

Information about

# Justices Examination Orders



Queensland  
Government  
Queensland Health

## What is a justices examination order (JEO)?

A justices examination order (JEO) allows a community member to gain a non-urgent mental health assessment for a person who may be experiencing mental health problems. The process authorises mental health services to make an assessment, while also safeguarding the rights of the individual.

The JEO is issued by a Magistrate or Justice of the Peace (JP). It allows a doctor or authorised mental health practitioner to examine a person involuntarily. It also authorises entry to a place to conduct the examination, if necessary. Any person can make an application for a JEO, including a relative of the person to be assessed.

The JEO application and examination will inform a decision as to whether a *recommendation for assessment* and a *request for assessment* should be made. The processing and completion of these documents may lead to a further health assessment as an involuntary patient.

A JEO is an appropriate option in non-urgent situations, where a person is not at imminent risk of harming themselves or others. A JEO application and examination can take some hours or days to finalise.

In an emergency (that is, where there is an immediate risk of someone being harmed) the police should be contacted immediately.

## Under what circumstances could I use a JEO?

Before making an application for a JEO, you should explore other assessment options for the person concerned. You can contact your local mental health service for advice. If the person is a friend or family member, you may be able to discuss your concerns with a GP. You can apply for a JEO if the situation is not resolved through these other avenues.

## What is the relevant Queensland legislation?

The process for obtaining a JEO is covered by the Queensland *Mental Health Act 2000*. The legislation can be accessed at [www.health.qld.gov.au/mha2000](http://www.health.qld.gov.au/mha2000)

Further information about the legislation can also be obtained by contacting a Mental Health Act Liaison Officer on 1800 989 451 during business hours.

## How can I apply for a JEO?

An *application for a JEO* can be made to a Magistrate or JP. The application form can be obtained from a JP, local courthouse or a mental health service.

The application must be sworn before the JP or Magistrate and state the reasons why you believe the person has a mental illness and requires an examination.

You should be aware that penalties apply for giving information you know to be false or misleading.

A JEO application is the first step in a four stage process that must be completed before a person can be taken to a mental health service for assessment against their will.

These are (in order of requirement):

Document	Completed by
1. <i>Application for a justices examination order</i> (to a JP or Magistrate)	Any person
2. <i>Justices examination order</i>	Authorised by the JP or Magistrate
3. <i>Request for assessment</i>	Any adult person (18 years or over)
4. <i>Recommendation for assessment</i>	A doctor or authorised mental health practitioner

The person making the JEO application can be the same person who makes the *request for assessment*.

## What information do I need to provide in the application?

The information you provide on the application will be used by the Magistrate or JP to decide whether a JEO should be issued. It will also help the doctor or health practitioner who examines the person if a JEO is issued.

You should provide as much information as possible including:

- ⦿ your relationship to the person to be examined
- ⦿ your reasons for believing a JEO should be issued
- ⦿ details of the behaviour or other matters causing concern
- ⦿ length of time the problem has been occurring
- ⦿ whether other people have the same concerns about the person
- ⦿ the reason why you are seeking a JEO at this time
- ⦿ any immediate fears or concerns you have about the person's behaviour

- ⦿ whether the person has a history of mental illness
- ⦿ details of current or past treatment
- ⦿ name of the person's doctor
- ⦿ name of any other person who may be able to assist the person to see a doctor or authorised mental health practitioner
- ⦿ other actions which have been taken to get help for the person
- ⦿ potential difficulties gaining access to the person
- ⦿ any aspects of the person's behaviour which place the person's safety or the safety of others at risk
- ⦿ any previous aggressive or assaultive behaviour you are aware of
- ⦿ any information known about the person's possession of firearms or other weapons.

### How can I find a JP?

If you need a JP during business hours, ask at your local courthouse, shopping centre management office or post office. The JP who authorises a JEO should not be an employee of an authorised mental health service or the person making the application.

Information about how to locate a JP can be found at:

[www.justice.qld.gov.au/jps/finding.htm](http://www.justice.qld.gov.au/jps/finding.htm).

Further information can also be obtained by contacting the Justices of the Peace Branch, Department of Justice and the Attorney-General, during business hours on 1300 301 147.

### Is there any difference between a Magistrate or JP receiving the JEO application?

Not really. The processes are slightly different, but the Magistrate or JP must consider the same matters in deciding the application.

## What happens when I apply for a JEO?

The Magistrate or JP will consider your application and supporting evidence.

The Magistrate or JP can only issue a JEO if he/she reasonably believes that the person:

- ⦿ has a mental illness
- ⦿ should be examined to decide whether a *recommendation for assessment* can be made, and
- ⦿ the examination cannot be properly undertaken unless the JEO is made.

The Magistrate or JP may also seek advice from a mental health service about the grounds of an application (eg to request information about whether particular behaviour(s) might indicate mental illness).

In circumstances where the applicant has not seen the person, the Magistrate or JP may seek additional information from other sources.

## What happens if a JEO is made?

If the JEO is made by a Magistrate, the Registrar of the Magistrates Court must send the order and a copy of the application to the administrator of the authorised mental health service (usually the service nearest to the person who is the subject of the order).

If the JEO is made by a JP, the JP must send:

- ⦿ the order and a copy of the application to the administrator of the authorised mental health service (usually the service nearest to the person who is the subject of the order), and
- ⦿ a copy of the order to the Registrar of the Magistrates Court stated in the order (usually the Magistrates Court nearest the person who is the subject of the order).

The order and application can be faxed to the administrator of an authorised mental health service. If the information is faxed, the Registrar or JP must also send the original of the order and a copy of the application documents to the health service.

## What does the health service do after they receive the JEO?

The administrator of the authorised mental health service will arrange for the person named in the order to be examined by a doctor or authorised mental health practitioner.

The order will state the period for which it is valid. This is up to a maximum of seven (7) days, after which time it ceases to have effect.

The doctor or an authorised mental health practitioner will examine the person to determine whether a *recommendation for assessment* should be made. The doctor or authorised mental health practitioner may:

- ⊙ enter a place stated in the order, or another place where the person may be found, to conduct the examination
- ⊙ exercise authority under the order with police assistance, if necessary.

The doctor or authorised mental health practitioner will explain the order to the person and make the order available to the person. The application itself is not made available to the person. However, the person may have access to this document under the *Freedom of Information Act 1992* (see the further information below).

If the doctor or authorised mental health practitioner believes that the person has a mental illness and satisfies the assessment criteria set out in the *Mental Health Act 2000* (section 13), he/she will make a *recommendation for assessment*.

## What happens if the doctor or health practitioner makes a recommendation for assessment?

In order to have the person assessed at an authorised mental health service, a *request for assessment* must also be made. Any adult (18 years or over) can complete this document if they have seen the person within the last three days, and they reasonably believe the person has a mental illness which requires involuntary assessment.

Once the *request for assessment* and *recommendation for assessment* have been completed, the person may be taken to the health service for further assessment. The person can be taken to the health service by a health practitioner or ambulance officer, and police assistance can be obtained if necessary.

## What happens if a recommendation for assessment is not made?

This doesn't necessarily mean that the person does not have a mental illness or does not need help. In some circumstances, the person will agree to further assessment and this can be arranged by the doctor or health practitioner who does the examination.

In other circumstances, the person may not have a mental illness. Other services (such as drug or alcohol rehabilitation or counselling services) may be more appropriate. The doctor or health practitioner can give information and make a referral where appropriate.

If a *recommendation for assessment* is not made, the doctor or health practitioner must explain the reasons on the JEO document and send it to the Director of Mental Health.

## Will the person be able to access information given on the application?

Your JEO application will remain confidential. However, any person has the right to seek access to documents under the *Freedom of Information Act 1992* (the FOI Act). This includes access to an *application for a JEO*. Information about the FOI Act is available at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

Being identified as the person who initiated the JEO may be of concern to the applicant. The information and identity of signatories to the application are treated as confidential in the process of carrying out the examination. The information is only accessible if the person exercises their rights under the FOI Act.

If access to documents is sought under the FOI Act, the decision-maker will consider whether there are any grounds to deny access to documents. They will also decide if any special conditions should apply to the way in which the information is provided to the person.

If the JEO applicant has concerns about information being released under the FOI Act, a brief note may be attached to the application for a JEO stating the reasons for this concern and the need for further consultation. If an FOI request is made, this will alert the FOI decision-maker to any special considerations.

## Other information

If you would require any additional information or wish to discuss concerns relating to a JEO, you can contact:

- ⦿ your local mental health service or
- ⦿ a Mental Health Act Liaison Officer on 1800 989 451 during business hours.

Information about the *Mental Health Act 2000* is also available at [www.health.qld.gov.au/mha2000](http://www.health.qld.gov.au/mha2000)

