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	Mental Health and Wellbeing Act 2022	Local Patient Identifier FAMILY NAME									
	(Sections 535 & 540)	· · · · · · · · · · · · · · · · · · ·									
	MHWA 158 Report of psychiatrist	GIVEN NAMES									
		DATE OF BIRTH	SEX			GENDER					
_	Mental Health Statewide UR Number	Place patient identification label above									
 Instructions to complete this form This form is to be used when a person detained in a prison or other place of confinement is proposed to be transferred to a Designated Mental Health Service to receive treatment for mental illness. This form must be completed by a psychiatrist. 											
of:	GIVEN NAMES	FAMILY NAME (BLOCK LETTERS) of person detained in custody									
place of custody To the Secretary to the Department of Justice											
	I am a psychiatrist registered under the Health Practitioner Regulation National Law as a medical practitioner in the specialty of psychiatry (other than as a student).										
2.	I examined the person on:				at:						
3.	dete person is: detained in a prison or other place of confinement. I am satisfied that all the criteria in section 535(1)(b) of the <i>Mental Health and Wellbeing Act 2022</i> for making a Secure Treatment Order apply to the person (see notes 1 and 2 over page).										
		ment subject to a Court Secure Treatment Order. B(1)(c) of the Sentencing Act 1991 apply to the person									
	(please cross ⊠ one option only)										
4.	I base my opinion on the following:										
Sig	nature:	Date:	L								
Giv	signature of psychiatrist ven Names:	Family Name:									

JULY 2023

ROLLS AUSTRALIA 1300 600 192

Business Address:

Telephone:

Next steps

- Send a copy of this MHWA 158 Report of psychiatrist to the Authorised Psychiatrist of the Designated Mental Health Service where it is proposed to transfer the person.
- 2. The Authorised Psychiatrist will complete a *MHWA 159 Report of authorised psychiatrist* if they recommend the proposed transfer and there are facilities or services available at the Designated Mental Health Service for the detention and treatment of the person.
- 3. The completed *MHWA 158 Report of psychiatrist* and the *MHWA 159 Report of authorised psychiatrist* must then be sent to the Justice Secretary (see note 4).

Notes

- 1. The criteria in section 535(1)(b) of the *Mental Health and Wellbeing Act 2022* are:
 - a. the person has mental illness; and
 - b. because the person has mental illness, the person needs immediate treatment to prevent:
 - i. serious deterioration in the person's mental or physical health; or
 - ii. serious harm to the person or to another person; and
 - c. immediate treatment will be provided to the person if the person is made subject to a Secure Treatment Order; and
 - d. there is no less restrictive means reasonably available to enable the person to receive immediate treatment.
- 2. A Secure Treatment Order cannot be made for a person who is subject to a Court Secure Treatment Order and is detained in a prison or other place of confinement.
- 3. The criteria in section 94B(1)(c) of the **Sentencing Act 1991** are:
 - a. the person has mental illness; and
 - b. because the person has mental illness, the person needs treatment to prevent:
 - i. serious deterioration in the person's mental or physical health; or
 - ii. serious harm to the person or to another person; and
 - c. the treatment referred to in paragraph (b) will be provided to the person if the person is made subject to a Court Secure Treatment Order; and
 - d. there is no less restrictive means reasonably available to enable the person to receive immediate treatment.
- 4. A reference to the Justice Secretary includes a reference to the Chief Commissioner of Police if the person is serving a sentence of imprisonment in a police gaol within the meaning of the Corrections Act 1986 or being held in police custody on the order of a court.