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| Appointment of an authorised psychiatrist and delegation of powersChief Psychiatrist’s guideline |

# Key message

Each designated mental health service must have an authorised psychiatrist.

The board of management of each hospital or health service that operates a designated mental health service is responsible for the appointment of the authorised psychiatrist. The authorised psychiatrist has the powers and functions conferred on an authorised psychiatrist under the *Mental Health Act 2014* (the Act).

The authorised psychiatrist may delegate to a psychiatrist any power, duty or function other than the power of delegation.

The authorised psychiatrist may also delegate to a registered medical practitioner powers relating to Assessment Orders.

# Purpose

To provide information about the requirements and procedure for appointing an authorised psychiatrist under section 150 of the Act and the authorised psychiatrists powers of delegation under section 151 of the Act.

# Legislation

Section 150(1) of the Act requires that the governing body of a designated mental health service appoint a psychiatrist as an authorised psychiatrist for the designated mental health service. Section 150(3) provides that the authorised psychiatrist has the functions, powers and duties conferred on an authorised psychiatrist under the Act or any other Act.

Under section 150(2) of the Act the governing body may appoint as many authorised psychiatrists as the designated mental health service requires.

Section 150(4) of the Act requires that the governing body of a designated mental health service notify the Chief Psychiatrist and the President of the Mental Health Tribunal of each appointment of an authorised psychiatrist within five business days.

A ‘designated mental health service’ is defined in section 3 of the Act as a prescribed public hospital, prescribed public health service, prescribed denominational hospital, prescribed privately-operated hospital (for example, New Mildura Base Hospital), prescribed private hospital or the Victorian Institute of Forensic Mental Health. Schedule 1 of the Mental Health Regulations 2014 lists the prescribed designated mental health services.

# Appointment

Under section 150 of the Act an authorised psychiatrist must be appointed by the governing body of the designated mental health service.

The board of management of each hospital or health service that operates a designated mental health service is responsible for the appointment of the authorised psychiatrist for the service.

The governing body of a designated mental health service may appoint as many authorised psychiatrists as the designated mental health service requires. For example, the governing body may appoint an authorised psychiatrist at Campus A of the hospital which provides adult mental health services and appoint another authorised psychiatrist at Campus B of the hospital which provides child and adolescent mental health services.

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. However the board of management must notify the Chief Psychiatrist and the President of the Mental Health Tribunal of each appointment of an authorised psychiatrist within five business days.

# Qualifications

An authorised psychiatrist must be registered under the Health Practitioner National Law as a medical practitioner in the speciality of psychiatry (other than as a student).

# 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 150 of the Act
* appoint the psychiatrist as an authorised psychiatrist to the designated mental health service as prescribed in Schedule 1 of the Mental Health Regulations 2014 (for example, ‘Alfred Health’ or ‘St Vincent’s Hospital (Melbourne) Limited’)

may be signed by the Chief Executive (or similar) on behalf of the board of management.

A copy of the letter of appointment should be sent to the Chief Psychiatrist and the President of the Mental Health Tribunal. This will satisfy the requirements under section 150(4) of the Act that the Chief Psychiatrist and President of the Tribunal be notified of each appointment of an authorised psychiatrist within five business days.

A sample letter of appointment is included at Appendix 1.

# Delegation of powers

Under section 151 (1)(a)(b)(c) of the Act an authorised psychiatrist may delegate any power, duty or function (other than the power of delegation) to:

* a psychiatrist (defined in the Act as a person who is registered under the Health Practitioner National Law as a medical practitioner in the speciality of psychiatry, other than as a student)
* a person to whom limited registration has been granted under section 66 of the Health Practitioner Regulation National Law to enable the person to undertake a period of postgraduate training or supervised practice in psychiatry or to undertake assessment or sit an examination approved by the Medical Board in relation to psychiatry

a person to whom limited registration has been granted to enable the person to practice in psychiatry in an area of need under section 67 of the Health Practitioner Regulation National Law.

Persons may be delegated any power, duty or function of the authorised psychiatrist at more than one designated mental health service.

Limited powers, duties and functions relating to Assessment Orders may also be delegated by the authorised psychiatrist to a registered medical practitioner, including the power to:

* examine a person and extend the duration of an Assessment Order
* assess a person subject to an Assessment Order and to make a Temporary Treatment Order in accordance with Division 3 of Part 4

revoke an Assessment Order in accordance with section 37(1).

A delegation to a registered medical practitioner may be made for a period of up to 12 months, but may be renewed.

The exercise or performance of a power, duty or function delegated to a registered medical practitioner must be reviewed by the authorised psychiatrist who made the delegation on a regular basis. Authorised psychiatrists should put in place appropriate arrangements to ensure that the exercise of these delegated powers, duties and functions are reviewed. The Chief Psychiatrist and President of the Mental Health Tribunal are not required to be notified of delegations.

# Further information

An electronic copy of the *Mental Health Act 2014* and the Mental Health Regulations 2014 can be viewed at the Victorian legislation and parliamentary documents website: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

# About Chief Psychiatrist’s guidelines

The information provided in this guideline is intended as general information and not as legal advice. Service providers should obtain independent legal advice if they have queries about individual cases or their obligations under the Mental Health Act 2014.

# Appendix 1

[Date]
[Name of Psychiatrist]
[Position]
[Health Service]
[Address]

Dear [Name of Psychiatrist]

**Notice of Appointment of Authorised Psychiatrist
Mental Health Act 2014, Section 150**

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

Yours sincerely

[Chief Executive Officer]

cc Chief Psychiatrist
President, Mental Health Tribunal