

# Chief Psychiatrist

The *Mental Health Act 2016* provides for the appointment of a chief psychiatrist. The primary role of the chief psychiatrist is to protect the rights of involuntary patients and voluntary patients in authorised mental health services and to ensure compliance with the Act.

## Who is the chief psychiatrist?

The chief psychiatrist is an independent statutory officer, with functions, powers and responsibilities under the Act.

The chief psychiatrist cannot be directed in performing a function under the Act by any person, including a Minister.

## What functions does the chief psychiatrist have?

The chief psychiatrist's functions include:

- ensuring the rights of patients are protected, while balancing their rights with the rights of others
- ensuring the involuntary examination, assessment, treatment, care and detention of persons complies with the Act
- facilitating the proper and efficient administration of the Act
- monitoring and auditing compliance with the Act
- promoting community awareness and understanding of the Act, and
- advising and reporting to the Minister on any matter relating to the administration of the Act.

## Which patients is the chief psychiatrist responsible for?

The chief psychiatrist is responsible for protecting the rights of all involuntary patients. The chief psychiatrist is also responsible for protecting the rights of voluntary inpatients in an authorised mental health service, including those being treated under an advance health directive or with the consent of a personal guardian or attorney.

## What powers does the chief psychiatrist have?

The chief psychiatrist has a number of powers under the Act to assist in performing the chief psychiatrist's functions.

The chief psychiatrist may require an administrator to provide any information about a patient of the service. This may apply, for example, if there were concerns raised about the treatment and care of a patient.

The chief psychiatrist may also investigate a matter. To undertake an investigation, the chief psychiatrist may appoint inspectors who are given specific powers under the Act.

An investigation report may include recommendations relating to the improvement of the operations of an authorised mental health service. If the report includes such recommendations, the chief psychiatrist may direct the administrator to take particular actions and to report to the chief psychiatrist about the actions taken.

The chief psychiatrist may also take particular actions in relation to a forensic patient or a class of forensic patients if there is a serious risk to the life, health or safety of a person or to public safety. The purpose of this action is to minimise risks to the community. The action may include the suspension of limited community treatment for a forensic patient or patients for up to 7 days.

The chief psychiatrist also:

- establishes authorised mental health services and appoints an administrator for each service
- approves limited community treatment and temporary absences for particular patients, including classified patients and judicial order patients

- approves the transfer of particular patients between services, such as forensic patients and judicial order patients, and
- approves the admission of minors to the high security unit.

## **What are Chief Psychiatrist Policies?**

The Act provides for the making of Chief Psychiatrist Policies. These Policies are binding on persons performing a function under the Act, such as administrators, doctors and authorised mental health practitioners.

The Act requires the chief psychiatrist to make a policy about the following matters:

- the application of the treatment criteria to patients and the ‘less restrictive ways’ for patients to receive treatment and care for their mental illness
- the way in which records for patients are to be kept
- the management of complaints by patients and support persons
- the way in which a second opinion may be obtained
- the treatment and care of forensic patients
- the treatment and care of forensic patients where the order relates to a ‘prescribed offence’
- the treatment and care of persons subject to treatment support orders
- the minimisation of the risk of patients absconding
- the competencies necessary for a person to be an authorised doctor or authorised mental health practitioner, and
- the use of mechanical restraint, seclusion, physical restraint and the appropriate use of medications.

The chief psychiatrist also has the discretion to make a policy about other matters relating to the administration of the Act.

All Chief Psychiatrist Policies are published on the *Mental Health Act 2016* webpage at [www.health.qld.gov.au/mental-health-act](http://www.health.qld.gov.au/mental-health-act)

## **Does the chief psychiatrist report publicly?**

The chief psychiatrist must provide the Minister with an annual report on the administration of the Act.

The Minister must table a copy of the annual report in the Parliament.