

Transport of patients

The *Mental Health Act 2016* provides a range of powers and safeguards which can be used by authorised persons to transport patients who are required to return to an authorised mental health service or public health service facility, or otherwise need to be transported under the Act.

Who is an authorised person

An authorised person for the purpose of transport under the *Mental Health Act 2016* is:

- administrator of an authorised mental health service (AMHS)
- health practitioner
- ambulance officer
- police officer
- a corrective services officer, if a person is to be transported to or from a corrective services facility or court,
- a youth detention employee if the person is to be taken to or from a youth detention centre or court.

Authorised persons work with one another to transport people under the following provisions:

- Examination Authorities
- returning absent patients to authorised mental health services
- returning patients absent from interstate mental health services
- interstate transfers – emergency examinations and recommendations for assessment
- warrants

- other circumstances requiring transport for people requiring mental health assessment and treatment.

Transport powers for authorised persons

When transporting a person under the Act, an authorised person may:

- enter a place if the occupier consents to the entry or it is public place that is open to the public
 - or otherwise obtain a Warrant for apprehension of person to enter and search any place (with the approval of the Magistrates Court).
- detain the person, with the help and force that is necessary and reasonable in the circumstances
- use mechanical restraint on an involuntary patient if it is approved by the Chief Psychiatrist.

Medication may also be administered to the person if authorised by a doctor.



Safeguards for use of medication during transport

Medication may be administered to the person only if a doctor is satisfied there is no other reasonably practicable way to protect the person or others from physical harm.

Medication must be administered by a doctor or by a registered nurse under the instruction of a doctor.

Safeguards for use of mechanical restraint during transport

Mechanical restraint may only be used if:

- the person is an involuntary patient
- the Chief Psychiatrist approves its use
- there is no other reasonably practicable way to protect the person or others from physical harm
- the device used is an approved device
- the use of mechanical restraint on the person is with no more force than is necessary and reasonable in the circumstances, and
- the person is observed continuously while restrained.

Where a person needs to be transported for an examination, the carrying out of a diagnostic test, or providing treatment and care, the Chief Psychiatrist approval to transport the person can include the use of the mechanical restraint during the examination, test, or treatment and care, if necessary.

Use of warrant to apprehend a person for transport

Where necessary, an authorised person may also apply to a Magistrate for a warrant to apprehend a person.

A warrant gives an authorised person the additional authority to:

- enter, search and remain in a place that the authorised person reasonably believes the person is located, for as long as reasonably necessary to find the person and without the persons consent, and
- transport the person to a stated AMHS or public sector health service facility for examination, assessment, or treatment and care.

Transporting patients required to return

A 'patient required to return' means a patient for whom an administrator of an AMHS, authorised doctor, authorised mental health practitioner or a person in charge of a public sector health service facility (health service):

- approved that an authorised person may return the patient, and
- who has not been transported or will not come voluntarily to the service or facility.

When can a person be required to return?

A person may be required to return if they:

- have absconded while being lawfully detained
- are an involuntary patient and do not attend a required appointment
- become subject to an authority or order while they are not at an AMHS, e.g. a judicial order they be detained in an AMHS
- have the category of their authority or order changed from community to inpatient
- are a forensic patient and leave is suspended by the Chief Psychiatrist
- do not return from limited community treatment or a temporary absence
- do not attend an AMHS for a psychiatric report ordered by the Chief Psychiatrist
- do not attend an AMHS for an examination report ordered by a Magistrate or Mental Health Review Tribunal.

How is the return of the person authorised?

An administrator of an AMHS, person in charge of a health service, authorised doctor or authorised mental health practitioner may:

- authorise an authorised person, (other than a police officer), to return the person
- authorise the authorised person to return the person with assistance from police

- request a police officer to return the person.

The authorisation or request must state:

- the risk the person presents to themselves, the authorised person, police officer and others, and
- for a request to a police officer, the reasons why the administrator or person in charge considers it necessary for a police officer to transport the person.

Before taking this action, reasonable efforts must be made to contact and encourage the person to voluntarily attend at the service or facility. This does not apply if it may risk the person harming themselves or others.

An administrator may also disclose a photograph of the 'patient required to return' to police to help locate the person.

Transport of interstate patients who are absent without permission

The Act recognises apprehension authorities (issued under interstate mental health legislation) for an interstate patient who is currently in Queensland. This allows interstate officers (authorised under the interstate mental health legislation) to apprehend, detain and transport the absent patient.

Interstate officers can also work with an authorised person to transport the absent patient to an interstate mental health service or an AMHS.

The person required to return may be detained in an AMHS for the period reasonably necessary to enable the administrator of the service to make arrangements for the person's return to the interstate mental health service.

Emergency transport powers under the *Public Health Act 2005*

In emergency circumstances, a police or ambulance officer can make an Emergency Examination Authority under the *Public Health Act 2005* to detain and transport a person to a public sector health service facility, if the officer believes the person is at immediate risk of serious harm and the risk appears to be the result of a major disturbance in the person's mental capacity.

A disturbance in a person's mental capacity may be caused by illness, disability, injury, intoxication or another reason.

The provisions in the *Public Health Act 2005* aim to ensure that the *Mental Health Act 2016* captures only those persons that are within its intended scope and that appropriate treatment and care is provided after the person is examined.

More information:

Mental Health Act 2016

www.health.qld.gov.au/mental-health-act

Public Health Act 2005 (Emergency Examination Authorities)

www.health.qld.gov.au/clinical-practice/guidelines-procedures/emergency-examination-authorities-eeas

Contact your local mental health service

1300 MH CALL (1300 642255)

www.qld.gov.au/health/mental-health/help-lines/services

Resources:

Factsheet: [Forensic Orders](#)

Factsheet: [Treatment Support Orders](#)

Factsheet: [Transport powers for police officers](#)

Factsheet: [Transport powers for ambulance officers](#)