

## Consumer Information Sheet 3

### Treatment Orders Under the *Mental Health Act 2013*

#### What is a Treatment Order?

A Treatment Order enables a person to be given treatment for mental illness, without the person's informed consent, if 'treatment criteria' are met.

#### What are the 'treatment criteria'?

The treatment criteria in relation to a person are:

- The person has a mental illness, and
- Without treatment, the mental illness will, or is likely to, seriously harm the person's health or safety or the safety of other persons, and
- The treatment will be appropriate and effective, and
- The treatment cannot be adequately given except under a Treatment Order, and
- The person does not have decision-making capacity.

#### Making a Treatment Order

If a person is receiving treatment under an Assessment Order and an Approved Medical Practitioner (AMP) considers that the treatment criteria are fulfilled, they can make an application to the Mental Health Stream of the TASCAT (the Tribunal) and following a hearing the Tribunal may make a Treatment Order.

In the case of a person who is not subject to an Assessment Order two AMP must have assessed the person separately, within the preceding 7 days and be satisfied that the treatment criteria are met for application to be made to the Tribunal for making of a Treatment Order.

A treatment order lasts for a maximum of six (6) months, although an Interim Treatment Order lasting 10 days can be made by a single member of the Tribunal without conducting a hearing. The Tribunal may renew a Treatment Order that has previously been renewed for up to 12 months.

#### What is the result of a Treatment Order having been made?

A Treatment Order may:

- Require a person to be given specified treatment.
- Require a person to be treated at a particular place, such as a hospital or community mental health premises or a combination of treatment settings.

- Require a person to be admitted to and detained in an approved facility so that the person can be treated.
- Provide for a person's re-admission to an approved facility.
- Provide for other incidental matters that the Tribunal thinks are necessary or desirable in the circumstances.

#### A Treatment plan

A treatment plan describes the treatment that the person is to receive and is required to be completed for every person on a Treatment Order in consultation with the patient and others as relevant.

#### What if a person fails to comply with the Order?

A person who fails to comply with a Treatment Order may be involuntarily admitted to, and detained in, an approved facility if the person's treating medical practitioner is satisfied that failure to comply has seriously harmed, or is likely to seriously harm, the person's health or safety or the safety of others.

#### How are Treatment Orders discharged?

By any AMP or the Tribunal.

#### What information is provided and by whom

- An AMP who makes an application, completes or updates a treatment plan, or discharges a Treatment Order - provides copies along with the Statement of Rights to the patient, the controlling authority (Health Service), the Chief Psychiatrist, the Tribunal and places these documents on patient's clinical record.
- At the time of making or renewing a Treatment Order, the Tribunal notifies the person who is subject to a treatment order and gives the person a copy of the Order and a Statement of Rights. A copy is also provided to the approved medical practitioner who has applied to make or renew the Order, the person's treating medical practitioner, the controlling authority (if relevant), and the Chief Psychiatrist.