



# Community Treatment 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 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 (learn more in our Inpatient Treatment Order brochure available at [ruahlegal.org.au](http://ruahlegal.org.au));
- placed on Community Treatment Order to live in the community and receive treatment; or
- discharged and is 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 a Community Treatment Order?

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

- they have a mental illness that requires 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 can get the treatment they need without being admitted to hospital; and
- there is no less restrictive way of ensuring they get treatment other than a Community Treatment Order.

## **What does a Community Treatment Order mean for the patient?**

A Community Treatment Order means the patient:

- can continue to live at home or in the community;
- is still an involuntary patient;
- must attend a monthly psychiatric examination; and
- must follow the directions from their psychiatrist as set out in the terms of their Community Treatment Order.

## **What happens if a patient breaches the Community Treatment Order?**

A patient is in breach of their Community Treatment Order if:

- they do not comply with the order (for instance not attending a medical appointment); and
- their psychiatrist has taken all reasonable steps to help them to comply.

If this happens, the patient's psychiatrist will give them a Notice of Breach explaining what they need to do to comply with the order.

If they still do not comply, the patient may be sent an Order to Attend.

If the patient does not follow the Order to Attend, a Police or transport officer may be called to pick up the patient and take them to a place where they will be given treatment.

## **How long does a Community Treatment Order last?**

A Community Treatment Order can last up to three months.

The patient's psychiatrist will then decide whether to continue the Community Treatment Order.

The psychiatrist can extend the Order repeatedly until they believe the patient is well enough to no longer need involuntary treatment.

## How does a Community Treatment Order end?

At any time while a patient is on a Community Treatment Order, their psychiatrist can decide that:

- the patient is well enough and no longer needs the Community Treatment Order; or
- the patient needs treatment in hospital and their psychiatrist will then make an Inpatient Treatment Order.

Alternatively, a Community Treatment Order will end if:

- it expires and is not continued; or
- the Mental Health Tribunal reviews the case and decides the Community Treatment Order is no longer necessary.

## What does the Mental Health Tribunal do?

The Mental Health Tribunal must review a patient's involuntary status within 35 days of them being made an involuntary patient, or within 10 days if they are a child.

The Mental Health Tribunal must review the patient's status to decide whether they are still in need of an involuntary treatment order.

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 Mental Health Tribunal, we will need at least three working days' notice.**

## 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 health challenges 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](http://ruahlegal.org.au).

## Other useful contacts

### Mental Health Tribunal

(08) 6553 0060

[mht.wa.gov.au](http://mht.wa.gov.au)

### Mental Health Advocacy Service (MHAS)

(08) 6234 6300 or Freecall: 1800 999 057

[mhas.wa.gov.au](http://mhas.wa.gov.au)

### Health Consumers' Council

(08) 9221 3422 or

Freecall: 1800 620 780 (country only)

[hconc.org.au](http://hconc.org.au)

### Office of the Chief Psychiatrist of WA

(08) 6553 0000

[chiefpsychiatrist.wa.gov.au](http://chiefpsychiatrist.wa.gov.au)

### Health and Disability Services Complaints Office

(08) 6551 7600 or Freecall: 1800 813 583

[hadsco.wa.gov.au](http://hadsco.wa.gov.au)

### Mental Health Commission

(08) 6553 0600

[mhc.wa.gov.au](http://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

## Connect with us:

### Ruah Legal Services

Facsimile: (08) 6323 3382

✉️ [legalservices@ruah.org.au](mailto:legalservices@ruah.org.au)

🌐 [ruahlegal.org.au](http://ruahlegal.org.au)  

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.

**Everyone is welcome. Everyone belongs.**



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