

**SCHEDULE 2 - MEDICAL CERTIFICATE AS TO EXAMINATION OR
OBSERVATION OF PERSON**

(Secs. 21, 22)

MENTAL HEALTH ACT 1990

PART 1

1, (Medical Practitioner/accredited person)
(name in full - use block letters)

of certify that

on 20 immediately before or shortly before completing

this certificate, at
(state place where examination/observation took place)

I personally examined/personally observed
(name of person in full)

for a period of
(state length of examination/observation)

I certify the following matters:

1. I am of the opinion that the person examined/observed by me is a mentally ill person suffering from mental illness/or a mentally disordered person and that there are reasonable grounds for believing the person's behaviour for the time being is so irrational as to justify a conclusion on reasonable grounds that temporary care, treatment or control of the person is necessary:
 - *(a) in the case of a mentally ill person:
 - (i) for the person's own protection from serious harm; or
 - (ii) for the protection of others from serious harm; or
 - *(b) in the case of a mentally disordered person:
 - (i) for the person's own protection from serious physical harm; or
 - (ii) for the protection of others from serious physical harm.
2. I have satisfied myself, by such inquiry as is reasonable having regard to the circumstances of the case, that the person's involuntary admission to and detention in a hospital are necessary and that no other care of a less restrictive kind is appropriate and reasonably available to the person.
3. Incidents and/or abnormalities of behaviour and conduct (a) observed by myself and (b) communicated to me by others (state name, relationship and address of each informant) are:

(a)

.....

.....

.....

* delete whichever is not applicable

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(b)

.....

.....

.....

4. The general medical and/or surgical condition of the person is as follows:

.....

.....

.....

5. The following medication (if any) has been administered for purposes of psychiatric therapy or sedation:

.....

.....

.....

6. I am not a near relative of the person.

7. I have/do not have a pecuniary interest, directly or indirectly, in an authorised hospital. I have/do not have a near relative/partner/assistant who has such an interest. Particulars of the interest are as follows:

.....

.....

.....

Made and signed this day of.....20.....

Signature:

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OBSERVATION OF PERSON - continued**

PART 2

If the assistance of a Police Officer is required, this part of the Form should be completed.

YOU SHOULD NOT REQUEST THIS ASSISTANCE UNLESS THERE ARE SERIOUS CONCERNS RELATING TO THE SAFETY OF THE PERSON OR OTHER PERSONS IF THE PERSON IS TAKEN TO A HOSPITAL WITHOUT THE ASSISTANCE OF A MEMBER OF THE POLICE FORCE.

I am of the opinion, in relation to.....
(name of person in full)

that there are serious concerns relating to the safety of the person or other persons if the person is taken to a hospital without the assistance of a member of the Police Force. The

reason for me being of this opinion is

.....

Made and signed this day of 20

Signature:

NOTES:

1. Chapter 3 of the Mental Health Act 1990 states:

**Criteria for involuntary admission etc. as mentally ill person or mentally
disordered person**

8. A person is a mentally ill person or a mentally disordered person for the purpose of:

- (a) the involuntary admission of the person to a hospital or the detention of the person in a hospital under this Act; or
- (b) determining whether the person should be subject to a community treatment order or be detained or continue to be detained involuntarily in a hospital or other place,

if, and only if, the person satisfies the relevant criteria set out in this Chapter.

Mentally ill persons

9.(1) A person is a mentally ill person if the person is suffering from mental illness and, owing to that illness, there are reasonable grounds for believing that care, treatment or control of the person is necessary:

- (a) for the person's own protection from serious harm; or
- (b) for the protection of others from serious harm.

(2) In considering whether a person is a mentally ill person, the continuing condition of the person, including any likely deterioration in the person's condition and the likely effects of any such deterioration, are to be taken into account.

Mentally disordered persons

10. A person (whether or not the person is suffering from mental illness) is a mentally disordered person if the person's behaviour for the time being is so irrational as to justify a conclusion on reasonable grounds that temporary care, treatment or control of the person is necessary:

- (a) for the person's own protection from serious physical harm; or
- (b) for the protection of others from serious physical harm.

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Certain words or conduct may not indicate mental illness or disorder

11.(1) A person is not a mentally ill person or a mentally disordered person merely because of any one or more of the following:

- (a) that the person expresses or refuses or fails to express or has expressed or refused or failed to express a particular political opinion or belief;
- (b) that the person expresses or refuses or fails to express or has expressed or refused or failed to express a particular religious opinion or belief;
- (c) that the person expresses or refuses or fails to express or has expressed or refused or failed to express a particular philosophy;
- (d) that the person expresses or refuses or fails to express or has expressed or refused or failed to express a particular sexual preference or sexual orientation;
- (e) that the person engages in or refuses or fails to engage in, or has engaged in or refused or failed to engage in, a particular political activity;
- (f) that the person engages in or refuses or fails to engage in, or has engaged in or refused or failed to engage in, a particular religious activity;
- (g) that the person engages in or has engaged in sexual promiscuity;
- (h) that the person engages in or has engaged in immoral conduct;
- (i) that the person engages in or has engaged in illegal conduct;
- (j) that the person has developmental disability of mind;
- (k) that the person takes or has taken alcohol or any other drug;
- (l) that the person engages in or has engaged in anti-social behaviour.

(2) Nothing in this Chapter prevents, in relation to a person who takes or has taken alcohol or any other drug, the serious or permanent physiological, biochemical or psychological effects of drug taking from being regarded as an indication that a person is suffering from mental illness or other condition of disability of mind.

2. In addition to matters ascertained as a consequence of personally examining or observing the person, account may be taken of other matters not so ascertained where those matters:

- (a) arise from a previous personal examination of the person; or
- (b) are communicated by a reasonably credible informant.

3. In the Mental Health Act 1990 "mental illness" is defined as follows:

mental illness means a condition which seriously impairs, either temporarily or permanently, the mental functioning of a person and is characterised by the presence in the person of any one or more of the following symptoms:

- (a) delusions;
- (b) hallucinations;
- (c) serious disorder of thought form;
- (d) a severe disturbance of mood;
- (e) sustained or repeated irrational behaviour indicating the presence of any one or more of the symptoms referred to in paragraphs (a)-(d).

4. In the Mental Health Act 1990 "near relative" is defined as follows:

near relative, in relation to a **person**, means a parent, brother, sister or child or the spouse of the person and such other person or persons as may be prescribed as a near relative of the person.

5. For admission purposes, this certificate is valid only for a period of 5 days, in the case of a person who is a mentally ill person, or 1 day, in the case of a person who is a mentally disordered person, after the date on which the certificate is given.