

Mental Health and Related Services Act 1998

Section 37

Approved procedure number 19A

Assessment Warrants

Target Audience	Approved Treatment Agencies under the Mental Health and Related Services Act; Approved Treatment Facilities under the Mental Health and Related Services Act; General Public,
Jurisdiction	Northern Territory
Document Owner	Chair Mental Health and Related Services Act Approved Procedures and Quality Assurance Committee
Approval Authority	Chief Executive
Author	Approved Procedures and Quality Assurance Committee

Purpose

To guide practitioners on the process of applying to the Northern Territory Civil and Administrative Tribunal (NTCAT) "The Tribunal" for an Assessment Warrant under the provisions of section 37 of the *Mental Health and Related Services (MHARS) Act 1998* and the actions that arise following the issuing of a warrant.

Procedure

Requirements under the Act

An authorised psychiatric practitioner (APP), medical practitioner or designated mental health practitioner (DMHP) (collectively referred to as a practitioner) or a police officer may apply to the Tribunal to apprehend a person and take them for assessment (an assessment warrant). The application may be made in writing, by telephone or other form of electronic communication.

Practice note:

Wherever possible, an application should be made via **Form 8 Assessment warrant application**.

In the case of an assessment warrant application under section 37, the Tribunal can consist of the President only.

Practice note:

Under the provisions of section 118(7) of the Act, the President of the Tribunal is either:

- A Local Court Judge;
- A judicial registrar of the Local Court; or
- A lawyer with at least 5 years' experience as a legal practitioner.

The Tribunal may issue a warrant if satisfied that:

- The person may be unable to care for himself or herself; and
- The person may fulfil the criteria for involuntary admission on the grounds of mental illness or mental disturbance; and
- All other reasonable avenues to assess the person have been exhausted.

Practice note:

An assessment warrant may be used when reports of a person's behaviour from family, friends or others indicate that the above criteria have been fulfilled, but the person is refusing assessment or cannot be located.

The warrant authorises:

- A practitioner to:
 - Apprehend and control a person; and
 - Assess a person; or
- A police officer to:
 - Apprehend and control a person; and
 - Bring the person to a practitioner for assessment.

To undertake this, the practitioner or police officer may use reasonable force and assistance and enter a private premises or place where they reasonably believe the person may be found.

Practice note: The concept of 'reasonable force'

The use of 'reasonable force' by mental health personnel is to be a method of last resort, when all other efforts to intervene and encourage compliance with requirements have been exhausted.

Whilst practitioners may have authority to apprehend and control a person subject to a warrant they generally are executed by police officers. The conferred powers to use 'reasonable force' are generally only applicable to police where they are called upon to assist in taking a person to a practitioner for the purpose of assessment.

An assessment warrant remains in force for 14 days from its date of issue unless, in the meantime:

- The Tribunal revokes the warrant; or
- An assessment of the person has been conducted.

If a warrant is issued, a copy of the warrant may be sent electronically to the applicant or anyone else who may apply for the warrant and a copy of the warrant has the same effect as an original.

If a practitioner or police officer believes, on reasonable grounds, a warrant has been issued under this section for a person, the practitioner or police officer may apprehend and control the person. They may also use reasonable force and assistance and enter a private premises or place where they reasonably believe the person may be found.

Practice note:

If the person can be located but is refusing treatment and the security of the assessing clinical staff is in question, then a DMHP may attend the person in company with the Police and provide an assessment **Form 9 Entry to Mental Health Services – Part A: Recommendation for Psychiatric Examination** if further assessment is required.

As soon as possible after a person is apprehended, the practitioner or police officer must inform the person they believe that a warrant has been issued for the person and is authorised to apprehend the person. Subject to verification of the warrant, they are to make arrangements for an assessment of the person by a practitioner and must take steps to verify that a warrant has been issued for the person.

If a warrant has been issued, they must contact the practitioner or police officer to whom the warrant was issued and make arrangements for an assessment of the person by a practitioner. If a warrant was not issued they must release the person.

Operational requirements not prescribed by the Act

Process for obtaining an assessment warrant

During business hours

1. A practitioner or police officer applies for an assessment warrant via the following:
 - (a) **Telephone**

Phone the Tribunal on 1800 604 622 and follow the prompts to advise that you are applying for a warrant pursuant to section 37 of the Act.
 - (b) **Email**

Following the phone call, email the completed (complete ALL aspects of the Warrant on ALL pages that can be filled in) **Form 8 Assessment warrant application** and any accompanying information to mentalhealthreviewtribunal.doj@nt.gov.au.
2. The Magistrate, who is the President of the Tribunal for the purpose of the application, will want to know the reasons for the application and will need to be satisfied that the criteria for an Assessment Warrant are met. This information is to be fully and clearly reflected in the **Form 8 Assessment warrant application**. If all necessary details are included in the application, there is greater likelihood that the Magistrate will make the order without requiring further discussion.
3. If satisfied, the Magistrate will complete and sign the **Form 8 Assessment warrant application** and e-mail it back to the applicant.

If the Warrant is not approved, a reason will be given and the Deputy Registrar may contact the applicant to explain (if they are not in hearings).
4. Once the applicant has received a signed copy of the **Assessment warrant** they:
 - a. Call police operations on 131 444 and inform them of the warrant; **and**
 - b. Email a copy of the warrant and a **Form 60 Request for Police Assistance** to Police Communications to Police.Assistance@pfes.nt.gov.au.
5. The applicant then calls the **Mental Health Access Team (MHAT)**.

Phone: 1800 68 22 88

6. The applicant then emails the signed **Form 8 Assessment warrant** (including med chart if required) to MHAT via the NTCATT generic email:
Email: NTCATT.THS@nt.gov.au
7. MHAT will generally liaise directly with the Emergency Department triage nurse or ATF themselves.
8. The warrant arrangements are to be documents in the patient's clinical record.

Outside of business hours

If a warrant is needed after 4pm weekdays or anytime on weekends, the practitioner or DHMP will need to call the person who is on call. A Warrant Roster is sent out at the end of every month. If there is no answer, please leave a message with your full phone number and keep trying. Do not send through the warrant without speaking with the on call person. Email addresses and telephone numbers are given on the Warrant Roster.

Assessment of person named in a warrant

The person named in the warrant can be assessed by a Medical Practitioner, a DMHP or an APP and this can occur in any location.

Once assessed the Medical Practitioner, DMHP or the APP will decide if the person can remain in the community or if they need to be taken to an ATF and admitted for further assessment and/or treatment.

Document Quality Assurance

	Method	Responsibility
Implementation	Document will be accessible via the MHARS Act internet and intranet pages and the PGC.	Senior Compliance and Clinical Policy Co-ordinator MHAOD Branch
Review	Document will be reviewed within a period of 4 years.	Approved Procedures Quality Assurance Committee
Evaluation	Document will be informally evaluated at time of review.	Approved Procedures Quality Assurance Committee

Key Associated Documents

All related material produced by the Northern Territory Department of Health is available from:

<https://health.nt.gov.au/professionals/mental-health-information-for-health-professional>

Mental Health and Related Services (MHARS) Act 1998 – available from:

<https://legislation.nt.gov.au/en/LegislationPortal/Acts/By-Title#>

Definitions and Search Terms

Preferred Term	Description
APP	Authorised Psychiatric Practitioner
ATF	Approved Treatment Facility
DMHP	Designated Mental Health Practitioner
Practitioner	Authorised Psychiatric Practitioner, Medical Practitioner, or Designated Mental Health Practitioner

Alternative Search Terms