

About Ruah Legal Services

Ruah Legal Services launched in 2019 when the Mental Health Law Centre (MHLC) merged with Ruah Community Services. MHLC has been helping Western Australians with mental illness for more than 20 years. MHLC continues its important work as a specialist centre of Ruah Legal Services. We are an independent, not for profit, community legal service and Western Australia's experts in mental health law.

If you have a legal issue connected to a mental illness and you are experiencing financial hardship, our qualified and experienced lawyers can give you free confidential advice and represent you in court.

To find out if you are eligible for assistance please call our Telephone Advice Line or visit ruahlegal.org.au.

Other useful contacts

Mental Health Tribunal

(08) 6553 0060

mht.wa.gov.au

Mental Health Advocacy Service (MHAS)

(08) 6234 6300 or Freecall: 1800 999 057

mhas.wa.gov.au

Health Consumers' Council

(08) 9221 3422 or

Freecall: 1800 620 780 (country only)

hconc.org.au

Office of the Chief Psychiatrist of WA

(08) 6553 0000

chiefpsychiatrist.wa.gov.au

Health and Disability Services Complaints Office

(08) 6551 7600 or Freecall: 1800 813 583

hadsco.wa.gov.au

Mental Health Commission

(08) 6553 0600

mhc.wa.gov.au

Need legal advice?

Call our Telephone Advice Line

Monday to Friday 9am to 4pm

08 9328 8012 or Freecall 1800 620 285

Visit us online

ruahlegal.org.au

Connect with us



Ruah Legal Services

PO Box 8078, Subiaco East WA 6008

Facsimile: (08) 6323 3382

Email: legalservices@ruah.org.au

Everyone is welcome. Everyone belongs.

Ruah Legal Services acknowledges and respects the traditional Aboriginal and Torres Strait Islander owners of the land on which we work, the first people of this country. We pay our respects to their culture and their Elders past, present and future.



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Mental Health Law Centre WA

RUAH

LEGAL SERVICES

mental
health

LAW CENTRE

Involuntary inpatient orders

in Western Australia

Who is an Involuntary Patient?

An involuntary patient is a person who is ordered by a psychiatrist to accept mental health treatment without their consent.

How do you become an Involuntary Patient?

A person can be sent to a mental health service, or an authorised hospital, for psychiatric assessment. The assessment may be conducted by a doctor or an experienced mental health practitioner such as a psychologist, registered nurse, or social worker.

After the assessment, if the practitioner believes that the person needs mental health treatment, they can refer the patient for further assessment by a psychiatrist.

A psychiatrist must examine the person within 24 hours of receiving the referral to decide whether they need involuntary mental health treatment.

Depending on the results of the examination, the person can be:

- admitted to an authorised hospital and detained there as a patient on an Inpatient Treatment Order;
- placed on Community Treatment Order to live in the community and receive treatment (refer to the Community Treatment Order brochure available at ruahlegal.org.au); or
- discharged and free to go.

Note: A patient cannot be given treatment without their consent, even if they have been referred by a doctor, unless they are placed on an Involuntary Treatment Order or they are in an emergency situation.

Why is a patient placed on an Inpatient Treatment Order?

A patient can be placed on an Inpatient Treatment Order if the psychiatrist decides that they meet all the following criteria:

- they have a mental illness that needs treatment;
- because of their mental illness, there is a significant risk to themselves or others;
- they are not well enough to make a decision about their treatment;
- they cannot get the treatment they need in the community, for example on a Community Treatment Order; and
- there is no less restrictive way to ensure they get treatment other than an Inpatient Treatment Order.

What does an Inpatient Treatment Order mean for the patient?

An Inpatient Treatment Order means the patient:

- will be detained and treated as an involuntary inpatient in an authorised hospital or mental health facility;
- must follow their treatment plan and the directions of their medical team; and
- cannot leave the hospital without the express permission of their psychiatrist or medical team.

How long does an Inpatient Treatment Order last?

Under an Inpatient Treatment Order, patients can be detained for up to 21 days for an adult, or 14 days for a child.

The patient must be examined by a psychiatrist within seven days before the Inpatient Treatment Order is due to end. Based on that review, the psychiatrist will decide to:

- extend the Inpatient Treatment Order (for up to three months for an adult, or 28 days for a child);
- discharge the patient on a Community Treatment Order; or
- end the Inpatient Treatment Order and the patient can be discharged.

The order can be extended as many times as necessary, until the psychiatrist decides that the patient is well enough and no longer needs to be in hospital for involuntary treatment.

How does an Inpatient Treatment Order end?

At any time while a person is on an Inpatient Treatment Order, their psychiatrist can decide that:

- the patient no longer needs involuntary treatment, which means the person can either stay at the hospital as a voluntary patient or leave; or
- the person can be discharged from the hospital and treated in the community on a Community Treatment Order.

Alternatively, an Inpatient Treatment Order will end:

- on the date it expires; or
- if the Mental Health Tribunal reviews the case and decides the Inpatient Treatment Order is no longer necessary.

What does the Mental Health Tribunal do?

When an Inpatient Treatment Order goes on for longer than 21 days, the Mental Health Tribunal will review the case and determine if it is still necessary. This review must happen within 35 days of an adult being made an involuntary patient, or within 10 days if they are a child.

A patient can apply to the Mental Health Tribunal at any time to have their involuntary status reviewed, but they must wait at least 28 days since their last hearing.

The MHLC helps involuntary patients with Mental Health Tribunal review hearings. If you would like us to represent you at a tribunal hearing, we will need at least three working days' notice.