



# MENTAL HEALTH COURT

## Court examination order

*Mental Health Act 2000 Queensland*  
*Sections 422 & 424*

Approved form No: MHC.05

- ◆ The person may be detained in the health service for the examination for not more than three (3) days unless the court states a longer period in the order.
- ◆ If, immediately before the examination, the person was detained as an involuntary patient in another authorised mental health service, the health service stated in the court examination order is the patient's treating health service while the order is in force.

<b>BLOCK LETTERS</b>  The person being referred	<b>Personal details</b>		
	Given name/s		Family name
	Also known as		
	Residential address		
	Town/suburb	State QLD	Postcode
	Phone No.		
	Date of birth		
<b>Mark <input checked="" type="checkbox"/> applicable box</b>	Male <input type="checkbox"/> Female <input type="checkbox"/> classified patient <input type="checkbox"/>		

Current treating service if applicable <b>Mark <input checked="" type="checkbox"/> applicable box(es)</b>  <i>Note: more than one may apply</i>	<b>Mental Health Act status</b>		
	Authorised mental health service		
	<input type="checkbox"/> Involuntary treatment order <input type="checkbox"/> specify <input type="checkbox"/> In-patient category <input type="checkbox"/> Community category or <input type="checkbox"/> Forensic order		
<b>and/or</b>	<input type="checkbox"/> Classified patient		
	<input type="checkbox"/> Court order (s101(2), 273(1), 337(5)) specify		

<b>PLEASE PRINT</b>  Practitioner who will conduct the examination  <b>State the matters on which the examining practitioner must report on to the court</b>	<b>Order details</b>		
	Name of examining practitioner		
	<b>Details</b> Issues of unsoundness of mind, fitness for trial and future management as per attached letter in relation to the charge/s as per the attached reference.  The report must be forwarded to the Registrar of the Mental Health Court by		

<b>PLEASE PRINT</b>  Where the person is to be detained	<b>Authorisation for detention</b>		
	This person is to be detained in		
	Address		
	Town/suburb	State QLD	Postcode
for the examination for not more than      days.			

Mental Health Court	<b>Declaration</b>		
	The Mental Health Court has ordered the person the subject of a proceeding, to an examination by the abovementioned practitioner.		
	Signature	seal	
Date      /      /			

To: Director of Mental Health  
Director of Public Prosecutions  
Director of Forensic Disability (if applicable)  
Legal Aid Queensland  
Office of the Adult Guardian (if applicable)  
Attorney General (FO appeals only)  
Legal Representative  
Nominated health practitioner

## Mental Health Court to complete if required

### Authorisation to take person to authorised mental health service

Mark  applicable box

police officer                       corrective services officer                       detention centre officer

The officer is ordered to detain the person and take the person to

Authorised mental health service

Provide further details if required

Mental Health Court

Signature

seal

Date

/   /

**To: examining health practitioner, administrator, authorised mental health service if required - police, corrective services officer or custodian**

## IMPORTANT

### *Mental Health Act 2000*

#### Section 424

- (1) This section applies if the Mental Health Court makes a court examination order for a person the subject of a reference.
- (2) For examining the person, the order may also authorise either or both of the following:
  - (a) a police officer, corrective services officer, detention centre officer or other person stated in the order to detain the person and take the person to a stated authorised mental health service
  - (b) the person's detention in the health service.
- (3) A corrective services officer, detention centre officer or other person stated in the order may exercise the power with the help, and using the force, that is reasonable in the circumstances.
- (4) However, the court may make a court examination order authorised above only if the court is satisfied there is no less restrictive way to ensure a thorough examination of the person's mental condition.
- (5) The person may be detained in the health service for the examination for not more than 3 days unless the court states a longer period in the order.

*Note: If, immediately before the examination, the person was detained as an involuntary patient in another authorised mental health service, the health service stated in the court examination order is the patient's treating health service while the order is in force.*
- (6) The examining practitioner, or anyone lawfully helping the examining practitioner in examining the person, may use reasonable force to examine the person.

### *Police Powers & Responsibilities Act 2000*

#### Section 21

- (1) A police officer may enter a place and stay for a reasonable time on the place-
  - (a) to arrest a person without warrant; or
  - (b) to arrest a person named in a warrant; or
  - (c) to detain a person named in a forensic procedure order or a registered corresponding forensic procedure order; or
  - (d) to detain a person who may be detained under an order made under section 471, 484, 485, 488 or 514; or
  - (e) to detain a person under another Act.
- (2) If the place contains a dwelling, a police officer may enter the dwelling without the consent of the occupier to arrest or detain a person only if the police officer reasonably suspects the person to be arrested or detained is at the dwelling.
- (3) If the place is a vehicle, a police officer may stop and detain the vehicle and enter it to arrest or detain the person.
- (4) A police officer who enters a place under this section may search the place for the person.
- (5) In this section-

**arrest**, a person named in a warrant, includes apprehend, take into custody, detain, and remove to another place for examination and treatment.

#### Section 615

- (1) It is lawful for a police officer exercising or attempting to exercise a power under this or any other Act against an individual, and anyone helping the police officer, to use reasonably necessary force to exercise the power.
- (2) Also, it is lawful for a police officer to use reasonably necessary force to prevent a person from escaping from lawful custody.
- (3) The force a police officer may use under this section does not include force likely to cause grievous bodily harm to a person or the person's death.