



Mental Health Amendment Bill 2016



Queensland

Mental Health Amendment Bill 2016

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2016

A Bill

for

An Act to amend the *Mental Health Act 2016* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Mental Health Amendment Act 2016*. 4
5

Clause 2 Act amended 6

This Act amends the *Mental Health Act 2016*. 7

Part 2 Principal provisions 8

Clause 3 Amendment of s 32 (Powers of doctor or authorised mental health practitioner) 9
10

(1) Section 32(2)(c)— 11

omit, insert— 12

(c) detain the person at the place at which the person is examined— 13
14

(i) if the place is an authorised mental health service or public sector health service facility—for a period, of not more than 6 hours, starting when the person first attends at the service or facility for the examination; or 15
16
17
18
19
20

(ii) otherwise—for a period, of not more than 1 hour, starting when the person is found at the place. 21
22
23

(2) Section 32— 24

insert—

(4) The doctor or authorised mental health practitioner examining the person may extend, or further extend, the period under subsection (2)(c)(i) before it ends if the doctor or authorised mental health practitioner considers the extension is necessary to carry out or finish the examination.

(5) An extension under subsection (4) may be for a period, of not more than 12 hours, starting when the person first attends at the service or facility for the examination.

Clause 4 Amendment of s 45 (Detention for assessment)

Section 45(1)(b), from ‘is first transported’—

omit, insert—

first attends at the service or facility for the assessment.

Clause 5 Amendment of s 46 (Start of assessment period to be noted)

Section 46(2)(a), ‘a health service employee’—

omit, insert—

an employee of the service or facility

Clause 6 Amendment of s 50 (Form of treatment authority)

(1) Section 50(1)(b)(v)—

omit.

(2) Section 50(1)(b)(vi)—

renumber as section 50(1)(b)(v).

[s 7]

Clause 7	Replacement of s 53 (Nature and extent of treatment and care)	1 2
	Section 53—	3
	<i>omit, insert—</i>	4
	53 Nature and extent of treatment and care	5
	(1) The authorised doctor must decide the nature and extent of the treatment and care to be provided to the person under the treatment authority.	6 7 8
	(2) In deciding the nature and extent of the treatment and care, the authorised doctor must—	9 10
	(a) discuss the treatment and care to be provided with the person; and	11 12
	(b) have regard to the views, wishes and preferences of the person, to the extent they can be expressed, including, for example, in an advance health directive.	13 14 15 16
Clause 8	Amendment of s 56 (Review of treatment authority if not made by psychiatrist)	17 18
	Section 56(5), from ‘is admitted to’—	19
	<i>omit, insert—</i>	20
	attends for the review at the service or facility.	21
Clause 9	Amendment of s 96 (Information from prosecuting authority)	22 23
	(1) Section 96(1), ‘applies to’—	24
	<i>omit, insert—</i>	25
	applies if	26
	(2) Section 96(1)(a) and (b), ‘who’—	27
	<i>omit.</i>	28

-
- (3) Section 96(2) and (7) and example, ‘administrator or authorised psychiatrist’— 1
2
omit, insert— 3
administrator, authorised psychiatrist or chief 4
psychiatrist 5

- Clause 10 Amendment of s 101 (Reference by chief psychiatrist to Mental Health Court)** 6
7
Section 101(3)(a), ‘the person making the request’ 8
omit, insert— 9
a person under section 102(1) or (2) 10

- Clause 11 Amendment of s 102 (Copies of reports)** 11
- (1) Section 102(2), after ‘subsection (1)(a)’— 12
insert— 13
or (c) 14
- (2) Section 102— 15
insert— 16
(4A) The administrator of the person’s treating health 17
service must include the copy of the psychiatrist 18
report, or second psychiatrist report, in the 19
person’s health records. 20
- (3) Section 102(6), ‘Subject to subsection (2) and (5)’— 21
omit, insert— 22
Subject to subsections (2) and (6) 23
- (4) Section 102(4A) to (6)— 24
renumber as section 102(5) to (7). 25

- Clause 12 Insertion of new s 167A** 26
After section 167— 27

[s 13]

insert—

167A Person subject to existing treatment support order

(1) This section applies if the Mental Health Court is required under this chapter to make a treatment support order (a *new treatment support order*) for a person who is already subject to a treatment support order (the *existing treatment support order*).

(2) The court may—

(a) amend the existing treatment support order for the person; or

(b) revoke the existing treatment support order for the person and make a new treatment support order for the person.

Note—

If there is an information notice relating to the person, the revocation of the existing treatment support order under this section does not affect the information notice.
See section 322.

Clause 13 Amendment of s 177 (Power to make examination order for person charged with simple offence)

Section 177(5)(a), ‘an inpatient unit of’—

omit.

Clause 14 Amendment of s 178 (Examination of person)

Section 178(1)(b), from ‘is first transported’—

omit, insert—

first arrives at the relevant service for the examination; or

Clause 15	Replacement of s 180 (Admissibility of examination report)	1 2
	Section 180—	3
	<i>omit, insert—</i>	4
	180 Admissibility of examination report at trial	5
	An examination report is admissible at the trial of the person for an offence only for the following purposes—	6 7 8
	(a) deciding under this Act whether to make another examination order for the person;	9 10
	(b) deciding under this Act whether to refer to the Mental Health Court the matter of the person’s mental state relating to the offence.	11 12 13
	180A Particular statements not admissible	14
	(1) Neither of the following is admissible in evidence against the person in any civil or criminal proceeding—	15 16 17
	(a) a statement made by the person during an examination of the person under an examination order;	18 19 20
	(b) a statement made by the person to a health practitioner for the purpose of a Magistrates Court making a decision about the person under section 172 or 173.	21 22 23 24
	(2) Subsection (1) applies to statements made orally or in writing and whether on oath or otherwise.	25 26
	(3) However, subsection (1) does not apply to a proceeding for—	27 28
	(a) contempt of the court; or	29
	(b) an offence against the Criminal Code, chapter 16.	30 31

[s 16]

180B Other use of examination report and particular statements	1 2
(1) This section applies to each of the following relating to a person—	3 4
(a) an examination report made for the person;	5
(b) a statement made by the person to a health practitioner for the purpose of a Magistrates Court making a decision about the person under section 172 or 173.	6 7 8 9
(2) The report or statement may be given to—	10
(a) if an authorised mental health service is responsible for the person—the administrator of the service; or	11 12 13
(b) if the forensic disability service is responsible for the person—the administrator of the service.	14 15 16
(3) If the report or statement is received in evidence by a Magistrates Court, the report or statement may be given to, and used by, another person only with the leave of the court.	17 18 19 20
(4) The court may grant the leave subject to the conditions it considers appropriate.	21 22
(5) An administrator who receives a report or statement under subsection (2) must include the report or statement in the person’s health records.	23 24 25

Clause 16 Amendment of s 199 (Relationship between this Act and custodial status of particular patients)	26 27
Section 199(2) to (4)—	28
<i>omit, insert—</i>	29
(2) A person making a decision about the patient’s treatment in the community must make the decision without regard to whether the patient is in custody under another Act.	30 31 32 33

	(3)	However, a decision made under this Act about the patient's treatment in the community is subject to any custodial requirement under the other Act.	1 2 3
	(4)	Subsection (3) does not apply to a patient who is detained in the authorised mental health service—	4 5
	(a)	as a classified patient under chapter 3; or	6
	(b)	under an order mentioned in schedule 3, definition <i>judicial order</i> , paragraph (c).	7 8
Clause 17		Amendment of s 219 (Authorisation of limited community treatment)	9 10
		Section 219(4), 'a health service employee'—	11
		<i>omit, insert—</i>	12
		an employee of the authorised mental health service	13 14
Clause 18		Amendment of s 220 (Patient's obligations to be recorded and explained)	15 16
		Section 220(7), definition <i>escorted day leave</i> , paragraph (b), 'a health service employee'—	17 18
		<i>omit, insert—</i>	19
		an employee of the service	20
Clause 19		Amendment of s 227 (Requirement to give notice—matters relating to advance health directive)	21 22
	(1)	Section 227, heading, after 'advance health directive'—	23
		<i>insert—</i>	24
		or enduring power of attorney	25
	(2)	Section 227(1)(b)(ii)—	26
		<i>omit, insert—</i>	27

[s 20]

	(ii) to the extent the directive or power of attorney appoints an attorney to exercise power for a personal matter—the attorney resigns.	1 2 3 4
(3)	Section 227(2), after ‘The person’— <i>insert</i> — who made the directive or power of attorney	5 6 7
Clause 20	Amendment of s 231 (Obligation to notify public guardian)	8 9
(1)	Section 231(1)(b)— <i>omit, insert</i> —	10 11
	(b) an inpatient mental health unit of an authorised mental health service, other than a child and adolescent unit.	12 13 14
(2)	Section 231(4)— <i>omit, insert</i> —	15 16
	(4) In this section— <i>child and adolescent unit</i> means an inpatient mental health unit of an authorised mental health service that provides treatment and care only to minors or young adults. <i>Example</i> — an inpatient mental health unit of an authorised mental health service that admits only minors, or patients between 16 and 21 years <i>inpatient mental health unit</i> , of an authorised mental health service, means a part of the service to which patients are admitted for treatment and care and discharged on a day other than the day of admission.	17 18 19 20 21 22 23 24 25 26 27 28 29 30

Clause 21	Amendment of s 250 (Authorisation of use of mechanical restraint by authorised doctor)	1 2
	Section 250(4)—	3
	<i>omit, insert—</i>	4
	(4) However, an authorisation (the <i>proposed authorisation</i>) may not be given if the total period for which mechanical restraint has been used on the relevant patient under any previous authorisation, and may be used on the relevant patient under the proposed authorisation, is more than 9 hours in a 24-hour period.	5 6 7 8 9 10 11
Clause 22	Amendment of s 258 (Authorisation of seclusion by authorised doctor)	12 13
	Section 258(4)—	14
	<i>omit, insert—</i>	15
	(4) However, an authorisation (the <i>proposed authorisation</i>) may not be given if the total period for which the relevant patient has been kept in seclusion under any previous authorisation or under section 263, and may be kept in seclusion under the proposed authorisation, is more than 9 hours in a 24-hour period.	16 17 18 19 20 21 22
Clause 23	Amendment of s 259 (Extension of period of seclusion)	23
	(1) Section 259(2)(a)(i), ‘section 258(1)(a) to (d)’—	24
	<i>omit, insert—</i>	25
	section 258(1)(a) to (c)	26
	(2) Section 259(2)(b), ‘senior medical administrator’—	27
	<i>omit, insert—</i>	28
	clinical director	29
	(3) Section 259(4), ‘senior medical administrator’—	30

[s 24]

omit, insert— 1

authorised doctor 2

(4) Section 259(5)— 3

omit. 4

Clause 24 Amendment of s 278 (Giving statement of rights to patients and others) 5
6

Section 278, from ‘must’— 7

omit, insert— 8

must ensure— 9

(a) the statement of rights is explained to the patient; and 10
11

(b) a copy of the statement of rights is given to the patient, if requested; and 12
13

(c) a copy of the statement of rights is given to the patient’s nominated support person, family, carers and other support persons, if requested. 14
15
16
17

Clause 25 Amendment of s 322 (Mandatory revocation) 18

Section 322(1)(c)(i), after ‘section 166(2)(b)’— 19

insert— 20

or 167A(2)(b) 21

Clause 26 Amendment of s 337 (Delegation) 22

Section 337(1), ‘health service employee’— 23

omit, insert— 24

employee 25

Clause 27	Amendment of s 355 (Transfer of person subject to interstate order from another State)	1 2
	(1) Section 355(3), ‘admission to’—	3
	<i>omit, insert—</i>	4
	arrival at	5
	(2) Section 355(4)—	6
	<i>omit, insert—</i>	7
	(4) The person may be detained for assessment in the AMHS for a period of not more than 6 hours starting when the person arrives at the AMHS.	8 9 10
Clause 28	Amendment of s 358 (Notice to tribunal)	11
	Section 358—	12
	<i>insert—</i>	13
	(3) Subsection (2) does not apply if the person is subject only to a recommendation for assessment.	14 15
Clause 29	Amendment of s 359 (Who is an <i>authorised person</i>)	16
	(1) Section 359(1)(c) and (d)—	17
	<i>omit, insert—</i>	18
	(c) a health practitioner;	19
	(2) Section 359(1)(e)—	20
	<i>renumber</i> as section 359(1)(d).	21
	(3) Section 359(2), ‘or youth detention centre’—	22
	<i>omit, insert—</i>	23
	, a youth detention centre or a court	24
	(4) Section 359(2)(a), after ‘facility’—	25
	<i>insert—</i>	26
	or court	27

[s 30]

- (5) Section 359(2)(b), after ‘centre’— 1
insert— 2
or court 3
(6) Section 359(3), ‘a health service employee’— 4
omit, insert— 5
an employee 6

- Clause 30 Amendment of s 360 (Transport within authorised mental health service)** 7
8
(1) Section 360, ‘an authorised doctor’— 9
omit, insert— 10
a health practitioner 11
(2) Section 360, ‘or authorised doctor’— 12
omit, insert— 13
or health practitioner 14

- Clause 31 Amendment of s 364 (Administrator or person in charge may require return of absent person)** 15
16
(1) Section 364, heading, ‘Administrator or person in charge’— 17
omit, insert— 18
Particular persons 19
(2) Section 364(1), from ‘The’ to ‘may’— 20
omit, insert— 21
A responsible person may 22
(3) Section 364(2)(e), (3) and (4), ‘administrator or person in charge’— 23
24
omit, insert— 25
responsible person 26
(4) Section 364— 27

insert—

(5) The person in charge of a public sector health service facility may delegate a function under this section to an appropriately qualified health service employee.

(6) In this section—
function includes a power.

responsible person means—

(a) the administrator of an authorised mental health service; or

(b) the person in charge of a public sector health service facility; or

(c) an authorised doctor; or

(d) an authorised mental health practitioner.

Clause 32 Amendment of s 366 (Authorised person may transport absent person)

(1) Section 366(1), ‘section 364(1)’—

omit, insert—

section 364(1)(a)

(2) Section 366(3) and (4)—

omit, insert—

(3) Subsection (4) applies if an authorised person mentioned in section 364(1)(a) asks a police officer, under the *Police Powers and Responsibilities Act 2000*, section 16, to help transport the named person.

Note—

Under section 359(4), an authorised person, other than a police officer, is a public official for the *Police Powers and Responsibilities Act 2000*. Under section 16 of that Act, a public official may ask a police officer to help the public official perform the public official’s functions.

[s 33]

	(4) The request must—	1
	(a) be in the approved form; and	2
	(b) state the name of the person to be transported; and	3 4
	(c) state the name of the authorised mental health service or public sector health service facility to which the person is to be transported; and	5 6 7 8
	(d) identify the risk the person presents to himself or herself, the authorised person or police officer, and others; and	9 10 11
	(e) state the reasons why the authorised person considers it necessary to ask the police officer to help transport the person.	12 13 14
Clause 33	Amendment of s 367 (Effect on assessment period)	15
	Section 367(b) and (c)—	16
	<i>omit, insert—</i>	17
	(b) despite section 45, the assessment period for the person starts when the person arrives at the service or facility to which the person has been transported; and	18 19 20 21
	(c) an employee of the service or facility to which the person has been transported must note on the recommendation for assessment when the assessment period starts under paragraph (b).	22 23 24 25 26
Clause 34	Amendment of s 369 (Transport of person in Queensland to interstate mental health service)	27 28
	Section 369(1)(a), ‘an authorised mental health service or’—	29
	<i>omit, insert—</i>	30
	a	31

Clause 35	Amendment of s 384 (Definitions for pt 7)	1
	Section 384, definition <i>authorised security officer</i> , ‘health service employee’—	2
	<i>omit, insert—</i>	3
	employee	4
		5
Clause 36	Amendment of s 420 (Administrator to provide report)	6
	Section 420—	7
	<i>insert—</i>	8
	(2) In this section—	9
	<i>health matter</i> see the <i>Guardianship and Administration Act 2000</i> , schedule 2, section 4.	10
	<i>personal guardian</i> , of a person, means a guardian for a health matter appointed by QCAT for the person under the <i>Guardianship and Administration Act 2000</i> .	11
		12
		13
		14
		15
Clause 37	Amendment of s 451 (Making of treatment authority or no further order)	16
	(1) Section 451—	17
	<i>insert—</i>	18
	(8A) Despite subsection (8) and section 413(1), the tribunal must review the treatment authority—	19
	(a) within 6 months after the authority is made; and	20
		21
	(b) within 6 months after the review under paragraph (a) is completed; and	22
		23
	(c) at intervals of not more than 12 months after the review under paragraph (b) is completed.	24
		25
		26
		27
		28
	(2) Section 451(8A) to (10)—	29

[s 38]

renumber as section 451(9) to (11).

1

Clause 38 Amendment of s 483 (Making of treatment authority or no further order)

2
3

(1) Section 483—

4

insert—

5

(7A) Despite subsection (7) and section 413(1), the tribunal must review the treatment authority—

6
7

(a) within 6 months after the authority is made; and

8
9

(b) within 6 months after the review under paragraph (a) is completed; and

10
11

(c) at intervals of not more than 12 months after the review under paragraph (b) is completed.

12
13
14

(2) Section 483(7A) to (9)—

15

renumber as section 483(8) to (10).

16

Clause 39 Amendment of s 502 (Application for examination authority)

17
18

Section 502(3), definition *clinical matters*, paragraph (d), from ‘seek’—

19
20

omit, insert—

21

have a voluntary examination relating to the person’s mental illness.

22
23

Clause 40 Amendment of s 504 (Decision on application)

24

Section 504(2)(c)(i) and (ii), ‘be treated voluntarily for the person’s mental illness’—

25
26

omit, insert—

27

have a voluntary examination relating to the

28

	person's mental illness	1
Clause 41	Amendment of s 522 (Who may apply)	2
	Section 522(2)(b)—	3
	<i>omit, insert—</i>	4
	(b) a person charged with an offence if—	5
	(i) a finding of unfitness has been made in relation to the person; and	6 7
	(ii) the person has not been found fit for trial; and	8 9
	(iii) the proceeding against the person for the offence has not been discontinued under this Act or otherwise.	10 11 12
Clause 42	Insertion of new s 534A	13
	After section 534—	14
	<i>insert—</i>	15
	534A Frivolous or vexatious appeal	16
	(1) The tribunal may dismiss the appeal if the tribunal is satisfied the appeal is frivolous or vexatious.	17 18
	(2) The tribunal may dismiss an appeal under this section without a hearing.	19 20
Clause 43	Amendment of s 618 (Ending of suspension)	21
	(1) Section 618(2)—	22
	<i>insert—</i>	23
	(ab) if the chief psychiatrist has given a direction under section 91 or 93 for a psychiatrist report to be prepared about the person in relation to a charge of a serious offence or	24 25 26 27

[s 44]

	associated offence—the direction has been	1
	revoked;	2
(2)	Section 618(2)(ab) to (c)—	3
	<i>renumber</i> as section 618(2)(b) to (d).	4
Clause 44	Amendment of s 630 (Detention of person in public sector health service facility with use of reasonable force)	5
	Section 630(1), ‘, other than an authorised mental health service’—	6
	<i>omit</i> .	7
		8
		9
		10
Clause 45	Amendment of s 730 (Adjournment of hearing)	11
	Section 730(2)(a)—	12
	<i>omit, insert—</i>	13
	(a) the tribunal may adjourn the hearing of the	14
	scheduled review; and	15
Clause 46	Amendment of s 731 (Hearing of scheduled review to be conducted on relevant person’s return)	16
	Section 731(2), ‘The’—	17
	<i>omit, insert—</i>	18
		19
	If the tribunal has adjourned the hearing of the	20
	scheduled review under section 730, the	21
Clause 47	Amendment of s 736 (Right to appear)	22
	Section 736—	23
	<i>insert—</i>	24
	(4) Subsection (3)(a) does not apply in relation to an	25
	application for an examination authority made	26
	under section 502 by an administrator of an	27

	authorised mental health service or a person	1
	authorised in writing by an administrator of an	2
	authorised mental health service.	3
Clause 48	Amendment of s 756 (Written reasons for decision)	4
	Section 756—	5
	<i>insert—</i>	6
	(4) Also, if the request is for written reasons for a	7
	decision in relation to an application for an	8
	examination authority by a person mentioned in	9
	section 502(1)(c), the written reasons must not	10
	disclose—	11
	(a) the contact details of the person the subject	12
	of the application; or	13
	(b) information about the health or health care	14
	of the person the subject of the application.	15
Clause 49	Amendment of s 796 (Disclosure by QCAT of information about personal guardian)	16
	(1) Section 796, heading, after ‘personal guardian’—	17
	<i>insert—</i>	18
	or administrator	19
	(2) Section 796(2), ‘registrar’—	20
	<i>omit, insert—</i>	21
	executive officer	22
	(3) Section 796(2)(a), after ‘personal guardian’—	23
	<i>insert—</i>	24
	, or an administrator for a financial matter,	25
	(4) Section 796(2)(b)—	26
	<i>omit, insert—</i>	27
		28

[s 50]

	(b) if a personal guardian, or an administrator for a financial matter, has been appointed—the name and contact details of the personal guardian or administrator.	1 2 3 4
(5)	Section 796— <i>insert—</i>	5 6
	(4) In this section— <i>administrator for a financial matter</i> , of a person, means an administrator for a financial matter appointed by QCAT for the person under the <i>Guardianship and Administration Act 2000</i> .	7 8 9 10 11
Clause 50	Amendment of s 798 (Approved forms)	12
(1)	Section 798— <i>insert—</i>	13 14
	(2A) The rules committee may approve, for this Act, forms for use by or in the Supreme Court, the District Court or the Magistrates Courts.	15 16 17
(2)	Section 798(3), ‘subsection (1) or (2)’— <i>omit, insert—</i>	18 19
	subsection (1), (2) or (3)	20
(3)	Section 798— <i>insert—</i>	21 22
	(4) In this section— <i>rules committee</i> see the <i>Supreme Court of Queensland Act 1991</i> , section 89.	23 24 25
(4)	Section 798(2A) to (4)— <i>renumber</i> as section 798(3) to (5).	26 27

Clause 51	Amendment of sch 3 (Dictionary)	1
(1)	Schedule 3, definition <i>public sector health service facility</i> — <i>omit.</i>	2 3
(2)	Schedule 3— <i>insert</i> — <i>employee</i> , of an authorised mental health service that is a public sector mental health service, means a health service employee in the service. <i>public sector health service facility</i> — (a) means a public sector health service facility under the <i>Hospital and Health Boards Act 2011</i> , schedule 2; and (b) does not include an authorised mental health service.	4 5 6 7 8 9 10 11 12 13 14
(3)	Schedule 3, definition <i>patient required to return</i> , paragraph (a)— <i>omit, insert</i> — (a) in relation to whom a responsible person has given an authorisation or made a request under section 364; and	15 16 17 18 19 20
Part 3	Provisions amending Public Health Act 2005	21 22
	<i>Editor's note</i> — Legislation ultimately amended in this part— • <i>Public Health Act 2005</i>	23 24 25

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Clause 52	Amendment of s 921 (Insertion of new ch 4A)	1
(1)	Section 921, inserted section 157A, definitions <i>administrator</i> , <i>authorised mental health practitioner</i> and <i>authorised mental health service</i> —	2
	<i>omit.</i>	3
(2)	Section 921, inserted section 157A, definition <i>authorised person</i> , paragraph (b), ‘or the administrator of an authorised mental health service’—	4
	<i>omit.</i>	5
(3)	Section 921, inserted section 157A, definition <i>authorised person</i> —	6
	<i>insert</i> —	7
	(ba) an ambulance officer; or	8
(4)	Section 921, inserted section 157A, definition <i>authorised person</i> , paragraphs (ba) and (c)—	9
	<i>renumber</i> as paragraphs (c) and (d).	10
(5)	Section 921, inserted section 157A, definition <i>security officer</i> , ‘or an authorised mental health service’—	11
	<i>omit.</i>	12
(6)	Section 921, inserted section 157A, definition <i>treatment or care place</i> , ‘, authorised mental health service’—	13
	<i>omit.</i>	14
(7)	Section 921, inserted section 157B(5), ‘or authorised mental health service’—	15
	<i>omit.</i>	16
(8)	Section 921, inserted section 157B(5), note, ‘or authorised mental health service’—	17
	<i>omit.</i>	18
(9)	Section 921, inserted section 157D(1), ‘or an authorised mental health service’—	19
	<i>omit.</i>	20
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- (10) Section 921, inserted section 157E(1), ‘or an authorised mental health service’— 1
2
omit. 3
- (11) Section 921, inserted section 157E(1), ‘is made’— 4
omit, insert— 5
is given to the health service employee under 6
section 157D(4) 7
- (12) Section 921, inserted section 157F(4)— 8
insert— 9
authorised mental health practitioner see the 10
Mental Health Act 2016, schedule 3. 11
- (13) Section 921, inserted section 157G, ‘or authorised mental health service’— 12
13
omit. 14
- (14) Section 921, inserted section 157H, heading, ‘Administrator or person in charge’— 15
16
omit, insert— 17
Person in charge of facility 18
- (15) Section 921, inserted section 157H(1), ‘or the administrator of an authorised mental health service’— 19
20
omit. 21
- (16) Section 921, inserted section 157H(1)(a) and (b), ‘or an authorised mental health service’— 22
23
omit. 24
- (17) Section 921, inserted section 157H(2)(c), ‘or authorised mental health service’— 25
26
omit. 27
- (18) Section 921, inserted section 157H(2)(e), ‘or administrator’— 28
omit. 29
- (19) Section 921, inserted section 157H(3), ‘or administrator’— 30
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[s 52]

<i>omit.</i>	1
(20) Section 921, inserted section 157H(3), ‘or authorised mental health service’—	2 3
<i>omit.</i>	4
(21) Section 921, inserted section 157H(4), ‘or administrator’—	5
<i>omit.</i>	6
(22) Section 921, after inserted section 157H(4)—	7
<i>insert—</i>	8
(5) The person in charge of a public sector health service facility may delegate a function or power of the person in charge under this section to an appropriately qualified health service employee.	9 10 11 12
(6) For performing a function or exercising a power under this section in relation to a person, an authorised person, other than a police officer, is a public official for the <i>Police Powers and Responsibilities Act 2000</i> .	13 14 15 16 17
(23) Section 921, inserted section 157J(2), ‘or authorised mental health service’—	18 19
<i>omit.</i>	20
(24) Section 921, inserted section 157J(3) and (4)—	21
<i>omit, insert—</i>	22
(3) Subsection (4) applies if an authorised person mentioned in section 157H(1)(a) asks a police officer, under the <i>Police Powers and Responsibilities Act 2000</i> , section 16, to help transport the named person.	23 24 25 26 27
<i>Note—</i>	28
Under section 157H(6), an authorised person, other than a police officer, is a public official for the <i>Police Powers and Responsibilities Act 2000</i> . Under section 16 of that Act, a public official may ask a police officer to help the public official perform the public official’s functions.	29 30 31 32 33

-
- (4) The request must— 1
- (a) be in the approved form; and 2
 - (b) state the name of the person to be transported; and 3
4
 - (c) state the name of the public sector health service facility to which the person is to be transported; and 5
6
7
 - (d) identify the risk the person presents to himself or herself, the authorised person or police officer, and others; and 8
9
10
 - (e) state the reasons why the authorised person considers it necessary to ask the police officer to help transport the person. 11
12
13
- (25) Section 921, inserted section 157J(5)(a), ‘or authorised mental health service’— 14
15
omit. 16
- (26) Section 921, inserted section 157M(1)(a) and (b), ‘or an authorised mental health service’— 17
18
omit. 19
- (27) Section 921, inserted section 157M(1)(b), ‘authorised mental health practitioner’— 20
21
omit, insert— 22
health practitioner 23
- (28) Section 921, inserted section 157N(1), ‘or an authorised mental health service’— 24
25
omit. 26
- (29) Section 921, inserted section 157N(2)— 27
omit, insert— 28
- (2) The person in charge of the public sector health service facility, and anyone lawfully helping the person in charge, may exercise the power to detain the person in the facility with the help, and 29
30
31
32

[s 52]

- using the force, that is necessary and reasonable in the circumstances. 1
2
- (30) Section 921, inserted section 157P(1)(a), ‘or an authorised mental health service’— 3
4
omit. 5
- (31) Section 921, inserted section 157P(2) and (3)— 6
omit, insert— 7
- (2) The person in charge of the public sector health service facility must take reasonable steps to ensure the person is returned to a place reasonably requested by the person. 8
9
10
11
- (32) Section 921, inserted section 157Q(1), ‘or authorised mental health service’— 12
13
omit. 14
- (33) Section 921, inserted section 157R(1), ‘or authorised mental health service’— 15
16
omit. 17
- (34) Section 921, inserted section 157R(2)(d), ‘or stated authorised mental health service’— 18
19
omit. 20
- (35) Section 921, inserted section 157W, ‘or authorised mental health service’— 21
22
omit. 23
- (36) Section 921, inserted section 157X, definition *harmful thing*, ‘or authorised mental health service’— 24
25
omit. 26
- (37) Section 921, inserted section 157Y(2)(b), ‘, or the administrator of the authorised mental health service,’— 27
28
omit. 29
- (38) Section 921, inserted section 157Y(3)— 30
omit, insert— 31

	(3) The person in charge of the public sector health service facility may give approval under subsection (2)(b) if the person in charge believes that a search requiring the removal of clothing is necessary in the circumstances.	1 2 3 4 5
	(39) Section 921, inserted section 157ZD(5)(a), ‘or authorised mental health service’— <i>omit.</i>	6 7 8
	(40) Section 921, inserted section 157ZD(5)(d), ‘or the administrator of the authorised mental health service,’— <i>omit.</i>	9 10 11
Clause 53	Amendment of s 922 (Amendment of sch 2 (Dictionary)) Section 922(2), to the extent it inserts the definitions <i>administrator</i> , <i>authorised mental health practitioner</i> and <i>authorised mental health service</i> — <i>omit.</i>	12 13 14 15 16
Part 4	Provisions amending Coroners Act 2003	17 18
	<i>Editor’s note</i> — Legislation ultimately amended in this part— <ul style="list-style-type: none">• <i>Coroners Act 2003</i>	19 20 21
Clause 54	Amendment of sch 4 (Minor or consequential amendments of particular legislation) Schedule 4, entry for <i>Coroners Act 2003</i> , amendment 3, inserted section 9(1)(b)(ii), ‘or authorised mental health service’— <i>omit.</i>	22 23 24 25 26 27

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