

NSW / Victoria Civil Interstate Apprehension Order

REQUEST TO APPREHEND:

GIVEN NAME/S OF PATIENT Date of birth:/...../.....
 FAMILY NAME (BLOCK LETTERS) OF PATIENT

STATUS OF PATIENT:

Patient subject to the *Mental Health Act 2007* (NSW)
 Liable to apprehension under s.48

Patient subject to the *Mental Health Act 1986* (Vic)
 Liable to apprehension under s.43

Patient is absent without leave or otherwise liable to be apprehended under the *Mental Health Act 2007* (NSW) or the *Mental Health Act 1986* (Vic) (see note 1).

RETURN TO:

The patient is to be returned to:
 name of *declared mental health facility (NSW) / *approved mental health service (Vic)
 (from which the person is absent without leave or is required to return)

address of *service*/facility

Pending return, the patient may be taken to a declared mental health facility (NSW) or an approved mental health service (Vic) in the State where they were apprehended.

PERSON MAKING REQUEST TO APPREHEND:

Signed Dated:/...../..... Time::.....:.....hrs(24hr)

GIVEN NAME/S FAMILY NAME (BLOCK LETTERS)
 *Authorised Medical Officer (NSW) / *Authorised Psychiatrist of approved mental health service or *Chief Psychiatrist(Vic)

Telephone: Fax: Email:

DESCRIPTION OF THE PATIENT:

* Male/Female	Height:	Colour of Eyes:
Build:	Weight:	Complexion:

Include any distinguishing characteristics (e.g. tattoos or scars)

Extra Details Attached: *Yes / No

Information that will assist with Apprehension (e.g. Other names used, address where person may be found) (see Note 2):

Extra Details Attached: *Yes / No

Treatment and care requirements:

Extra Details Attached: *Yes / No

Risk Summary (include date of last assessment):

Extra Details Attached: *Yes / No

24 Hour Contact Person at facility/service requesting patient's apprehension:

Name: Designation:

*Mobile or *Telephone: Fax: Email:

NOTES

1. The apprehension and return of an involuntary patient absent without leave from Victoria or an assessable person or involuntary patient either absent without leave or required to return to NSW, is governed by Part 8 of the Ministerial Agreement between the two States and Division 4 of Part 5A of the *Mental Health Act 1986* (Vic) and Chapter 8 of the *Mental Health Act 2007* (NSW).

The *Mental Health Act 1986* (Vic) and the *Mental Health Regulations 2008* (Vic) may be accessed at <http://www.legislation.vic.gov.au>

The *Mental Health Act 2007* (NSW) and the *Mental Health Regulations 2007* (NSW) may be accessed at <http://www.legislation.nsw.gov.au>

The Ministerial Agreement may be accessed at http://www.health.vic.gov.au/mentalhealth/crossborder/1_civil_agree.pdf or <http://www.health.nsw.gov.au/aboutus/legal/agreements.asp>

2. PERSONS AUTHORISED TO APPREHEND AND TRANSPORT A PATIENT SUBJECT TO A CIVIL INTERSTATE APPREHENSION ORDER

The following persons are authorised to apprehend and return a patient absent without leave to an approved mental health service under s93K and 93L of the *Mental Health Act 1986* (Vic) or absent without leave or required to return to a declared mental health facility under s186 of the *Mental Health Act 2007* (NSW) :

- A prescribed person within the meaning of s7 of the Victorian Act and regulation 5(2) of the *Mental Health Regulations 2008* (Vic) (including a member of the Victorian police force and a Victorian ambulance officer);
- An authorised psychiatrist for the purposes of the Victorian Act or any person authorised by the authorised psychiatrist;
- An employee of the Victorian Department of Health authorised by the Victorian Chief Psychiatrist;
- An Authorised Medical Officer or any other suitably qualified person employed at the (NSW declared) mental health facility;
- A NSW Police Officer;
- A person authorised by the NSW Minister or a NSW Authorised Medical Officer; or
- A person assisting:
 - an Authorised Medical Officer or other suitably qualified person employed at the (NSW declared) mental health facility,
 - a NSW Police Officer,
 - a person authorised by the NSW Minister or a NSW Authorised Medical Officer.

Annexure 4

The parties agree that the following persons are authorised to take a person to a Facility for the purposes of Part 5 of this Agreement:

(a) a person authorised to transport in accordance with section 174 or 177 of the NSW Act, being:

- the Medical Superintendent of a Declared Mental Health Facility or any other suitably qualified person authorised to do so by the Medical Superintendent;
- a NSW Police Officer;
- a NSW Ambulance Officer.

(b) a person authorised under sections 93E, 93F, 9 and 7 of the Victorian Act to take a person to a Facility, being:

- a member of the Victorian Police Force;
- a Victorian Ambulance Officer;
- the person making the request for the purposes of section 9(1)(a);
- a person authorised by the person making the request for the purposes of section 9(1)(a) of the Victorian Act;
- a Victorian registered medical practitioner, registered nurse, registered psychologist, social worker or occupational therapist; who is employed or engaged by a relevant psychiatric service (within the meaning of regulation 5(2) of the Mental Health Regulations 2008 (Vic)) and who is engaged in the provision of care and treatment to persons with a mental disorder.

Annexure 5

The parties agree that the persons who may transfer a person in accordance with Part 7 are as follows:

- (a) a person authorised to transport under sections 176 and 179 of the NSW Act and clauses 29 and 31 of the NSW Regulation, being:
- the Medical Superintendent of a Declared Mental Health Facility in NSW or a person authorised by the Medical Superintendent;
 - a NSW Police Officer;
 - a NSW Ambulance Officer.
- (b) a person authorised under sections 93H(2), 93G(7) and 7 of the Victorian Act to take a person to a Facility, being:
- (i) a Victorian registered medical practitioner, registered nurse, registered psychologist, social worker or occupational therapist; who is employed or engaged by a relevant psychiatric service (within the meaning of regulation 5(2) of the Mental Health Regulations 2008 (Vic)) and who is engaged in the provision of care and treatment to persons with a mental disorder;
 - (ii) an Authorised Psychiatrist or any person authorised by the Authorised Psychiatrist;
 - (iii) an employee of the Department of Health authorised by the Victorian Chief Psychiatrist;
 - (iv) a Victorian Police Officer; or
 - (v) a Victorian Ambulance officer.

Annexure 6

The parties agree the following persons may apprehend an Interstate Person subject to Civil Interstate Apprehension Order in accordance with Part 8:

(a) a person authorised to apprehend such a person under section 93K and section 7 of the Victorian Act, those persons being:

- (i) a Victorian registered medical practitioner, registered nurse, registered psychologist, social worker or occupational therapist; who is employed or engaged by a relevant psychiatric service (within the meaning of regulation 5(2) of the Mental Health Regulations 2008 (Vic)) and who is engaged in the provision of care and treatment to persons with a mental disorder;
- (ii) an Authorised Psychiatrist or any person authorised by the Authorised Psychiatrist;
- (iii) an employee of the Department of Health authorised by the Victorian Chief Psychiatrist;
- (iv) a Victorian Police Officer; or
- (v) a Victorian Ambulance officer

(b) a person authorised to apprehend such a person under section 186 of the NSW Act and clause 27 of the NSW Regulation, being:

- (i) an Authorised Medical Officer or any other suitably qualified person employed at the mental health facility;
- (ii) a NSW Police Officer;
- (iii) a person authorised by the NSW Minister or the Authorised Medical Officer;
- (iv) a person assisting a person referred to in (i), (ii) or (iii).