

Next steps

1. Send a copy of this **MHWA 158 – Report of psychiatrist** to the Authorised Psychiatrist of the Designated Mental Health Service where it is proposed to transfer the person.
2. The Authorised Psychiatrist will complete a **MHWA 159 – Report of authorised psychiatrist** if they recommend the proposed transfer and there are facilities or services available at the Designated Mental Health Service for the detention and treatment of the person.
3. The completed **MHWA 158 – Report of psychiatrist** and the **MHWA 159 – Report of authorised psychiatrist** must then be sent to the Justice Secretary (see note 4).

Notes

1. The criteria in section 535(1)(b) of the **Mental Health and Wellbeing Act 2022** are:
 - a. the person has mental illness; and
 - b. because the person has mental illness, the person needs immediate treatment to prevent:
 - i. serious deterioration in the person's mental or physical health; or
 - ii. serious harm to the person or to another person; and
 - c. immediate treatment will be provided to the person if the person is made subject to a Secure Treatment Order; and
 - d. there is no less restrictive means reasonably available to enable the person to receive immediate treatment.
2. A Secure Treatment Order cannot be made for a person who is subject to a Court Secure Treatment Order and is detained in a prison or other place of confinement.
3. The criteria in section 94B(1)(c) of the **Sentencing Act 1991** are:
 - a. the person has mental illness; and
 - b. because the person has mental illness, the person needs treatment to prevent:
 - i. serious deterioration in the person's mental or physical health; or
 - ii. serious harm to the person or to another person; and
 - c. the treatment referred to in paragraph (b) will be provided to the person if the person is made subject to a Court Secure Treatment Order; and
 - d. there is no less restrictive means reasonably available to enable the person to receive immediate treatment.
4. A reference to the Justice Secretary includes a reference to the Chief Commissioner of Police if the person is serving a sentence of imprisonment in a police gaol within the meaning of the Corrections Act 1986 or being held in police custody on the order of a court.