Treatment orders

Compulsory Treatment Criteria:

(**a**) the person has a mental illness; and

(**b**) because the person has a 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**) if the person is made subject to a Temporary Treatment Order or a Treatment Order the immediate treatment will be provided to the person; and

(**d**) there are no less restrictive means reasonably available to enable the person to receive the immediate treatment

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If authorised psychiatrist varies a community treatment order to an inpatient treatment order - Tribunal must conduct hearing within 28 days (unless order is varied back to a community order)

The Tribunal will:

- confirm the inpatient treatment order if satisfied the compulsory treatment criteria still apply to the person and the person cannot be treated in the community
- vary the order to a community treatment order if satisfied that the compulsory treatment criteria still apply and the person can be treated in the community
- revoke the treatment order if not satisfied that the treatment criteria still apply to the person

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A person or specified others on the person's behalf may apply at any time to the Mental Health Tribunal for revocation of a Treatment Order
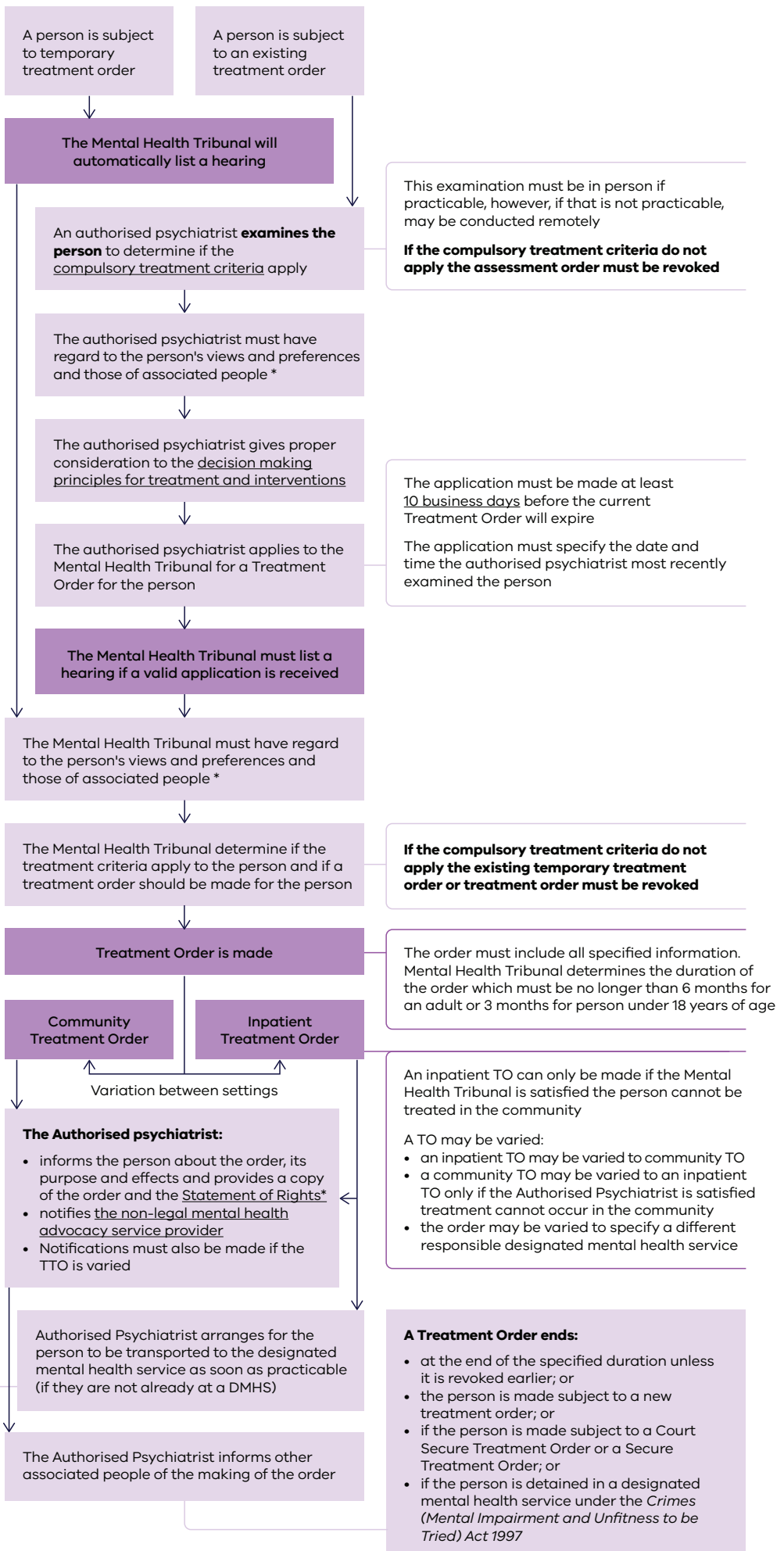
The Mental Health Tribunal must list a hearing as soon as practicable

The Tribunal will either make a Treatment Order if the criteria apply to the person or revoke the Treatment Order if the criteria do not apply

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*Communication requirements

Whenever the Authorised Psychiatrist is communicating with a person, reasonable steps must be taken to provide appropriate supports to assist the person to understand information, make decisions and communicate. This includes finding out what supports are required. Reasonable steps must be taken to explain and answer questions clearly and completely. This includes when explaining the examination, when conducting the examination and when the person is communicating their views and when explaining the order.

The person may be transported independently (for example by a carer) or by an <u>Authorised Person</u>

Flowchart:

A person is subject to temporary treatment order

A person is subject to an existing treatment order

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The Mental Health Tribunal will automatically list a hearing

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An authorised psychiatrist **examines the person** to determine if the <u>compulsory treatment criteria</u> apply

> This examination must be in person if practicable, however, if that is not practicable, may be conducted remotely
>
> **If the compulsory treatment criteria do not apply the assessment order must be revoked**

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The authorised psychiatrist must have regard to the person's views and preferences and those of associated people *

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The authorised psychiatrist gives proper consideration to the <u>decision making principles for treatment and interventions</u>

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The authorised psychiatrist applies to the Mental Health Tribunal for a Treatment Order for the person

> The application must be made at least <u>10 business days</u> before the current Treatment Order will expire
>
> The application must specify the date and time the authorised psychiatrist most recently examined the person

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The Mental Health Tribunal must list a hearing if a valid application is received

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The Mental Health Tribunal must have regard to the person's views and preferences and those of associated people *

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The Mental Health Tribunal determine if the treatment criteria apply to the person and if a treatment order should be made for the person

> **If the compulsory treatment criteria do not apply the existing temporary treatment order or treatment order must be revoked**

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Treatment Order is made

> The order must include all specified information. Mental Health Tribunal determines the duration of the order which must be no longer than 6 months for an adult or 3 months for person under 18 years of age

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Community Treatment Order — **Inpatient Treatment Order**

Variation between settings

> An inpatient TO can only be made if the Mental Health Tribunal is satisfied the person cannot be treated in the community
>
> A TO may be varied:
> - an inpatient TO may be varied to community TO
> - a community TO may be varied to an inpatient TO only if the Authorised Psychiatrist is satisfied treatment cannot occur in the community
> - the order may be varied to specify a different responsible designated mental health service

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The Authorised psychiatrist:

- informs the person about the order, its purpose and effects and provides a copy of the order and the <u>Statement of Rights*</u>
- notifies <u>the non-legal mental health advocacy service provider</u>
- Notifications must also be made if the TTO is varied

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Authorised Psychiatrist arranges for the person to be transported to the designated mental health service as soon as practicable (if they are not already at a DMHS)

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The Authorised Psychiatrist informs other associated people of the making of the order

> **A Treatment Order ends:**
> - at the end of the specified duration unless it is revoked earlier; or
> - the person is made subject to a new treatment order; or
> - if the person is made subject to a Court Secure Treatment Order or a Secure Treatment Order; or
> - if the person is detained in a designated mental health service under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*