

# CHIEF PSYCHIATRIST

## ADVISORY NOTE

### Initial examination (s. 84) of a person detained under s. 81

ISSUE	If a person is detained under s. 81 of the Act at an approved mental health facility, they must receive an initial examination within four hours of arrival at the facility.
DEFINITIONS	<p><b>Approved mental health facility</b> is a place approved by the Minister for Mental Health under s. 261 of the Act.</p> <p><b>Initial examination</b> is an assessment of a person’s mental state and immediate health issues. The examination is conducted, in person, by a consultant psychiatrist or a psychiatric registrar/another doctor (with consultation from a psychiatrist).</p> <p><b>Person in charge</b> is the senior member of staff in charge of an approved mental health facility at any particular time. This is generally the Clinical Director, Assistant Director of Nursing (ADON), Clinical Nurse Consultant (CNC) or their delegate (after hours).</p>
DETAILED DESCRIPTION	<p>If a person is detained under s. 81 of the Act at an approved mental health facility, they must receive an initial examination within four hours of arrival at the facility.</p> <p>The person in charge of the facility must keep the person in detention and ensure that the detained person is examined in person, by a doctor <b><u>within four hours</u></b>.</p> <p>The purpose of the initial examination is to assess whether the person requires further detention under the Act for the purpose of receiving treatment care and support for a mental illness.</p> <p><b>Documentation</b></p> <p>The <i>Authorisation of involuntary detention</i> form must be completed indicating that the person:</p> <ul style="list-style-type: none"><li>• Involuntary detention is authorised, or</li><li>• Involuntary detention NOT authorised.</li></ul> <p><b>Failure to conduct an initial examination within <u>four hours</u></b></p> <p>If the initial examination does not occur within four hours, the person in charge of the facility <b>must</b> immediately tell the Chief Psychiatrist (or delegate) of the failure, using the <i>Failure to Undertake Initial Examination Form</i>.</p> <p>The Chief Psychiatrist (or delegate) must arrange for an initial</p>

	<p>examination of the person within two hours of being told about the failure to undertake the initial examination within 4 hours of arrival at the facility.</p> <p><b>Failure to conduct an initial examination <u>within further two hours</u></b></p> <p>The person in charge of the facility must:</p> <ul style="list-style-type: none"> <li>• release the person, or</li> <li>• if they were taken to the approved facility under s. 309 of the Crimes Act, release the person into the custody of a police officer, or</li> <li>• if a court order requires the person be detained at a correctional centre, release the person into the custody of the corrections director-general, or</li> <li>• if a court order requires the person to be detained at a detention place release the subject person into the custody of the Children and Young Peoples director-general.</li> </ul> <p>The person in charge of the facility must tell the Public Advocate, in writing, of the failure to conduct the initial examination using the <i>Failure to Undertake Initial Examination Form</i>.</p>
IMPLEMENTATION	<p>This Advisory will be part of orientation for all staff involved in the initial examination of a person detained under the Act.</p> <p>Services may develop their own policies and procedures to implement this advice.</p>
RELEVANT LEGISLATION	<p><a href="#"><u>Mental Health Act 2015</u></a></p> <p><a href="#"><u>Mental Health (Secure Facilities) Act 2016</u></a></p>