

Memo

From: Professor Dinesh Arya, Chief Psychiatrist
Date: 8 April 2025

Subject: Process for consideration of an application for Treatment Order by the three-member Tribunal, if an Interim Treatment Order (ITO) is not granted by a single member

I am aware that recently when considering a request for an Interim Treatment Order (ITO), a single Tribunal member did not grant an ITO but also stopped the application for a Treatment order proceeding to the full Tribunal hearing.

I have requested the President of the TASCAT to consider that, in my view, a single member may decline to grant an ITO, but the application for a Treatment Order should still proceed to a hearing before a three-member panel, unless the single member found that the treatment order application was invalid, for example, where the supporting assessment order was not correctly completed.

Please raise this matter with me immediately, if this occurs again.

If an ITO is not granted, but the responsible medical practitioner is of the view that the person must continue to remain in the inpatient unit for their own safety or the safety of others, until the application for a Treatment Order can be heard by the three-member Tribunal, discharging them would be clinically inappropriate.

- I will request the President that for such a situation, if possible, an urgent hearing be arranged so that this matter is considered by a three-member Tribunal before the Assessment Order expires.
- If an urgent hearing is not possible before the Assessment Order expires, please follow the guidance provided in the Advisory Note 5 (Consequences Of An Involuntary Order Expiring) https://www.health.tas.gov.au/sites/default/files/2024-08/cp_advisory_05_-_consequences_of_an_involuntary_order_expiring.pdf. The Tribunal will still arrange an urgent three-member hearing as soon as possible.