

Temporary 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

A person is subject to an assessment order

The Authorised Psychiatrist must - **identify themselves to the person, inform them they will be examined under an assessment order and take reasonable steps to explain the purpose of the examination ***

An authorised psychiatrist **examines the person** to determine if the compulsory treatment criteria apply. The DMHS must take all reasonable steps to find out if the person has an advance statement of preferences or nominated support person.

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

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

The authorised psychiatrist gives proper consideration to the decision making principles for treatment and interventions

Temporary Treatment Order (TTO) is made

The order must include all specified information

Community TTO

Inpatient TTO

Variation between settings

An inpatient TTO can only be made if the Authorised Psychiatrist is satisfied the person cannot be treated in the community

The Authorised psychiatrist:

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

A TTO may be varied:

- an inpatient TTO may be varied to community TTO
- a community TTO may be varied to an inpatient TTO 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

Authorised Psychiatrist arranges for the person to be transported to the designated mental health service as soon as practicable

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

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

The Mental Health Tribunal must conduct a hearing before the order expires to determine whether to make a Treatment Order for the person

A TTO ends when:

- it is revoked by the authorised psychiatrist or the Mental Health Tribunal; or
- it expires at the end of 28 days
- 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*

*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.