

# Time limits



This is a fact sheet on the time limits under the Mental Health Act 2016 (The Act) and the Public Health Act 2005, related to involuntary mental health treatment in Queensland.

## Examination Authority (EA)

Who makes the order	Psychiatrist or Mental Health Practitioner.
Time limits	If the EA is conducted at an Authorised Mental Health Service (AMHS), for example a hospital, the examination can last up to 6 hours. This can be extended up to a total of 12 hours. If you are not on an AMHS property, then you can only be held for examination for up to 1 hour.
Relevant section	Section 178 of The Act.

## Emergency Examination Authority (EEA)

Who makes the order	Queensland Police Service (QPS) or Queensland Ambulance Service (QAS). If QPS or QAS personnel respond to a situation where they identify that someone requires mental health assistance, they can transport that person to an AMHS for the purposes of an emergency examination.
Time limits	At a public sector health service facility your examination can last up to 6 hours. This can be extended up to a total of 12 hours.
Relevant section	Section 157D and 157E of the Public Health Act 2005 (Qld).

## Treatment Authority (TA) Reviews

Who does the review	Mental Health Review Tribunal (MHRT).
Time limits	<p>Review of a Treatment Authority (TA) should occur within 28 days of being placed on a Treatment Authority.</p> <p>A review is then due every 6 months for the first year if the TA is not revoked. For example, the second and third reviews will happen 6 months from the last review. If you continue to remain on the TA your fourth review and any reviews after this will happen every 12 months.</p>
Relevant section	Section 413 (1) (a) (d) of The Act.

## Recommendation for Assessment

Who makes the order	Psychiatrist.
Time limits	Must be made within 7 days of examination.
Relevant section	Section 39 (2) of The Act.

## Assessment

Who does an assessment	Psychiatrist.
Time limits	An assessment can last up to 24 hours. This can be extended to a total of 72 hours.
Relevant section	Section 45 of The Act.

## Clinical Report

Who does the report	Your treating team.
Time limits	Must be given to you at least 7 clear days before your hearing. That means 7 full days, not including the day of your hearing or the day you received the report.
Relevant section	Section 723 (3) of The Act.

## Need help?

If you would like more information or legal advice about involuntary mental health treatment, please contact us.

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This fact sheet has been written by Queensland Advocacy for Inclusion (QAI), an independent, community-based systems and advocacy organisation for people with disability in Queensland.

This publication is for general information only. It must not be relied on as legal advice. You must seek legal advice about your own particular circumstances.

Published 30 June 2026.