### Attachment 2: Example Instrument of Appointment – Authorised doctors

#### Mental Health Act 2016

#### INSTRUMENT OF APPOINTMENT

#### For full appointment (i.e. all authorised doctor powers and functions) insert:

1. I, **Name of Administrator**, Administrator, **Title Authorised Mental Health Service**, under and for the purpose of the *Mental Health Act 2016* (Act), pursuant to Chapter 11, Part 4, Division 1, section 338 of that Act, hereby appoint **Full name of doctor** as an authorised doctor to exercise all of the powers, functions and duties of an authorised doctor under the Act.

#### OR for limited appointment insert:

1. I, **Name of Administrator**, Administrator, **Title Authorised Mental Health Service**, under and for the purpose of the *Mental Health Act 2016* (Act), pursuant to Chapter 11, Part 4, Division 1, section 338 of that Act, hereby appoint **Full name of doctor** as an authorised doctor to exercise those powers, functions and duties set out in the Schedule. (Note: remove relevant functions from Schedule. For example, for appointment of an authorised doctor (private), delete sections 3 (Forensic orders), 4 (Treatment support orders) and 5 (Classified patients) from the Schedule).

#### If the doctor meets the statutory definition for ‘psychiatrist’ insert:

1. In addition, pursuant to the definition of ‘authorised psychiatrist’ in Schedule 3 of the Act, the appointee is authorised to exercise all of the powers, functions and duties of an authorised psychiatrist set out in the Act.

#### For all appointments insert:

1. This appointment is effective from the date of this Instrument.

#### OR if the appointment is to take effect on a date after the signing:

1. This appointment is effective from **Date.**

#### For all appointments insert:

1. This appointment is subject to the following conditions:
2. In exercising the powers of an authorised doctor, the appointee is subject to the **Title** Authorised Mental Health Service clinical governance processes including, but not limited to, clinical accountability structures, clinical supervision and clinical review processes.
3. The appointment is effective until **Date of cessation** unless, at a sooner time:
   1. the appointee ceases to be person registered under the Health Practitioner Regulation National Law to practice in the medical profession
   2. the appointment is revoked by the Administrator
   3. the Chief Psychiatrist gives written notice that the appointee stops holding the office of authorised doctor
   4. the appointee resigns from the position by written notice given to the Administrator, or
   5. the appointee is unable to demonstrate the necessary competencies, as outlined in the *Appointment of authorised doctors and authorised mental health practitioners* policy.

#### OR

1. The appointment is effective for the duration of the appointee’s employment at the **Title** Authorised Mental Health Service unless, at a sooner time:
2. the appointee ceases to be person registered under the Health Practitioner Regulation National Law to practice in the medical profession
3. the appointment is revoked by the Administrator
4. the Chief Psychiatrist gives written notice that the appointee stops holding the office of authorised doctor
5. the appointee resigns from the position by written notice given to the Administrator, or
6. the appointee is unable to demonstrate the necessary competencies, as outlined in the *Appointment of authorised doctors and authorised mental health practitioners* policy.
7. (Note: Insert any other conditions if required).
8. **Signed by:**
9. **Name of Administrator**
10. **Administrator, Title Authorised Mental Health Service**
11. **Date**

#### Functions and Powers of Authorised doctors

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| **Function or Power** | **Act Reference** |
| 1. **Examinations, Assessments and making of Treatment Authorities** |  |
| Examining persons under an examination authority | * Chapt. 2, Pt. 2, Div. 2 (Powers under examination authorities) |
| Examining persons under an examination order made by a magistrate and preparing an examination report | * Chapt. 6, Pt. 2, Div. 3 (Examination orders) |
| Making recommendations for assessment | * Chapt. 2, Pt. 2, Div. 3 (Detention of particular persons to make recommendation for assessment) * Chapt. 2, Pt., Div. 4 (Recommendations for assessment) |
| Assessing a person under a recommendation for assessment to decide whether to make a treatment authority | * Chapt. 2, Pt. 3 (Assessments) |
| Making treatment authorities | * Chapt. 2, Pt. 4 (Treatment authorities), except sections 56 to 58 |
| Reviewing the making of treatment authorities – authorised psychiatrist only | * Sections 56 to 58 |
| 1. **Treatment authorities** |  |
| Managing patients subject to treatment authorities   * Responsibility for treatment and care * Categories * Limited community treatment * Conditions | * Chapt. 7, Pt. 2 (Responsibility to provide treatment and care) * Chapt. 7, Pt.3 (Patients subject to treatment authorities) * Chapt. 7, Pt.7 (Obligations in relation to treatment in the community) |
| 1. **Forensic orders** |  |
| Managing patients subject to forensic orders   * Responsibility for treatment and care * Categories * Limited community treatment * Conditions * Temporary absences | * Chapt. 7, Pt. 2 (Responsibility to provide treatment and care) * Chapt. 7, Pt.4 (Patients subject to forensic orders) * Chapt. 7, Pt.7 (Obligations in relation to treatment in the community) |
| 1. **Treatment support orders** |  |
| Managing patients subject to treatment support orders   * Responsibility for treatment and care * Categories * Limited community treatment * Conditions * Temporary absences | * Chapt. 7, Pt. 2 (Responsibility to provide treatment and care) * Chapt. 7, Pt.5 (Patients subject to treatment support orders) * Chapt. 7, Pt.7 (Obligations in relation to treatment in the community) |
| 1. **Classified patients** |  |
| Managing the transfer of persons to an AMHS as a classified patient, including making transfer recommendations | * Chapt. 3, Pt. 2 (Transport of persons in custody to authorised mental health services) * Chapt. 3, Pt.3 (Persons in custody remaining in authorised mental health services) * Chapt. 3, Pt. 4 (Requirements applying when person in custody becomes classified patient) |
| Managing classified patients   * Responsibility for treatment and care * Limited community treatment * Temporary absences | * Chapt. 7, Pt. 2 (Responsibility to provide treatment and care) * Chapt. 7, Pt.6 (Classified patients and patients subject to judicial orders) * Section 221 |
| Managing the return of classified patients to custody or the release of classified patients | Chapt. 3, Pt.5 (Return to custody, or release from detention in authorised mental health service, of classified patient) |
| 1. **Judicial order patients** |  |
| Managing judicial order patients   * Limited community treatment * Temporary absences | * Chapt. 7, Pt.6 (Classified patients and patients subject to judicial orders) * Section 221 |
| 1. **Mechanical restraint** |  |
| Authorising the mechanical restraint of patients in an AMHS | Chapt. 8, Pt. 2 (Mechanical restraint) |
| 1. **Seclusion** |  |
| Authorising the seclusion of patients in an AMHS | Chapt. 8, Pt. 3 (Seclusion) |
| **9. Physical restraint** |  |
| Authorising the physical restraint of patients in an AMHS | Section 270 |
| **10. Regulated treatments** |  |
| Performing ECT on a patient in an AMHS | * Chapt. 7, Pt. 10, Div. 2 (Informed consent) * Chapt. 7, Pt. 10, Div. 3 (Electroconvulsive therapy) |
| Performing non-ablative neurosurgery on a patient in an AMHS | * Chapt. 7, Pt. 10, Div. 2 (Informed consent) * Chapt. 7, Pt. 10, Div. 4 (Non-ablative neurosurgical procedures) |
| 1. **Psychiatrist reports** |  |
| Preparing psychiatrist reports for serious offences – authorised psychiatrists only | Chapt. 4 (Psychiatrist reports for serious offences) |
| 1. **Mental Health Review Tribunal** |  |
| Preparing reports for Tribunal hearings | Section 723 |
| 1. **Examinations** |  |
| Examine a person under a court examination order made by the Mental Health Court | Ch.16, Pt.1, Div.8 (Court examination orders) |
| Examine a person under an order of Mental Health Review Tribunal | Section 721 |
| 1. **Searches** |  |
| Carry out searches for harmful things | Chapt. 11, Pt. 7, Div. 3 (Searches of patients of authorised mental health services or public sector health service facilities) |
| 1. **Transport of patients** |  |
| Managing the transport of patients   * authorising transport * authorised person | Chapt. 11, Pt, 6 (Transport of persons) |