

# Procedure for making a request and recommendation for involuntary treatment as an inpatient or in the community under the *Mental Health Act 1986*

## PROCEDURE FOR MAKING A REQUEST AND RECOMMENDATION FOR INVOLUNTARY TREATMENT AS AN INPATIENT OR IN THE COMMUNITY UNDER THE MENTAL HEALTH ACT 1986

### CRITERIA FOR INVOLUNTARY TREATMENT

#### Section 8(1) Mental Health Act 1986:

- (a) the person appears to be mentally ill (*a person is mentally ill if he or she has a mental illness, being a medical condition that is characterised by a significant disturbance of thought, mood, perception or memory*); and
- (b) the person's mental illness requires immediate treatment and that treatment can be obtained by the person being subject to an involuntary treatment order; and
- (c) because of the person's mental illness, involuntary treatment of the person is necessary for his or her health or safety (whether to prevent a deterioration in the person's physical or mental condition or otherwise) or for the protection of members of the public; and
- (d) the person has refused or is unable to consent to the necessary treatment for the mental illness; and
- (e) the person cannot receive adequate treatment for the mental illness in a manner less restrictive of his or her freedom of decision and action.

#### PRESCRIBED PERSON

A prescribed person is a member of the police force, an ambulance officer or a:

- Registered medical practitioner
- Registered nurse
- Registered psychologist
- Social worker
- Occupational therapist

employed to provide care and treatment to persons with a mental disorder in an approved mental health service, a child and adolescent psychiatry service, a premises licensed under section 75 of the Act, a hospital admitting or caring for persons with a mental disorder, a mental health service of a community health centre, a psychiatric outpatient clinic or a community mental health service.

#### APPROVED MENTAL HEALTH SERVICE

An approved mental health service (AMHS) is any service or premises that has been proclaimed by the Governor in Council under section 94 of the **Mental Health Act 1986** as a place at which treatment can be provided to patients under the Act. Typically, public hospitals that have an acute psychiatric in-patient unit are proclaimed as approved mental health services.

#### MENTAL HEALTH PRACTITIONER (MHP)

A mental health practitioner is a member of the following categories of health professionals employed by a public sector mental health service (within the meaning of section 120A of the Mental Health Act) that is an approved mental health service or a community mental health service and engaged in the provision of acute psychiatric assessment and treatment functions in the community:

- (a) Registered nurses
- (b) Registered psychologists
- (c) Social workers
- (d) Occupational therapists.

Typically mental health practitioners are members of community based mental health teams, such as Crisis Assessment & Treatment Services (CATS) or integrated teams with a crisis, assessment and treatment function.

