

# Emergency Examination Authorities

## Powers and Responsibilities – Chapter 4A Public Health Act 2005

### Public Health Act 2005 (Chapter 4A) – Powers and Responsibilities

Under Chapter 4A of the *Public Health Act 2005*, specified Queensland Health staff, Queensland Ambulance Service Officers and Queensland Police Service Officers have powers and responsibilities as noted in the table below:

PHA Section	Actions	Person responsible	Powers and Responsibilities
157B & 157C	Transport of person	Police officer or ambulance officer	<p>The emergency examination authority provisions apply if a police officer or ambulance officer reasonably believes that:</p> <ul style="list-style-type: none"> <li>• a person's behaviour indicates the person is at immediate risk of serious harm, for example, by threatening to commit suicide, and</li> <li>• 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</li> <li>• the person appears to require urgent examination, treatment or care.</li> </ul> <p>A police officer or ambulance officer is not required to decide whether the person's behaviour is caused by illness, disability, injury, intoxication or other reason.</p> <p>Where this occurs, the officer may detain and transport the person to a 'treatment and care place'. A treatment and care place is a public sector health service facility or another place, other than a watch house, where the person may receive appropriate treatment and care. Another place may be the person's home.</p> <p>When exercising these powers, a police officer or ambulance officer must explain to the person that the person is being detained and transported to a treatment and care place. The officer must take reasonable steps to ensure the person understands this information, including by having regard to the person's culture, mental impairment and communication ability.</p>
			If the treatment and care place is a public sector health service facility that is not an inpatient hospital, the transport of the person to the facility requires the approval of the person in charge of the facility. This is to ensure that appropriate treatment can be provided to the person.
157D	Making of emergency examination authority	Police or ambulance officer	<p>When a police officer or ambulance officer arrives with the person at a public sector health service, the officer must immediately make an emergency examination authority for the person.</p> <p>The emergency examination authority must be in approved form and state the time when it was made. The person may be detained at the facility while the emergency examination authority is being made.</p> <p>The officer must then immediately give the emergency examination authority to a health service employee at the facility.</p> <p>Once the emergency examination authority is given to the health service employee, the role of the police or ambulance officer ends. This is subject to local arrangements to assist with security for the person.</p>



PHA Section	Actions	Person responsible	Powers and Responsibilities
	Recording of emergency examination authority	Health service employee	Local arrangements must be followed for the recording of emergency examination authorities.
157E & 157N	Detention under emergency examination authority	Person in charge of a public sector health service facility (PICPSHSF) PICPSHSF or their delegate Doctor or health practitioner	A person subject to an emergency examination authority may be detained for up to 6 hours at the public sector health service facility.  A person may be detained with the help, and using the force, that is necessary and reasonable in the circumstances.  A doctor or health practitioner must explain the effect of the emergency examination authority to the person. The doctor or health practitioner must take reasonable steps to ensure the person understands this information, including by having regard to the person's culture, mental impairment and communication ability.  Under the Act, a <b>health practitioner</b> means a person registered under the Health Practitioner Regulation National Law, or another person who provides health services, such as a social worker.
157E	Extension of detention	Doctor or health practitioner	A doctor or health practitioner may extend, or further extend, the period of detention to up to a total of 12 hours if it is necessary to carry out or finish the examination of the person.
157F & 157O	Examine person	Doctor or health practitioner	A doctor or health practitioner may examine the person to decide the person's treatment and care needs.  An examination may be undertaken without the consent of the person or anyone else. A person may be examined with the help, and using the force, that is necessary and reasonable in the circumstances.  An examination may be undertaken using an audiovisual link.  These provisions do not affect the operation of section 63 of the <i>Guardianship and Administration Act 2000</i> in relation to providing urgent health care to a person.  A doctor or authorised mental health practitioner examining the person may decide to make a recommendation for assessment for the person under the <i>Mental Health Act 2016</i> .
157P	Return person to place reasonably requested	PICPSHSF or their delegate(s)	If a person is detained in a public sector health service facility, the person in charge of the facility (or their delegates) must take reasonable steps to ensure the person is returned to a place reasonably requested by the person.  This does not apply if a recommendation for assessment is made for the person as provisions of the <i>Mental Health Act 2016</i> deal with these circumstances.
157M, section 157L	Transfer to another treatment and care place	Doctor or health practitioner  Authorised Person	A doctor or health practitioner may ask an authorised person to transport a person under an emergency examination authority to another public sector health service facility.  The transport of the person does not extend the period that the person may be detained under an emergency examination authority.  Under the Act, an <b>authorised person</b> means a police officer, an ambulance officer, a health service employee appointed to be an authorised person, or a security officer.

<b>PHA Section</b>	<b>Actions</b>	<b>Person responsible</b>	<b>Powers and Responsibilities</b>
Part 3 & part 5, section	Return of persons who abscond	PICPSHSF or their delegate(s)	Where a person absconds from a public sector health service facility while being detained under Chapter 4A of the <i>Public Health Act 2005</i> , the PICPSHSF or their delegate(s) may make arrangements for the person to be returned.
157L		PICPSHSF or their delegate(s), or, Authorised Person  Authorised Person	<p>For these persons, the PICPSHSF or their delegate(s), may:</p> <ul style="list-style-type: none"> <li>• authorise an authorised person, other than a police officer, to return the person, or</li> <li>• request a police officer to return the person.</li> </ul> <p>Where an authorised person, other than a police officer, is authorised to return the person, the authorised person may in turn request a police officer to assist in returning the person.</p> <p>The authorisation or request must:</p> <ul style="list-style-type: none"> <li>• be in the approved form</li> <li>• state the name of the person to be transported</li> <li>• state the name of the public sector health service facility to which the person is to be transported</li> <li>• identify the risk the person presents to himself or herself, the authorised person or police officer, and others</li> </ul> <p>For a request to a police officer, whether it be from the PICPSHSF or their delegate(s) (via the <i>Authority to Transport Person who Absconds</i> form), or, via an authorised person who is not a police officer via the <i>Request for Police Assistance</i> form, it is necessary to state the reasons why it necessary for a police officer to transport the person.</p> <p>The request or authorisation is only in force for 3 days.</p> <p>The authorisation or request gives the authorised person the power to detain and transport the person to the facility.</p> <p>Before transporting the person who has absconded, the authorised person must:</p> <ul style="list-style-type: none"> <li>• tell the person that they (the authorised person) is detaining them (the person who has absconded) and transporting them to the public sector health service facility stated in the authorisation, and</li> <li>• explain to the person the effect of taking this action on the person.</li> </ul>

<b>PHA Section</b>	<b>Actions</b>	<b>Person responsible</b>	<b>Powers and Responsibilities</b>
157R	Warrants	Authorised Person	<p>Warrant provisions apply, enabling an authorised person to enter premises to detain a person to be transported under the Act. When the person is returned to the facility, the period of detention under the emergency examination authority re-commences. A health service employee must note when the period re-commences on the emergency examination authority.</p>
Part 6	Searches	Doctor or health practitioner  PICPSHSF or their delegate(s)	<p>A doctor or health practitioner may conduct a general, scanning or personal search of a person who is being detained under the Public Health Act, or, conduct a search of the person's possessions, if the doctor or health practitioner believes the person may have possession of a harmful thing (as defined), including drugs or alcohol.</p> <p>If a search requires the removal of clothing, this must be approved by the PICPSHSF or their delegate(s) prior to the search being conducted.</p> <p>The Act defines each type of search and how they are to be carried out.</p> <p>A search may be carried out without the person's consent and with the help, and using the force, that is necessary and reasonable in the circumstances.</p> <p>A harmful thing or a thing that may be evidence of an offence against an Act may be seized.</p> <p>A record must be kept of any search requiring the removal of clothing or anything seized during a search.</p>