Schedule of Administrator Delegations under the *Mental Health Act 2016*

Under section 337 of the Mental Health Act 2016, the administratorof an authorised mental health service may delegate the administrator’sfunctions and powers under the Act to an appropriately qualified health service employee of the service.

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| Acts Interpretation Act 1954, section 27A - Delegation of functions or powers (Extract)   1. If an Act authorises a person to delegate a function or power, the person may delegate the function or power to:  * a person by name, or * a specified officer, or the holder of a specified office, by reference to the title of the office concerned.  1. The delegation may be:  * general or limited * made from time to time, and * revoked, wholly or partly, by the delegator.  1. A delegated function or power may be exercised only in accordance with any conditions to which the delegation is subject. 2. The delegation, or a revocation of the delegation, must be in writing signed by the delegator. 3. A function or power that has been delegated may be performed or exercised by the delegator. 4. Anything done by the delegate is taken to have been done by the delegator. 5. The delegation of a function or power does not relieve the delegator of the delegator’s obligation to ensure that the function or power is properly performed or exercised. 6. A delegation under the *Mental Health Act 2016* cannot be sub-delegated. |

| Legislative Provision | | Function or Power that may be Delegated | Delegated to |
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| Notification – treatment authorities | | | |
| 55(2)&(3) | Notice of making | For a treatment authority made by an authorised psychiatrist, an ***administrator*** must:   * give a copy of the treatment authority to the person * give a copy of the treatment authority to the person’s nominated support persons, personal guardian or attorney, if requested * give the tribunal written notice of its making.   For a treatment authority made by an authorised doctor who is not a psychiatrist, an administrator must:   * give the person a copy of the authority, if requested * give the person’s nominated support persons, personal guardian or attorney a copy of the authority, if requested. |  |
| 58(2) | Notice about review by authorised psychiatrist | If the decision on the review by an authorised psychiatrist is to confirm the treatment authority, the administrator must, within 7 days:   * give the person a copy of the authority * give the person’s nominated support persons, personal guardian or attorney a copy of the authority, if requested, and * give the tribunal written notice of the decision to confirm the making of the authority. |  |
| Persons in custody (Classified patients) | | | |
| 69(2) & 70(1) | Administrator consent | An administrator may, in the approved form, consent to a person in custody being transported from the person’s place of custody to an inpatient unit of the AMHS for assessment, treatment or care.  (Chief psychiatrist must give written consent to transfer a minor to a high security unit). |  |
| 73(6) | Arranging for transport after chief psychiatrist consent | Where the chief psychiatrist consents to a person being transported to an inpatient unit of an AMHS for assessment, treatment or care, the administrator must, as soon as practicable, arrange for the person to be transported to the AMHS.  (Subject to a custodian consent being given for the person). |  |
| 74(4) | Person subject to examination order or court examination order remaining in AMHS | An administrator may, in the approved form, consent to a person subject to an examination order or court examination order remaining in an inpatient unit of the AMHS to receive treatment and care for the person’s mental illness. |  |
| 76 | Notice to chief psychiatrist of person becoming classified patient | An administrator must give the chief psychiatrist written notice that a person is a classified patient as s soon as practicable after the person becomes a classified patient. |  |
| 77(2)&(3) | Notice to tribunal of minor becoming classified patient in high security unit | An administrator must, as soon as practicable, give the tribunal written notice when a minor becomes a classified patient in a high security unit.  The ***administrator*** must, as soon as practicable, give the tribunal written notice of when a minor stops being detained in a high security unit. |  |
| 85(4) | Release of classified patient | An administrator must, as soon as practicable after receiving a written notice of a ‘release event’ from a custodian, give the chief psychiatrist written notice of the release event. |  |
| Psychiatrist reports for serious offences | | | |
| 89(1) and (2) | Administrator must explain effect of request | As soon as practicable after the administrator becomes aware that this Part of the Act (Psychiatrist Report on request) applies to the person, the administrator must:   * tell the person a request may be made under this part for a psychiatrist report about the person in relation to the charge of the serious offence, and * explain to the person the effect of a request if made.   If the person is a minor, the administrator must also explain the effect of a request to 1 or more of the minor’s parents unless this does not appear to be in the minor’s best interests. |  |
| 91(1) & 93(1) | Direction to prepare psychiatrist report | An administrator must arrange for an authorised psychiatrist to prepare a psychiatrist report about the person in relation to the charge of the serious offence. |  |
| 96 | Information from prosecuting authority | An administrator may ask the prosecuting authority to give the copies of the documents [mentioned in schedule 3, definition brief of evidence, paragraph (a)] relating to the offence. |  |
| 98 | Person must participate in examination in good faith—report on request | An administrator may decide to revoke a direction to prepare a psychiatrist report if an authorised psychiatrist gives written notice that the person or support person is not participating in good faith.  Before revoking the direction, the administrator must give the person a show cause notice.  If the administrator revokes the direction, the administrator must give the following persons written notice of the revocation:   * the person the subject of the examination * the person who made the request, and * the chief psychiatrist. |  |
| 100(2) | Second psychiatrist report | If directed by the chief psychiatrist, an administrator must arrange for an authorised psychiatrist to prepare a second psychiatrist report about the person in relation to the serious offence. |  |
| **Powers of courts hearing criminal proceedings and related processes** | | | |
| 180B | Other use of examination report and particular statements | If an administrator receives any of the following, they must include it in the person’s health records *(it is intended that this record be kept on CIMHA)*:   * an examination report, or * a statement made by a person to a health practitioner for the purpose of a Magistrates Court making a decision under section 172 or 173. |  |
| 186 | Detention under court not guilty order | An administrator may agree to the person’s detention in an AMHS  (The chief psychiatrist must approve a minor’s detention in a high security unit). |  |
| 195 | Detention during court adjournment | An administrator may agree to the person’s detention in an AMHS.  (The chief psychiatrist must approve a minor’s detention in a high security unit). |  |
| **Treatment and care of patients** | | | |
| 203(1)(b) | Administrator’s responsibilities for treatment and care | An administrator must ensure that auditable systems are in place to records patients’ treatment and care. |  |
| 206(6) | Revocation of treatment authority - authorised doctor | If an authorised doctor revokes a treatment authority, the administrator must, within 7 days, give written notice of the revocation to the patient and the tribunal. |  |
| 207(2) | Revocation of treatment authority - patient missing | If an authorised psychiatrist revokes a treatment authority because a patient is absent for 6 months, the administrator must, within 7 days, give written notice of the revocation to the tribunal. |  |
| 208(5) | Revocation of treatment authority -chief psychiatrist | If the chief psychiatrist revokes a treatment authority, the administrator must, within 7 days, give written notice of the revocation to the tribunal. |  |
| 210(3) & (5) | Amendment of treatment authority to change category to inpatient | If an authorised doctor amends a patient’s treatment authority category to inpatient contrary to an order of the tribunal, the administrator must, as soon as practicable, give the tribunal written notice of the amendment.  If, before the tribunal conducts the review of the treatment authority as a result of this notice, an authorised doctor amends the category back to community, the administrator must, as soon as practicable, give the tribunal written notice of the amendment. |  |
| 213(3) & (5) | Amendment of forensic order to change category to inpatient | If an authorised doctor amends a patient’s forensic order category to inpatient contrary to an order of the court or tribunal, the administrator must, as soon as practicable, give the tribunal written notice of the amendment.  If, before the tribunal conducts the review of the forensic order as a result of this notice, an authorised doctor amends the category back to community, the administrator must, as soon as practicable, give the tribunal written notice of the amendment. |  |
| 217(3) & (5) | Amendment of treatment support order to change category to inpatient | If an authorised doctor amends a patient’s treatment support order to inpatient contrary to an order of the court or tribunal, the administrator must, as soon as practicable, give the tribunal written notice of the amendment.  If, before the tribunal conducts the review of the treatment support order as a result of this notice, an authorised doctor amends the category back to community, the administrator must, as soon as practicable, give the tribunal written notice of the amendment. |  |
| 226 | Request to keep record | If requested, an administrator must keep a record of an advance health directive or enduring power of attorney for a personal matter, on the records system and give the person written notice of compliance with the request. |  |
| 227 | Requirement to give notice—matters relating to advance health directive or enduring power of attorney | An administrator must amend the record system if the administrator is given written notice that:   * advance health directive or power of attorney has been revoked * the appointment of an attorney has been revoked, and. * an attorney has resigned. |  |
| 228(2) &  (3) | Requirement to give notice—revocation of appointment of nominated support person | An administrator must amend the record system if the administrator is given written notice that the appointment of a nominated support person has been revoked. |  |
| 229 (2) & (3) | Requirement to give notice—resignation of nominated support person | An administrator must amend the record system if the administrator is given written notice that a nominated support person has resigned. |  |
| 231 | Obligation to notify public guardian | An administrator must, within 72 hours, give the public guardian written notice of the admission of a minor to a high security unit, or an inpatient mental health unit of an AMHS, other than a child and adolescent inpatient unit. (Note: An administrator of an AMHS may enter into arrangements with the chief psychiatrist for the giving of these notices). |  |
| Use of mechanical restraint, seclusion, physical restraint and other practices | | | |
| 254(2)(a)(i) | Meaning of seclusion | For the purposes of defining ‘seclusion’, an administrator of a high security unit, or another AMHS approved by the chief psychiatrist, may approve a period of not more than 10 hours between 8 p.m. and 8 a.m. for security purposes. |  |
| 274 | Obligation to notify public guardian of treatment of minors | An administrator must give the public guardian information about the use of mechanical restraint, seclusion or physical restraint on a minor.  (Note: Chief Psychiatrist Policies provide that community visitors under the Public Guardian Act 2014 may request information about the use of mechanical restraint, seclusion or physical restraint on minors in an AMHS. AMHS staff must provide information as recorded under the Policies when requested by a community visitor (whether or not it is during or connected with a visit)). |  |
| **Rights of patients and others** | | | |
| 278 | Giving statement of rights to patients and others | After admission of a patient to an AMHS, an administrator must ensure:   * the statement of rights is explained to the patient * a copy of the statement of rights is given to the patient, if requested, and * a copy of the statement of rights is given to the patient’s nominated support persons, family, carers and other support persons, if requested. |  |
| 279 | Display of signs | An administrator must display signs in prominent positions in the service stating that a copy of the statement of rights is available on request. |  |
| 280 | Definition for pt 3 | For the purpose of visits to the service, an administrator may decide a ‘reasonable time of the day or night’, having regard to the practices of the service and the comfort of patients. |  |
| 282(3)(b) | Visits by health practitioners | A health practitioner may visit and examine a patient under arrangements with the administrator. |  |
| 283(2)(b) | Visits by legal or other advisers | A legal or other adviser may visit a patient under arrangements with the administrator. |  |
| 284(2)(a) | Communication with others | A person can ask an administrator to ensure a patient does not communicate with them. |  |
| 284 (3) & (4) | Communication with others | An administrator may prohibit or restrict a patient from communicating by fixed line telephone, mobile telephone or other electronic communication device if it is likely to be detrimental to the health or wellbeing of the person or others. |  |
| 290 | Second opinion about treatment and care | An administrator must arrange a second opinion if the AMHS has been unable to resolve a complaint about the provision of treatment and care to a patient, and the patient or an interested person for the patient, requests a second opinion. |  |
| Authorised mental health services | | | |
| 335 | Register of authorised doctors and authorised mental health practitioners | An administrator must keep a register of authorised doctors and authorised mental health practitioners. |  |
| 336 | Record of relevant patients | An administrator must keep a record of each ‘relevant patient’ of the service, namely, involuntary patients and classified patients (voluntary). |  |
| 338 | Appointment of authorised doctor | An administrator may appoint a doctor as an authorised doctor if satisfied the person has the competencies necessary to be an authorised doctor. |  |
| 340 | Appointment of authorised mental health practitioner | An administrator may appoint a health practitioner as an authorised mental health practitioner if satisfied the person has the competencies necessary to be an authorised mental health practitioner. |  |
| 341 | Appointment of health practitioner to perform particular functions of authorised doctor | An administrator may appoint a health practitioner of a class prescribed by regulation to perform the functions of an authorised doctor prescribed by regulation if satisfied the person is appropriately qualified. |  |
| 346 | Issue of identity card | An administrator must issue an identity card to each authorised doctor and authorised mental health practitioner. |  |
| 351(2) &(3) | Transfer between services by agreement of administrators | An administrator may agree with the administrator of another AMHS to transfer the responsibility for certain patients between services. |  |
| 351(6) | Transfer between services by agreement of administrators | An administratormust, within 7 days, give the chief psychiatrist written notice of the transfer of a classified patient to another service if the transfer did not require the approval of the chief psychiatrist. |  |
| 354 | Transfer of person subject to treatment authority to another State | An administrator may agree with a responsible officer of an interstate mental health service to transfer the responsibility for a patient on a treatment authority to the interstate mental health service. |  |
| 355 | Transfer of person subject to interstate order from another State | An administrator may agree with a responsible officer of an interstate mental health service to transfer the responsibility of a person on an ‘interstate order’ (equivalent to a treatment authority) to the AMHS. |  |
| 358 | Notice to tribunal | An administrator must, within 7 days, give written notice to the tribunal of the transfer of a patient to another AMHS, the forensic disability service or an interstate service. This provision does not apply if the person is only subject to a recommendation for assessment. |  |
| 359(3) | Who is an authorised person for transport of persons | An administrator may, in writing, appoint an employee of the AMHS as an authorised person.  (Note: a health practitioner is an authorised person for transport and does not require a separate appointment by the administrator). |  |
| 360 | Transport within AMHS | A person approved by an administrator may transport an involuntary patient or classified patient (voluntary) within the AMHS.  (Note: a health practitioner may also approve another person to transport an involuntary or classified patient within an AMHS). |  |
| 362 | Taking person after treatment and care to person’s requested place | An administrator must take reasonable steps to ensure a person is returned to a place reasonably requested by the person, at the end of the person’s detention, if the person is transported from a place in the community to an AMHS under:   * an examination authority or recommendation for assessment, or * an emergency examination authority and a recommendation for assessment is made for the person.   (Note: this also applies if a recommendation for assessment or treatment authority is made for the person after the examination or assessment of the person). |  |
| 364 | Particular persons may require return of absent person | An administrator may:   * authorise an authorised person, other than a police officer, to transport an absent person to the AMHS, or * ask a police officer to transport an absent person to the AMHS   (Note: an authorised doctor, authorised mental health practitioner, or the person in charge of a public sector health service facility may also authorise the return of an absent person). |  |
| 384 | Definition of authorised security officer | An administrator may authorise an appropriately qualified employee of the AMHS to be an authorised security officer. |  |
| 386 | Administrator may search thing received for patient | An administrator, or an appropriately qualified person authorised by the administrator, may open or search anything received at the service for a patient. |  |
| 388 | Power to search on belief of possession of harmful thing | An administrator may approve a search requiring the removal of clothing if a doctor or health practitioner believes a patient may have possession of a harmful thing. |  |
| 390 | Power to search on admission or entry | An administrator may approve a search requiring the removal of clothing on a patient’s admission to, or entry into a high security unit or other approved service. |  |
| 403 | Seizure of harmful or other thing | An administrator may decide how a seized harmful thing is to be disposed of if it is of negligible value. |  |
| 406 | Approval of identity card | An administrator of a high security unit or approved service must approve an identity card for each authorised security officer for the service. |  |
| 408 | Administrator may refuse to allow person to visit patient | An administrator may refuse to allow a person to visit a patient if the administrator is satisfied the proposed visit will adversely affect the patient’s treatment and care. |  |
| Mental Health Review Tribunal proceedings | | | |
| 420 | Administrator to provide report | For a 12-monthly review of a treatment authority by the tribunal, an administrator must give the tribunal a report about whether the appointment of a personal guardian for the patient may result in there being a less restrictive way for the person to receive treatment and care. |  |
| 502 | Application for examination authority | An administrator or a person authorised in writing by the administrator may apply to the tribunal for an examination authority for a person. |  |
| 520 | Transport of person | An administrator must arrange for the person to be transported to the service by an authorised person or a person who is authorised under a corresponding law in another State to transport the person. |  |
| 527(2) | Transport of person | An administrator must arrange for the person to be transported to the interstate service by an authorised person or a person who is authorised under a corresponding law in another State to transport the person. |  |
| Establishment and administration of court and tribunal | | | |
| 671(3) | What happens at end of court examination | At the end of an examination under a court examination order, the administrator must ensure arrangements are made for the person to be transported to the place from which the person was taken for the examination, or another place to which the person reasonably asks to be taken. (This does not apply if the person was taken from another AMHS, the forensic disability service, or from lawful custody). |  |
| 730(1) | Adjournment of hearing | An administrator must give the tribunal written notice if a patient is absent prior to a periodic review. |  |
| 731 | Hearing of scheduled review to be conducted on relevant person’s return | An administrator must give the tribunal written notice of the return of an absent patient where the administrator previously gave the tribunal notice of the patient’s absence prior to a periodic review. |  |
| 757(a) | Requirement to give effect to tribunal decision | An administrator must, as soon as practicable after receiving notice of a tribunal’s decision, ensure the tribunal’s decision is given effect. |  |
| 759(3) &(4) | Order for missing person | For the purposes of revoking a forensic order or treatment support order by the tribunal after a person is missing for 3 years, an administrator may inform the tribunal that:   * the person is unlikely to return to Queensland, or * the person is presumed to have died. |  |
| Confidentiality | | | |
| 784(2) | Disclosure of particular information relating to person in contact with forensic disability service | An administrator may disclose personal information about a person to the director of forensic disability, the administrator of the forensic disability service or another entity responsible for providing care to the person and vice versa. |  |
| 786 | Disclosure of photograph of patient required to return | An administrator may disclose a photograph to the commissioner of the police service, or another person performing a function in an official capacity, to help locate the person.  For this purpose, an administrator can require involuntary or classified patients (voluntary) to be photographed. |  |