

REVIEW OF YOUR INVOLUNTARY STATUS:

Within 35 days of the date you are made an involuntary patient (or within 10 days if you are a child) the Mental Health Tribunal must review your case to decide whether you are still in need of an involuntary treatment order. However, you can apply to the Tribunal at any time to have your involuntary status reviewed.

COMPLAINTS

If you have concerns about your treatment and/or need advice about making a complaint, you might wish to discuss this with a MHLCA lawyer.

USEFUL CONTACT DETAILS

Mental Health Tribunal

Level 2, 681 Murray Street
West Perth WA 6005
PO Box 75272
St Georges Terrace
Perth WA 6831
Tel: (08) 6553 0060

Mental Health Advocacy Service (MHAS)

Unit 6, 18 Harvest Terrace
West Perth WA 6005
Tel: (08) 6234 6300
Freecall: 1800 999 057

Health Consumers Council

6/40 Lord Street
East Perth WA 6004
PO Box C134
Perth WA 6839
Tel: (08) 9221 3422
Freecall: 1800 620 780 (country only)

Office of the Chief Psychiatrist

Health Department of WA
GPO Box A5
Perth Business Hub WA 6849
Tel: (08) 6553 0000

The Health and Disability Services Complaints Office (HaDSCO)

GPO Box B61
Perth WA 6838
Tel: (08) 6551 7600
Freecall: 1800 813 538

Mental Health Commission

Level 1, 1 Nash Street,
Perth WA 6000
Tel: (08) 6553 0600

CONTACT

Mental Health Law Centre

Address: 255 Hay Street, Subiaco WA 6008
Mail: PO BOX 8078, Subiaco East WA 6008
Telephone: (08) 9328 8012
FREE CALL STATEWIDE: 1800 620 285
Facsimile: (08) 6323 3382
Website: www.mhlcwa.org.au
Email: reception@mhlcwa.org.au



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<https://au.linkedin.com/company/mental-health-law-centre>

ABOUT THE MENTAL HEALTH LAW CENTRE

The MHLCA is a state-wide Community Legal Centre specialising in mental health law. We are not a government body. We are an independent community based charity, funded to provide specialised legal services throughout Western Australia.

Our primary purpose is to provide confidential legal advice and representation to people who are involuntary patients in the mental health system. We may also be able to assist with other legal problems but only if the problem relates directly to mental illness.

Disclaimer of Liability:

The writer, publisher and the Mental Health Law Centre (WA) Inc. disclaim liability as to the reliability and completeness of the information in this publication and disclaim any liability for action taken or not taken as result of this content or for any errors and omissions. It is emphasised that the reader may need legal advice in relation to their particular circumstances. Current as at **November 2015**.

mental health

LAW CENTRE

INVOLUNTARY INPATIENT ORDERS

Who Is An Involuntary Patient?

An involuntary patient is a person required to accept treatment without their consent. You might be:

- admitted to an authorised hospital and detained there (inpatient); or
- living in the community and receiving treatment under a Community Treatment Order (CTO).

How Can I Be Made An Involuntary Patient?

Certain people have the power to refer you to a mental health service or an authorised hospital for psychiatric assessment. You might be referred by a medical practitioner or an experienced mental health practitioner such as:

- a psychologist;
- a registered nurse;
- an occupational therapist; or
- a social worker.

Any of those persons might refer you if they reasonably suspect you need to be detained in hospital for treatment.

However a practitioner cannot refer you for psychiatric assessment if:

- they have not assessed you first; and
- more than 48 hours have passed since they assessed you.

If you are referred for psychiatric assessment, the practitioner must provide you with information about:

- when and where the referral was made and when it will expire (usually 3 days);
- whether or not the referral can be extended and the process for extending it;
- the place where your psychiatric examination will take place; and
- when and where their preliminary assessment it took place.

If required, the practitioner who assessed you may detain you to make sure you get to your examination. They can also arrange for a transport officer or police officer to take you to your examination if you have no other safe alternative.

What Will Happen At My Examination?

Once you arrive at the place scheduled for your examination, you cannot leave until a psychiatrist examines you. A psychiatrist must examine you within 24 hours to decide whether or not you need treatment as an involuntary patient. If it has been more than 24 hours and you have not been examined, you can leave.

After your examination you might be:

- admitted as an involuntary patient under an inpatient treatment order;
- detained for a further examination by a psychiatrist but you cannot be detained for longer than 72 hours from when you first arrived. At any time during this 72 hour period you might be made subject to an inpatient treatment order;
- you might be made an involuntary patient subject instead to a CTO; or
- you might be released

Note: you cannot be given treatment without your consent even if you are a referred person, unless you are subject to an involuntary treatment order or in an emergency.

What Will the Psychiatrist Consider Before Making a Decision?

You can only be subject to an involuntary inpatient treatment order if all of the following criteria are met:

1. you have a mental illness in need of treatment;
2. that, because of your mental illness there is a significant risk:
 - to your health and safety or another person's; or
 - you could seriously harm yourself or another person;
3. you do not have the capacity to make a treatment decision about yourself;
4. a CTO would not be appropriate in the circumstances; and
5. you can't be treated any less restrictively than by an inpatient treatment order.

How Long Does An Involuntary Order Last?

If you are made an involuntary inpatient, an order will be made to detain you for:

- up to 21 days if you are an adult; or
- up to 14 days if you are a child.

Within 7 days before the end of your detention period, you must be examined again by a psychiatrist. They must decide to either:

- extend your inpatient treatment order for up to 3 months if you are an adult; or up to 28 days if you are a child;
- discharge you on a CTO; or
- revoke the inpatient treatment order and release you.

The order can be continued as many times as necessary until you are well enough to no longer need involuntary treatment in hospital.

How Does My Inpatient Treatment Order End?

At any time while you are a patient, your psychiatrist can decide that:

- you no longer need to be an involuntary patient (which means you can either stay at the hospital as a voluntary patient or leave); or
- you can be discharged from the hospital and treated in the community under a CTO.

Alternatively, you must be discharged and can leave if:

- your inpatient treatment order expires; or
- the Mental Health Tribunal reviews your case and decides you no longer need to be an involuntary patient in hospital.