

What is the Mental Health Tribunal?

The tribunal is an independent decision-maker that holds hearings to decide whether people on treatment orders meet all four treatment criteria.



If the tribunal does not think you meet all four treatment criteria, it must cancel your order.

Preparing for your hearing

The psychiatrist must give you a report and you can read your medical file. You have a right to look at these things at least 48 hours before the hearing.

You can get help to prepare for a hearing. You can get legal advice and you may be able to have a lawyer represent you at your hearing. Talk to our duty lawyers or call our Legal Help phone line. See the contact details.

Also see our booklet *Getting ready for a Mental Health Tribunal hearing*.

Can I get a second opinion about my condition?

Yes. You have the right to get a second psychiatric opinion. You can ask your hospital or mental health clinic to help arrange this. You can also ask a private psychiatrist but you may have to pay.

What are my other rights?

You have the right to be involved in decisions about your treatment and should be supported to make decisions. You also have the right to complain to the Mental Health Complaints Commissioner about anything relating to the mental health services you receive.

About Victoria Legal Aid

We help people in Victoria with their legal problems, including people on treatment orders:

- **on the phone:** ring us on 1300 792 387, Monday to Friday, 8.45 am to 5.15 pm
- **at your hospital or clinic:** our lawyers visit most hospitals and some community mental health clinics regularly
- **at the hearing:** we can help you get ready and may come to the hearing with you
- **on our website:** we have legal information on our website www.legalaid.vic.gov.au

Other places to get help

Independent Mental Health Advocacy

Tel: 1300 947 820

www.imha.vic.gov.au

Mental Health Legal Centre

Tel: 9629 4422 or 1800 555 887 (country callers)

Chief Psychiatrist

Tel: 1300 767 299

www.health.vic.gov.au/chiefpsychiatrist

Mental Health Complaints Commissioner

Tel: 1800 246 054

www.mhcc.vic.gov.au

Mental Health Tribunal

Tel: 1800 242 703

www.mht.vic.gov.au

Help calling these places



Translating and Interpreting Service

Tel: 131 450



National Relay Service

TTY: 133 677

Speak and listen: 1300 555 727

See www.relayservice.com.au for more information

Do you need this brochure in a different format? Please ring us on (03) 9269 0234 and ask for Publications so we can talk with you about what you need.

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Disclaimer: The material in this publication is a general guide only. It is not legal advice. If you need to, please get legal advice about your own particular situation.

Are you on a treatment order?

This brochure will give you information about treatment orders:

- what compulsory treatment is
- how treatment orders are made
- how to ask to get your treatment order cancelled
- getting free help from lawyers.

You have a right to ask for an interpreter to help you understand your rights. Ask the hospital staff to help you with this. It is free.

Revocation form

What is compulsory treatment?

Compulsory treatment is treatment you can get even if you do not agree to it. You can only be given compulsory treatment if you are on a treatment order, and you do not have capacity to give informed consent to treatment, or you are refusing treatment and there are no less restrictive means for you to be treated.

What is a treatment order?

A treatment order lets a hospital or mental health clinic give you compulsory treatment. There are different types of treatment orders. A main difference between orders is where you are treated:

- a community treatment order lets you live in the community while you get compulsory treatment
- an inpatient treatment order means you must stay in hospital while you get compulsory treatment.

What are the four treatment criteria?

To be on a treatment order, you must meet all four treatment criteria. Criteria means the requirements for doing something.

The four treatment criteria are:

1. You have a mental illness.
2. Because of your mental illness you need immediate treatment to prevent serious deterioration in your mental or physical health or to stop serious harm to you or another person.
3. The treatment will be given to you if you are on an order.
4. There are no less restrictive means, reasonably available, for you to get the treatment.

If you do not meet even one of the criteria, you cannot be put on any type of treatment order.

How are treatment orders made?

1. You must be assessed

A doctor or a mental health practitioner must first put you an assessment order. They can do this if:

- you appear to have a mental illness

- you appear to need immediate treatment for that illness to prevent serious deterioration in your mental or physical health or serious harm to you or another person, and
- there are no less restrictive means, reasonably available, for you to be assessed.

The assessment order lets an authorised psychiatrist examine you in hospital or in the community to see if you meet the four treatment criteria. They can examine you even if you do not want them to.

You must not be given treatment on an assessment order unless you agree to it or the treatment is urgently needed to prevent serious deterioration in your physical or mental health or to stop serious harm to you or another person.

2. After you are assessed, you may be put on a temporary treatment order

If the authorised psychiatrist thinks you meet all four treatment criteria, they will put you on a temporary treatment order so you can be given treatment.

They may put you on a community temporary treatment order, or an inpatient temporary treatment order if the treatment cannot occur within the community.

Both types of temporary treatment order last for no more than 28 days.

3. After being on a temporary treatment order, you may be put on a treatment order

The Mental Health Tribunal (the tribunal) will automatically hold a hearing within 28 days of the temporary treatment order being made to decide



whether you meet the four treatment criteria. If the tribunal is satisfied that you meet all four treatment criteria, it will put you on a community treatment order, or an inpatient treatment order if the treatment cannot occur within the community.



These orders last for a fixed amount of time:

- community treatment order – it cannot be longer than 12 months
- inpatient treatment order – it cannot be longer than 6 months.

However, if you are under 18 years, the order cannot be longer than 3 months in either case.

The treatment order expires at the end of that time. If your psychiatrist thinks you need more compulsory treatment, they must apply to the tribunal for another treatment order.

Can I ask to get off the order?

Yes. You can ask the tribunal for a hearing at any time.

If you believe you do not meet one or more of the four treatment criteria, you can apply at any time to the tribunal to have the order ‘revoked’. This means asking the tribunal to have a hearing to see if the order should be cancelled.

To apply, fill in the ‘Revocation form’. Send this to the tribunal or ask the hospital or clinic staff to send it for you.

You can also ask your treating psychiatrist to cancel the order. The psychiatrist can do this at any time, if they agree that you do not meet all four treatment criteria.

Client number:

Name:

Address:

I am a patient at:
(Write the name of the place where you are being treated)

I wish to have my treatment order cancelled.
I am being treated in (Tick one of the below)

a hospital

the community

I wish to have my treatment order cancelled because I do not think I meet the four treatment criteria

Signed:

Date:

TEAR THIS PAGE OFF

- Send this to the **Mental Health Tribunal:**
Level 30, 570 Bourke St
Melbourne Vic 3000
- Give this to one of the hospital or clinic staff to post