

Factsheet – Mental Health Act 2009

Authorised Officers

What is an Authorised Officer?

An authorised officer is a person authorised by the *Mental Health Act 2009* (the Act) to have certain responsibilities and take certain actions regarding people who appear to have, or have, a mental illness. Of the roles described in the Act, authorised officers are usually the first to encounter people who may be mentally unwell and at risk.

Who is an Authorised Officer?

The Act defines authorised officers as mental health clinicians, SA Ambulance Service officers and Royal Flying Doctor Service medical practitioners and flight nurses. In addition, the Chief Psychiatrist can determine other classes of people as authorised officers through the South Australian Government Gazette, which include:

- Emergency department medical practitioners and nurses,
- Experienced correctional officers authorised by the General Manager of a prison,
- Experienced registered nurses and enrolled nurses employed by Ramsay Health Care,
- Medical practitioners and registered nurses employed by the SA Prison Health Service,
- Medical practitioners practicing in South Australia,
- MedSTAR medical practitioners, paramedics and registered nurses,
- Private psychiatrists practicing in South Australia, and
- Registered nurses employed by Headspace Adelaide.

See the *Official Listing – Authorised Officers* for the up-to-date detailed list of the additional classes of authorised officers.

What is section 56?

Section 56 of the Act describes the responsibilities and powers of authorised officers to facilitate the assessment and/or treatment of a person who appears to have, or has, a mental illness and is at risk.

What are section 56 powers?

- Take a person into care and control,
- Transport a person from place to place,
- Restrain a person using force (if reasonably required,)
- Restrain a person using medication if authorised to do so under the *Controlled Substances Act 1984* (if reasonably required),
- Enter and remain in a place where a person may be found, and
- Search a person and remove items that may be harmful.

How do I use section 56 powers?

For more information see the accompanying Factsheet: *Section 56 – Care and Control*.

Can an Authorised Officer make a Community Treatment Order or Inpatient Treatment Order?

No. A Community Treatment Order or Inpatient Treatment Order can only be made by a psychiatrist, authorised medical practitioner, medical practitioner or authorised mental health professional.

Are Police authorised officers?

No. Separate powers are provided to police officers under section 57 of the Act relating to persons who appear to have mental illness. The powers of police under s57 are the very similar as those of authorised officers under s56, except that Police can break and enter, and cannot administer medication.

Do Police and Ambulance Officers have to stay with a person they have made subject to s57 or s56 if there are no Authorised Officers available to accept handover?

Yes. Once an Authorised Officer is available for handover, a Police Officer or Ambulance Officer may handover responsibility for a patient's care and safety to the Authorised Officer, who may then invoke their own s56 powers to take the person into care and control.

How does an Authorised Mental Health Professional or Authorised Medical Practitioner differ from an Authorised Officer?

An authorised mental health professional (AMHP) is an individual authorised by the Chief Psychiatrist to make certain orders under the Act. AMHPs are experienced mental health clinicians working within a mental health setting who have undergone extensive training to fulfil the role.

An authorised medical practitioner (AMP) is an individual authorised by the Chief Psychiatrist to perform most of the powers of a psychiatrist under the Act. An AMP is usually a psychiatric registrar in their last year of training or an overseas trained psychiatrist awaiting registration.

Can agency staff be Authorised Officers?

Yes, when working in a mental health setting in the capacity of a mental health clinician or when authorised by an ED Director whilst working in an ED.

Can I use Authorised Officer powers outside of my working day?

No.

How can I find out more about the Authorised Officer role?

- Speak to your colleagues, an authorised mental health professional, your team leader or clinical director,
- Visit the Chief Psychiatrist website at www.chiefpsychiatrist.sa.gov.au , or
- Contacting the Office of the Chief Psychiatrist at HealthOCP@sa.gov.au or on 8226 0743.

For more information

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