practitioner;
 - (iv) a Queensland police officer;
 - (v) a Queensland Health Practitioner;
 - (vi) a person appointed by the Administrator of an Authorised Mental Health Service as an authorised person.

Apprehension and Return of Queensland Forensic Order /Treatment Support Order/Classified/Judicial Order Patients in NSW

- (a) a person authorised to retake a NSW Forensic Patient under section 70(1) of the NSW Forensic Act, those persons being:
- (i) the Medical Superintendent of a NSW Facility or any other suitably qualified person employed by the NSW Facility who is authorised to do so by the Medical Superintendent;
 - (ii) a NSW police officer;
 - (iii) a person authorised by the NSW Secretary or the Medical Superintendent,
 - (iv) a person assisting a person referred to above; or
- (b) a person authorised or requested to transport an absent person under section 364 of the Queensland Act, being:
- (i) a Queensland ambulance officer;
 - (ii) an Authorised Doctor;
 - (iii) an Authorised Mental Health Practitioner;
 - (iv) a Queensland Health Practitioner;
 - (v) a Queensland police officer;
 - (vi) a person appointed by the Administrator of an Authorised Mental Health Service as an authorised person.

Apprehension and Return of NSW Forensic Patients in Queensland

- (a) a Queensland police officer under section 368 of the Queensland Act.

SUMMARY OF RELEVANT LEGISLATIVE PROVISIONS UNDER THE NSW AND QUEENSLAND LEGISLATION***Mental Health Act 2016 (Qld)*****368 Apprehension of person absent from interstate mental health service**

- 1) An authorised person who is a police officer may apprehend, in Queensland, a person—
 - (a) who is absent without leave from an interstate mental health service; and
 - (b) for whom a warrant for the person's apprehension has been issued under a Corresponding Law of the State in which the interstate mental health service is located (the other State).
- 2) A warrant issued under a corresponding law authorising a person's apprehension is taken to be a warrant for apprehension of the person under this Act by a police officer.
- 3) If the person is apprehended under this section, a police officer may transport the person to an interstate mental health service in the other State or an Authorised Mental Health Service.
- 4) The person may be detained in an Authorised Mental Health Service for the period reasonably necessary to enable the Administrator of the service to make arrangements for the person's return to an interstate mental health service.

Mental Health Act 2007 (NSW)**186 Apprehension of interstate persons absent without leave or in breach of corresponding orders**

- 1) A person who is the subject of a warrant or an order or other document recognised in this State, or who is otherwise liable to be apprehended, under a provision of a corresponding law under which the person may be apprehended and taken to a mental health facility may be apprehended at any time:
 - (a) by a police officer, or
 - (b) by a person who is authorised to do so by the regulations or under a provision of a corresponding law of the other State.
- 2) On being apprehended the person may be conveyed to and detained in a mental health facility in this State or the other State (if this is permitted by or under a provision of a corresponding law of the other State).
- 3) This Act applies to a person conveyed to and detained in a mental health facility under this section as if the person had been taken to and detained in a mental health facility under Part 2 of Chapter 3.

Mental Health (Forensic Provisions) Act 1990 (NSW)

68 Breach of orders for release

- 1) The President of the Tribunal may make an order for the apprehension of a person if it appears to the President that:
 - (a) the person has breached a condition of an order for the person’s conditional release under this Part, or
 - (b) the person has committed a breach of an order releasing the person from custody under section 39, or
 - (c) the person has breached a condition of leave of absence granted under this Part, or
 - (d) the person has been granted conditional release or leave of absence under this Part and has suffered a deterioration of mental condition and is at risk of causing serious harm to himself or herself or to any member of the public because of his or her mental condition.
- 2) The Tribunal must review the case of a person apprehended under this section and may:
 - (a) confirm the person’s release or leave, either conditionally or subject to conditions, or
 - (b) order the person’s apprehension and detention, care or treatment in a mental health facility, correctional centre or other place, and in the manner, specified in the order.

Note.

The Tribunal may also make a community treatment order under Division 5.

- 3) A police officer to whose notice an apprehension order is brought must:
 - (a) apprehend and take or assist in taking the person to the mental health facility, correctional centre or other place specified in the order, or
 - (b) cause or make arrangements for some other police officer to do so.
- 4) A police officer may enter premises to apprehend a person under this section, and may apprehend any such person, without a warrant and may exercise any of the powers conferred on a person who is authorised under section 81 of the [Mental Health Act 2007](#) to take a person to a mental health facility.
- 5) An apprehension order under this section authorises the detention of the person at the mental health facility, correctional centre or other place specified in the order.

70 Retaking of escapees

- 1) A forensic patient or correctional patient who escapes from a mental health facility or other place may be apprehended at any time by any of the following persons:
- 2) the medical superintendent of the mental health facility or any other suitably qualified person employed in the mental health facility who is authorised to do so by the medical superintendent,
- 3) a police officer,
- 4) a person authorised by the Secretary or the medical superintendent,
- 5) a person assisting a person referred to in paragraph (a), (b) or (c).
- 6) On being apprehended, the patient is to be conveyed to and detained in the mental health facility or other place from which the patient escaped.

This section does not affect any power of any other person to apprehend a person under the *Crimes (Administration of Sentences) Act 1999*.

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