

Appointment of an authorised psychiatrist

Chief Psychiatrist's Guideline

Key message

Each approved mental health service must have an authorised psychiatrist. The board of management of each hospital or health service that operates an approved mental health service is responsible to appoint the authorised psychiatrist.

Purpose

To provide information about the procedure for appointing an authorised psychiatrist under section 96 of the *Mental Health Act 1986* ('the Act').

Legislation

Section 96 of the Act requires that a qualified psychiatrist be appointed as the authorised psychiatrist for each approved mental health service.

The authorised psychiatrist has specific powers, duties and functions under the Act.

An approved mental health service is any service or premises that has been proclaimed by the Governor in Council under section 94 of the Act as a place at which treatment can be provided to patients under the Act.

Appointment

Under section 96(1A), an authorised psychiatrist is appointed by the:

- The governing body of the approved mental health service.

or

- The Secretary to the Department of Human Services in the case of a service operated by the State. At present there are no mental health services operated by the State.

This means that the board of management of each hospital or health service that operates an approved mental health service is responsible to appoint the authorised psychiatrist for the service.

A psychiatrist can be appointed as authorised psychiatrist to more than one service.

The approval of the Department is not required when making an appointment, although the Mental Health Act requires that the Secretary to the Department of Human Services, and the President, Mental Health Review Board, be notified of each appointment within five days.

Qualifications

The psychiatrist should be a Fellow of the Royal Australian and New Zealand College of Psychiatrists (FRANZCP) or be deemed by the board of management of the service to have gained appropriate specialist qualifications in order to hold the position of psychiatrist.

About Chief Psychiatrist's Guidelines

The information provided in this guideline is intended as general information and not as legal advice. If mental health staff have queries about individual cases or their obligations under the *Mental Health Act 1986*, service providers should obtain independent legal advice.

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Documentation

The appointment of an authorised psychiatrist should be in writing. The instrument of appointment can take the form of a letter and should:

- Be addressed to the psychiatrist.
- Refer to section 96(1A)(b) of the Mental Health Act.
- Appoint the psychiatrist as the authorised psychiatrist for the approved mental health service.
- Use the correct name of the approved mental health service as it appears in the Government Gazette.
- May be signed by the Chief Executive (or similar) on behalf of the board of management.

Copies should be sent to the Secretary to the Department of Human Services, the Chief Psychiatrist and the President of the Mental Health Review Board within five days.

A sample instrument of appointment is included as appendix 1.

Further information

Further information can be obtained from the Chief Psychiatrist on (03) 9096 7571.

An electronic copy of the Mental Health Act can be viewed or downloaded from the legislation and parliamentary documents website: www.dms.dpc.vic.gov.au.



Associate Professor Amgad Tanaghow
Chief Psychiatrist

Appendix 1

[Date]

[Name of Psychiatrist]

[Position]

[Health Service]

[Address]

Dear [Name of Psychiatrist]

Notice of Appointment of Authorised Psychiatrist

Mental Health Act 1986, Section 96(1A)(b)

On behalf of the board of management of [Name of Public Hospital / Health Service], I am pleased to appoint you as the Authorised Psychiatrist for the [Name of Proclaimed Approved Mental Health Service] from [Date Appointment is Effective].

Yours sincerely

[Chief Executive Officer]

cc Secretary, Department of Human Services
Chief Psychiatrist
President, Mental Health Review Board