

Interstate Apprehension Order

Date of Birth:/...../.....

GIVEN NAME/S

FAMILY NAME (BLOCK LETTERS)

- a forensic patient as defined in Schedule 1 of the Mental Health Act 1990 (NSW)
- a forensic patient as defined in section 3 of the Mental Health Act 1986 (Vic)
- a security patient as defined in section 3 of the Mental Health Act 1986 (Vic)
- an involuntary patient admitted to an approved mental health service under section 16(3)(a) of the Mental Health Act 1986 (Vic) or Part 5 of the Sentencing Act 1991 (Vic)

—is absent without leave or otherwise liable to be apprehended in accordance with the Mental Health Act 1986 (Vic) or the Mental Health Act 1990 (NSW) or a corresponding law declared under either Act (see notes).

The abovenamed is to be returned to:

name of *approved mental health service / gazetted mental health service

address of *approved mental health service / gazetted mental health service

Signed Dated

GIVEN NAME/S

FAMILY NAME (BLOCK LETTERS) of *Victorian Chief Psychiatrist / NSW Director of Mental Health

DESCRIPTION OF THE PATIENT	*Male / Female	Height:	Colour of eyes:
Apparent ethnic group:	Build:	Weight:	Complexion:

Description of the patient:

Distinguishing characteristics (eg. tattoos, scars):

Extra Details Attached: *Yes / No

Information that will assist with Apprehension (eg. other names used; address where person may be found):

Extra Details Attached: *Yes / No

Treatment Requirements:

Extra Details Attached: *Yes / No

Risk Summary (include date of last assessment):

Extra Details Attached: *Yes / No

24 Hour Contact Person:

Title:

Telephone:

Mobile:

* delete as necessary

NOTES

PERSONS AUTHORISED TO APPREHEND A PATIENT IN ACCORDANCE WITH THE INTERSTATE APPREHENSION ORDER

- (a) A person authorised to apprehend a patient under the Victorian Mental Health Act 1986, those persons being:
 - (i) a prescribed person within the meaning of section 9 of the Victorian Act (including a member of the Victorian police force and an ambulance officer);
 - (ii) an authorized psychiatrist for the purposes of the Victorian Act or any person authorized by the authorized psychiatrist;
 - (iii) an officer or employee of the Department of Human Services authorized by the Chief Psychiatrist;
- (b) A NSW Police Officer as provided for under section 286P(1)(a) of the NSW Mental Health Act 1990 ("the NSW Act");
- (c) A person authorised to retake a NSW forensic patient under section 111(1) of the NSW Act, those persons being:
 - (i) the medical superintendent of a NSW gazetted unit or any other suitably qualified person employed in the gazetted unit and authorised to do so by the medical superintendent;
 - (ii) a person authorised by the Director General or the medical superintendent; or
 - (iii) a person assisting a person listed in (i) or (ii);
- (d) A person authorised under the NSW Mental Health Regulations for the purposes of section 286P(1)(b) of the NSW Act.

MENTAL HEALTH ACT 1986 (Vic)

93K. Apprehension of persons absent from interstate facilities (as at 1 July 2002)

- (1) A person who is absent without leave or other lawful authority from an interstate mental health facility in a participating State and who may be apprehended under a corresponding law in that State may be apprehended in this State by--
 - (a) a person who is authorised to apprehend the person under the corresponding law; or
 - (b) a prescribed person within the meaning of section 9; or
 - (c) an authorized psychiatrist or any person authorized by an authorized psychiatrist; or
 - (d) an employee of the Department authorized by the chief psychiatrist.
- (2) For the purpose of sub-section (1), a warrant or other document that, under the corresponding law, authorises the apprehension of the person in the participating State authorises their apprehension in this State.
- (3) A person who is apprehended under sub-section (1) must be taken to an interstate mental health facility in the participating State.
- (4) Sub-sections (5), (6) and (7) of section 9 apply to a person being taken to an interstate mental health facility under this section as if that person were a person to whom a recommendation relates being taken to an appropriate approved mental health service.
- (5) Despite sub-section (3), a person who is apprehended under sub-section (1) may be admitted to and detained in an approved mental health service under Division 2 of Part 3 pending his or her return to the participating State.
- (6) For the purposes of this section, a person is taken to be absent without lawful authority from an interstate mental health facility if the person did not return to the facility when required to do so under a corresponding law.

93L. Escort of Victorian patients apprehended interstate

A patient absent without leave from an approved mental health service who is apprehended in a participating State may be taken back to the approved mental health service by--

- (a) a person who, under a corresponding law in that State, is authorised to take the person to an interstate mental health facility in that State; or
- (b) a prescribed person within the meaning of section 9; or
- (c) an authorized psychiatrist or any person authorized by an authorized psychiatrist; or
- (d) an employee of the Department authorized by the chief psychiatrist.

MENTAL HEALTH ACT 1990 (NSW)

286P Apprehension of interstate persons absent without leave or in breach of corresponding orders

- (1) A person who is the subject of a warrant or an order or other document recognised in this State, or who is otherwise liable to be apprehended, under a provision of a corresponding law under which the person may be apprehended and taken to a hospital or a health care agency may be apprehended at any time:
 - (a) by a police officer, or
 - (b) by a person who is authorised to do so by the regulations or under a provision of a corresponding law of the other State.
- (2) On being apprehended the person may be conveyed to and detained in a hospital in this State or the other State (if this is permitted by or under a provision of a corresponding law of the other State).
- (3) This Act applies to a person conveyed to and detained in a hospital under this section as if the person had been taken to and detained in a hospital under Part 2 of Chapter 4.

111 Retaking of escapees

- (1) A forensic patient who escapes from a hospital may be retaken at any time:
 - (a) by the medical superintendent of the hospital or any other suitably qualified person employed in the hospital and authorised to do so by the medical superintendent, or
 - (b) by a member of the Police Force, or
 - (c) by a person authorised by the Director-General or the medical superintendent, or
 - (d) by a person assisting that medical superintendent, other suitably qualified person so employed and authorised, member of the Police Force or person so authorised, and, on being retaken, is to be conveyed to and detained in the hospital from which the patient escaped.