

Emergency Examination Authorities: Guidelines for Hospital and Health Services

Public Health Act 2005

A. Introduction

These Guidelines support the provisions of Part 4A of the *Public Health Act 2005* related to Emergency Examination Authorities (EEA).

The following forms have been developed to support the administration of these provisions:

- *Emergency Examination Authority*
- *Authority to Transport Person who Absconds*
- *Request for Police Assistance*
- *Revocation of Authority to Transport Person who Absconds*
- *Application for Warrant for Apprehension of Person*
- *Form of Warrant*
- *Warrant of Apprehension of Person*

B. Emergency Examination Authorities

Police officers and ambulance officers may detain and transport a person to a public sector health service facility in emergency circumstances under the emergency examination authority provisions of the *Public Health Act 2005*.

This applies only where the police officer or ambulance officer reasonably believes that:

- the person's behaviour indicates the person is at immediate risk of serious harm, and
- the risk appears to be the result of major disturbance in the person's mental capacity caused by illness, disability, injury, intoxication or other reason, and
- the person appears to require urgent examination, treatment or care.

The transport of the person can occur without the person's consent, with the help and using the force that is necessary and reasonable in the circumstances.

A person will, in most cases, be brought to an emergency department of a public sector health service facility.

If the facility is not an inpatient hospital, the consent of the person in charge of that facility is required for the person to be transported to the facility. This is intended to address circumstances in rural and remote

communities where a service may not be able to undertake the necessary examination, treatment and care of the person. Services should put in place local arrangements with police and ambulance, in advance, to identify appropriate facilities and persons who can consent to the admission of a person under an EEA.

On arrival at the public sector health service facility, the police officer or ambulance officer must immediately make an EEA for the person by completing Part A of the *Emergency Examination Authority* form.

The person may be detained while the EEA is being made.

The officer must give the completed EEA to a health service employee at the facility.

A health service employee must then complete Part B of the *Emergency Examination Authority* form, acknowledging receipt of the authority.

The police or ambulance officer may retain a copy of Parts A and B of the form.

• Extension of detention under emergency examination authorities

The person may be detained under an EEA at a public sector health service facility for 6 hours for an examination.

This may be extended up to a total of 12 hours by a doctor or health practitioner if this is necessary to carry out or finish the examination.

An extension is effected by a doctor or health practitioner completing and signing Section 8 of the *Emergency Examination Authority* form, setting out the beginning and end times for the extension of the authority.

• Examinations

A person under an EEA may be examined without their consent, using the force and assistance that is necessary and reasonable in the circumstances.

As a result of the examination, the person may be:

- admitted as an inpatient
- discharged following the examination and any associated treatment and care.

It is also possible that a doctor or authorised mental health practitioner may be called upon to examine the person to determine whether there is an underlying mental illness.

In this instance, a doctor or authorised mental health practitioner may make a *Recommendation for Assessment* under the *Mental Health Act 2016*.

If a *Recommendation for Assessment* is made, a copy of the *Emergency Examination Authority* must be attached to the *Recommendation for Assessment* so the forms can be uploaded together.

The examining doctor or health practitioner must record the outcome of the examination in Section 9 of the *Emergency Examination Authority* form.

If an examination did not occur, the reasons for this must be recorded in Section 9 of the form.

Once the examination is completed, the detention under the EEA ceases.

- **Discharge**

If the person is being discharged, the health service must offer assistance to the person to return to a place requested reasonably by the person, for example, the person's home.

- **Transfer to another public sector health service facility**

If necessary, the person may be transferred by an authorised person (police officer, ambulance officer, authorised health service employee or security officer) to another public sector health service facility for examination.

To effect a transfer, section 6 of the *Emergency Examination Authority* form is to be completed. The form is to be taken to the other public sector health service facility by the authorised person.

The transport of the person by a police officer or ambulance officer can occur without the person's consent, with the help and using the force that is necessary and reasonable in the circumstances.

The period of the detention under the EEA is not extended by a transfer.

C. Absconding Persons

- **Return by authorised person (other than police acting alone)**

If a person absconds while being detained under an EEA (including while the EEA is being made by a police officer or ambulance officer at the facility), the least restrictive option appropriate to the level of risk should be exercised to return the person.

Reasonable efforts should be made to contact the person, or a relative or friend of the person, to locate the person and persuade him or her to return to complete the examination. However, this is not required if there is a risk that the person may harm himself, herself or others.

If the person is unable to be located, or does not return voluntarily or there are concerns about risk of harm to the person or others an *Authority to Transport Person who Absconds* form must be initiated.

This form is completed by the person in charge of the facility (or delegate) and authorises an authorised person other than a police officer (e.g. an appointed health service employee, ambulance officer, security officer) to return the person.

A health service employee who has been authorised to act under an *Authority to Transport Person who Absconds* form may request police assistance to transport a person who has absconded.

Requesting police assistance allows the health service employee and police officer/s to work together to return a person who has absconded.

When requesting police assistance, the *Request for Police Assistance* form must be completed. This form must include a statement outlining why it is necessary for police to assist with the transport. Generally, police should be involved in transport only where their assistance is required for the management of serious risk to the individual or others, or where the person is detained by police (e.g. criminal charges may be, or have been laid).

The local police must be contacted by phone if being requested to assist in transporting a person who has absconded to establish collaborative transport arrangements. A QCAD number (the police communications ID number) must be obtained and recorded on the *Request for Police Assistance* form. The form must then be sent to the local police and the Regional Police Communications Centre.

This number is obtained by contacting the relevant regional police communications centre.

A health practitioner must accompany the police when the person is being transported.

- **Return by police acting alone**

Alternatively, the person in charge of the facility (or delegate) may request a police officer to act alone to transport a person who has absconded while under an EEA to a public sector health service facility.

Circumstances in which it may be appropriate for police to act alone to transport a person include:

- if the person's whereabouts are unknown, or
- it is unsafe for the person to be returned by an authorised person other than a police officer

This is effected by completing the *Authority to Transport Person who Absconds* form.

If requesting police to act alone, the *Authority to Transport Person who Absconds* form must include:

- a statement outlining why it is necessary for police to transport the person
- the name of the facility where the person is to be transported
- a summary of risk issues relevant to the person and others, including the authorised person, and
- any actions taken to locate the person.

The police must be contacted by phone to notify of the absconding event. A QCAD number (the police communications ID number) must be obtained by the service through this phone contact and recorded on the *Authority to Transport Person who Absconds* form before it is sent to the local police. This number is obtained by contacting the relevant regional police communications centre.

The *Authority to Transport Person who Absconds* form must be sent to the Police Information Centre (Warrant Bureau), and

- a Local Police station and/or
- Regional Police Communications Centre.

Liaison with police should continue to occur to confirm that updated information can be provided or to coordinate joint action if required.

- **Other**

While acting to transport a person who has absconded, a police officer or ambulance officer may act with the help, and using the force, that is necessary and reasonable in the circumstances. This includes the ability to detain the person if required.

If authorised to transport a person following an absconding event, the authorised person or police may

take the person to the facility stated in the *Authority to Transport Person who Absconds* form.

If it is not reasonable or practicable to transport the person to the stated public sector health service facility, the person may be transported to another public sector health service facility.

Where a person who has absconded is returned to a public sector health service facility, the examination period (6 hours with the ability to extend up to 12 hours) re-commences.

- **Ending of Absconding Event**

The authority to transport process ends when the person is returned to a public sector health service facility.

An *Authority to Transport Person who Absconds* form and a *Request for Police Assistance* form are in force for 3 days only.

A *Revocation of Authority to Transport Person who Absconds* form is used to end the authority to return a person to a public sector health service facility.

When an *Authority to Transport Person who Absconds* form has been issued to police:

- if the person returned without direct involvement of police, a health service employee should telephone local police or the relevant regional Police Communications Centre to notify of the person's return, and
- send a copy of the *Revocation of Authority to Transport Person who Absconds* form (preferably by email) to the Police Information Centre (Warrant Bureau).

A copy of the *Revocation of Authority to Transport Person who Absconds* form must also be sent to the authorised person/s who were authorised to transport the person.

D. Warrants

An authorised person may apply to a magistrate for a warrant of apprehension for a person who has absconded from a public sector health facility.

A warrant is necessary to enter premises without consent, such as a person's home.

A warrant may be sought by using the *Application for Warrant for Apprehension* form.

In urgent circumstances, or in other special circumstances such as the authorised person's remote location, an application may be made by fax, email, radio, videoconferencing or another form of electronic communication.

If a warrant is made by a magistrate but there is no reasonably practicable way of immediately giving the warrant to the authorised person, the authorised person may complete a *Form of Warrant* form, including the information told to the authorised person by the magistrate.

A warrant is in force for 7 days after it is made.

If intending to enter a place under a warrant to apprehend a person, the authorised person must:

- identify himself or herself to the occupier
- give a copy of the warrant to the occupier
- advise that the warrant permits the authorised person to enter and search for the person named in the warrant, and
- give the occupier an opportunity to allow immediate entry without using force.

However, if the authorised person believes immediate entry is required to ensure the actioning of the warrant, he or she can proceed without the above steps.

E. Searches

A person detained for an examination under an EEA may be searched without their consent if a doctor or health practitioner believes the person may be in possession of a harmful thing, such as a dangerous drug, alcohol, medication, sharps, or provocative or offensive documents (see *Guidelines for Searches of Persons under Emergency Examination Authorities*).

Returning persons who abscond from a Public Sector Health Service Facility while under an Emergency Examination Authority

