

**Summary of relevant discharge criteria in the
Mental Health Act 1986 and the Sentencing Act 1991**

Order	Section	Criteria
<p>Restricted hospital transfer order</p> <p>Hospital transfer order</p>	<p>s.16(2)(a) of the Mental Health Act 1986</p>	<p>(a) the person appears to be mentally ill; and</p> <p>(b) the person's mental illness requires immediate treatment and that treatment can be obtained by the person being subject to an order under section 16; and</p> <p>(c) because of the person's mental illness, the detention and treatment of the person in an approved mental health service is necessary for his or her health or safety (whether to prevent a deterioration in the persons' physical or mental condition or otherwise) or for the protection of members of the public.</p>
	<p>s.16(4) of the Mental Health Act 1986</p>	<p>(a) must have regard to the public interest and all the circumstances of the case including the person's criminal record and psychiatric history.</p>
<p>Hospital security order</p>	<p>s.93A(1)(a) of the Sentencing Act 1991</p>	<p>(a) the person appears to be mentally; and</p> <p>(b) the person's mental illness requires treatment and that treatment can be obtained by the person being subject to a hospital security order; and</p> <p>(c) because of the person's mental illness, the detention and treatment of the person in an approved mental health service 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.</p>