

**Mental Health and Wellbeing Act 2022**  
**Section 170, 171, 172, 173**

**MHWA 106**  
**Variation of Court Assessment Order**

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Mental Health Statewide UR Number

Local Patient Identifier																			
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FAMILY NAME
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GIVEN NAMES
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DATE OF BIRTH	SEX	GENDER
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Place patient identification label above

**Instructions to complete this form**

- This form must be completed by an Authorised Psychiatrist or delegate to vary the setting of a person's Court Assessment Order from a Community Court Assessment Order to an Inpatient Court Assessment Order (or vice versa).

GIVEN NAMES

FAMILY NAME (BLOCK LETTERS) of person to be assessed

a patient of:

Designated Mental Health Service

1. The abovenamed person is subject to:

an Inpatient Court Assessment Order

a Community Court Assessment Order- that expires on:

(please cross  one option only)

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date

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at:

time 24 hour

2. I have given proper consideration to the decision-making principles for treatment and interventions.

3. I am satisfied that assessment:

can occur in the community and vary the person's **Inpatient Court Assessment Order** to a **Community Court Assessment Order**

cannot occur in the community and vary the person's **Community Court Assessment Order** to an **Inpatient Court Assessment Order**

(please cross  one option only)

4. The reasons for my decision are:

4. Date and time Court Assessment Order is varied:

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date

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at:

time 24 hour

Signature:

signature of Authorised Psychiatrist or delegate

Date:

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Given Names:

Family Name:

Designation:



MHWA 106

ROLLS AUSTRALIA 1300 600 192

**JULY**  
**2023**

## Next steps

After completing this form:

1. **tell** the person that the Court Assessment Order has been varied;
2. **give** the person a copy of this variation and the statement of rights;
3. **explain** the purpose and effect of the variation;
4. **notify** the court that made the Court Assessment Order that the order has been varied;
5. **notify** the following persons (as applicable) that the order has been varied and give them a copy of this variation and the statement of rights:
  - the legal representative of the person,
  - the nominated support person,
  - a parent if the person is under the age of 16 years,
  - a carer, if varying the order will directly affect the carer and the care relationship
  - a guardian of the person,
  - the Secretary, Department of Families, Fairness, and Housing if the Secretary has parental responsibility for the person under a relevant Child Protection Order.
6. **ensure** appropriate supports are provided to assist the person/s to understand this information.
7. **arrange** for the person to be taken to the relevant Designated Mental Health Service, if you varied a Community Court Assessment Order to an Inpatient Court Assessment Order.

## Notes

If a Community Court Assessment Order is varied to an Inpatient Court Assessment Order, the person must be taken to a Designated Mental Health Service as soon as practicable. This **MHWA 106 – Variation of Court Assessment Order** is sufficient authority to transport the person to a Designated Mental Health Service and to detain the person in the service for assessment.

## Decision-making principles for treatment and interventions

When varying a Court Assessment Order, you **must give proper consideration** to these principles.

Title	Principle
Care and transition to less restrictive support	Compulsory assessment and treatment is to be provided with the aim of promoting the person's recovery and transitioning them to less restrictive treatment, care and support. To this end, a person who is subject to compulsory assessment or treatment is to receive comprehensive, compassionate, safe and high-quality mental health and wellbeing services.
Consequences of compulsory assessment and treatment and restrictive interventions principle	The use of compulsory assessment and treatment or restrictive interventions significantly limits a person's human rights and may cause possible harm including— (a) serious distress experienced by the person; and (b) the disruption of the relationships, living arrangements, education or employment of the person.
No therapeutic benefit to restrictive interventions principle	The use of restrictive interventions on a person offers no inherent therapeutic benefit to the person.
Balancing of harm principle	Compulsory assessment and treatment or restrictive interventions are not to be used unless the serious harm or deterioration to be prevented is likely to be more significant than the harm to the person that may result from their use.
Autonomy principle	The will and preferences of a person are to be given effect to the greatest extent possible in all decisions about assessment, treatment, recovery and support, including when those decisions relate to compulsory assessment and treatment.