



MENTAL HEALTH COURT

Directs to inquire into a patient's detention

*Mental Health Act 2000 Queensland
Section 429*

Form No: MHC.25

- ◆ The Mental Health Court may, by written order, direct a stated person to inquire into and report to the court on the lawfulness of a patient's detention.
- ◆ The administrator of the authorised mental health service must ensure the appointed person is given reasonable help to carry out the inquiry.

BLOCK LETTERS

The patient who is the subject of the application

Where the patient is detained

Patient's details

Given name/s	Family name		
Date of birth	or Age		
Authorised mental health service			
Address			
Town/suburb	State	QLD	Postcode

BLOCK LETTERS

The person directed to conduct the inquiry

Appointed person

Given name/s	Family name
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**See over page for powers of appointment

Mark applicable box

The person who made the application

Mental Health Court

Order

As a result of:

- ◆ an application into the detention of the patient made by:

Given name/s	Family name
Relationship to patient	

OR

- ◆ on the Mental Health Court's own initiative

the Mental Health Court is directing the appointed person to inquire into the matter of the lawfulness of the patient's detention and report to the court.

Signature	seal
Date <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	

To: appointed person
administrator, authorised mental health service

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POWERS OF APPOINTED PERSON

General powers of appointed person on inquiry (s431)

- (1) For carrying out the inquiry, the appointed person may exercise any 1 or more of the following powers:
 - (a) enter the authorised mental health service stated in the order;
 - (b) examine the patient;
 - (c) search any part of the health service;
 - (d) inspect, examine, test, measure, photograph or film any part of the health service or any documents or other thing in the health service;
 - (e) take extracts from, or make copies of, any documents in the health service;
 - (f) take into the health service any persons, equipment and materials the appointed person reasonably requires for exercising powers in relation to the health service.
- (2) The appointed person may exercise a power under subsection (1) with the help, and using the force, that is reasonable in the circumstances.

Appointed person's power to ask questions (s432)

- (1) The appointed person may require another person to answer a question about the patient's detention.
- (2) When making the requirement, the appointed person may warn the other person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.
- (3) The person must comply with the requirement unless the person has a reasonable excuse –
Maximum penalty— 50 penalty units.
- (4) It is a reasonable excuse for the person to fail to answer the question if complying with the requirement might tend to incriminate the person.
- (5) The person does not commit an offence against subsection (3) if the information sought by the appointed person is not in fact relevant to the patient's detention.