



CHIEF PSYCHIATRIST
OF
WESTERN AUSTRALIA

WA MENTAL HEALTH
ACT 2014

SECTIONS: 165, 166

Please use ID label or block print

FAMILY NAME

UMRN

GIVEN NAMES

CMHI

BIRTHDATE

GENDER

ADDRESS

FORM 8A – RECORD OF SEARCH AND SEIZURE

Location of search: _____

Date and time the search was conducted

Date: DD/MM/YY Time: HH:MM

Reasons for conducting the search:

Details of any article seized in the course of the search:

If any articles were seized by a person in the course of carrying out a transport order or a apprehension and return order, details of how the article was dealt with:

Name of person who conducted the search: _____

Qualifications of person who conducted the search: _____

Signature of person who conducted the search: _____

Gender of person who conducted the search:

☐ Male

☐ Female

☐ Other

FORM 8A – RECORD OF SEARCH AND SEIZURE

Notes: Form 8A – Record of search and seizure

When to use this form:

Search and seizure can occur in the following circumstances:

1. An authorised staff member can search:
 - a patient who is admitted by a mental health service;
 - a person who is detained at a mental health service or other place for an examination by a psychiatrist; or
 - any other person who presents for treatment or care at a mental health service; while the person is being admitted/received to the place, or at any time while the person is being provided with treatment and care at the place (s162).
2. A transport officer or a staff member of a mental health service can search a person in the course of carrying out a *Form 7D – Apprehension and return order*.
3. A transport officer can search a person in the course of carrying out a *Form 4A – Transport order* (s159).

In carrying out the above searches, the following items can be seized:

- An intoxicant;
- An article, including a drug that is prescribed for the person, that may pose a serious risk to the health or safety of the person or another person;
- An article that the person conducting the search believes is likely to materially assist in determining any question in relation to the person that is likely to arise for determination under this Act (s164).

The person who conducts the search must make a record of the search, and a record of any articles seized, in this form (s165).

(Note: Police officers also have search and seizure powers, however have their own forms to document this.)

How seized article to be dealt with:

If any articles were seized by a transport officer in the course of carrying out a transport order, or a transport officer or staff member of a mental health service in the course of carrying out an apprehension and return order, the transport officer or staff member must:

- give any seized article to either:
 - the person in charge of the place where the search was conducted, or to which the person was to be taken; or
 - if the person searched is released without being taken to a mental health service, then return the articles to the person searched upon their release; and
- make a record of this on this form (s166).

If an article was seized by a staff member at a mental health service or other place, it must be

- held by the service/place (or dealt with in accordance with other laws – eg. given to police if it is an illegal item); and
- eventually either returned to the person, their personal support person or destroyed/otherwise disposed of (s167).

A *Form 8B – Record of dealing with seized article* must be completed.

(See back of Form 8B for more details about how seized article must be dealt with).

Checklist of *Mental Health Act 2014* requirements related to this form:

Notes

- ☐ The person who conducted the search and seizure must give a copy of this form as soon as practicable to either:
 - The person in charge of the place where the search was conducted, or to which the person was to be taken; or
 - If the person searched is released without being taken to a mental health service or other place, then to the searched person.
- ☐ Unless this form was given to the person who was searched, the person receiving this form must file this form on the medical record of the person who was searched and give a copy of this form to the person.