

# Examination Authorities

Examination authorities authorise a doctor or authorised mental health practitioner to enter premises to detain and involuntarily examine a person to decide if a recommendation for assessment should be made for the person. Examination authorities are a 'last resort' where there are serious concerns about a person's mental health and wellbeing, and voluntary approaches are not achievable.

## Who issues examination authorities?

Examination authorities are issued by the Mental Health Review Tribunal.

## Who can apply for an examination authority?

The following persons may apply to the Tribunal for an examination authority:

- the administrator of an authorised mental health service
- a person at the authorised mental health service who has written authority from the administrator, or
- another person who has received advice from a doctor or authorised health practitioner about the 'clinical matters' for the person.

## What are the 'clinical matters'?

The 'clinical matters' are:

- general information about the treatment criteria, their application to the person, and whether there is a less restrictive way for the person to receive treatment
- whether the behaviour of the person, or other relevant factors, could reasonably be considered to satisfy the requirements for making an examination authority
- options for the treatment and care of the person, and
- how the person might be encouraged to seek a voluntary examination.

The person should be encouraged to be examined voluntarily. This may involve attempting to engage the person in their own home.

However, in some circumstances this may not be appropriate or practical.

An application to the Tribunal for an examination authority is made in an approved form. The form must include a statement from a doctor or authorised mental health practitioner about whether the circumstances of the person may be grounds for making an examination authority.

The Tribunal is required to hear the application as soon as practicable.

## When can the Tribunal issue an examination authority?

The Tribunal may issue an examination authority only if the Tribunal considers all of the following apply:

- the person has, or may have, a mental illness
- the person does not, or may not, have capacity to consent to be treated for the mental illness
- reasonable attempts have been made to encourage the person to be examined voluntarily, or it is not practicable to attempt this
- there is, or may be an imminent risk, because of the person's mental illness, of serious harm to the person or someone else, or the person suffering serious physical or mental deterioration.

Once issued, an examination authority is in force for 7 days.

## What powers apply under an examination authority?

An examination authority authorises a doctor or authorised mental health practitioner to enter a place, such as a person's home, to examine the person without their consent. Force may be used to enter the premises, however, the person must be given an

opportunity to allow the doctor or health practitioner entry to the place without using force.

An authorised person may transport the person to an authorised mental health service or a public health sector health facility for an examination.

The person may be detained for the purposes of the examination. If the examination takes place in an authorised mental health service or a public health sector health facility, the person may be detained for up to six hours, which may be extended up to twelve 12 hours if necessary. If the person is detained in another place, such as a person's home, the person may be detained for up to 1 hour.

A doctor or authorised mental health practitioner may ask a police officer to assist in the exercise of these powers.

### What if it is an emergency?

It should be noted that an emergency examination authority may be used if:

- a person's behaviour indicates they are at immediate risk of serious harm (e.g. by threatening suicide)
- the risk appears to be the result of a major disturbance in the person's mental capacity caused by illness, disability, injury, intoxication or other reason, and
- the person requires urgent examination, treatment or care.

This is explained in the *Factsheet: Emergency Examination Authorities*.