



MHWA113

ROLLS AUSTRALIA 1300 600 192

JULY
2023

**Mental Health and Wellbeing Act 2022
Section 190**

**MHWA 113
Application for Another Treatment
Order**

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Mental Health Statewide UR Number

Local Patient Identifier

FAMILY NAME

GIVEN NAMES

DATE OF BIRTH

SEX

GENDER

Place patient identification label above

Instructions to complete this form

- This form is used to apply to the Mental Health Tribunal to seek another Treatment Order when a person's current Treatment Order is due to expire and the Authorised Psychiatrist or Delegate is satisfied that another Treatment Order should be made.
 - Do not use this form for a person currently subject to a Temporary Treatment Order. The Mental Health Tribunal will schedule a hearing without the need for an application if a person subject to a Temporary Treatment Order remains on the Order at the end of the 28-day period of the Temporary Treatment Order.
 - The maximum duration of a Treatment Order you can recommend for a person 18 years or over is 6 months.
 - The maximum duration of a Treatment Order you can recommend for a person under 18 years is 3 months.
- An application must be made at least 10 business days before the expiry of the person's existing Treatment Order unless otherwise accepted by the principal registrar.
- You may only recommend an Inpatient Treatment Order if you are satisfied that treatment of the person cannot occur in the community

GIVEN NAMES

FAMILY NAME (BLOCK LETTERS)

a patient of:

who is subject to:

Designated Mental Health Service

- ☐ a Community Treatment Order
- ☐ an Inpatient Treatment Order—that expires on:
- (please cross ☒ one option only)

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date

To the Mental Health Tribunal

1. I have examined the abovenamed person on.

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 at:

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 date time 24 hour
2. I am satisfied that **all** the following compulsory treatment criteria in section 143 of the **Mental Health and Wellbeing Act 2022** apply to the person:
- the person has mental illness; and
 - because the person has mental illness, the person needs immediate treatment to prevent—
 - serious deterioration in the person's mental or physical health; or
 - serious harm to the person or to another person; and
 - the immediate treatment will be provided to the person if the person is subject to a Treatment Order; and
 - there are no less restrictive means reasonably available to enable the person to receive the immediate treatment.
3. In determining whether the treatment criteria apply to the person, I have had regard to:
- | | |
|--|---|
| <input type="checkbox"/> the views and preferences of the person and their reasons | <input type="checkbox"/> the views of a carer, if making a Treatment Order will directly affect the care relationship |
| <input type="checkbox"/> the person's advance statement of preferences | <input type="checkbox"/> the views of the Secretary, Department of Families Fairness and Housing if that Secretary has parental responsibility for the person under a Relevant Child Protection Order |
| <input type="checkbox"/> the views and preferences expressed by a nominated support person | |
| <input type="checkbox"/> the views of a parent, if the person is under the age of 16 years | |
| <input type="checkbox"/> the views of any guardian of the person | |
- (please cross ☒ one option only)
4. I have given proper consideration to the decision-making principles for treatment and interventions.
5. I recommend that the Mental Health Tribunal makes:
- | | | | | | | | | |
|---|---|--------------------------------|--|--|--|--|--|---------------------------------|
| <input type="checkbox"/> a Community Treatment Order for the person with a duration of: | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | | <input type="checkbox"/> months |
| | | | | | | | | |
| <input type="checkbox"/> an Inpatient Treatment Order for the person with a duration of: | | <input type="checkbox"/> weeks | | | | | | |
- (please cross ☒ one option only)

Signature:

signature of Authorised Psychiatrist or Delegate

Date:

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Given Names:

Family Name:

Application for Another Treatment Order

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Next steps

After completing this form:

1. **send** a hearing request to the Mental Health Tribunal by submitting the application through CMI/ODS. Update the compulsory notifications section of CMI/ODS.
2. if the application is out of time (i.e. there are less than 10 business days until the person's current Treatment Order expires), send copies of this form to the Mental Health Tribunal by:
 - Email: mht@mht.vic.gov.au; or
 - Fax: 9032 3223
3. **get** copies of the ***Mental Health Tribunal report for hearings about a Treatment Order*** and other information from your Designated Mental Health Service or the Mental Health Tribunal website at www.mht.vic.gov.au
4. **explain** to the patient that you have made this application and that the Tribunal will invite them to a Tribunal hearing. Offer the patient support to prepare for their Tribunal hearing.
5. **prepare** the ***report for hearings about a Treatment Order*** and other supporting information to be presented at the hearing. If the person has an advance statement of preferences, provide a copy with your report.
6. **give** a copy of the ***report for hearings about a Treatment Order*** and access to the supporting information to the patient and the Tribunal at least 2 business days before the hearing. You should also share this report with the patient's family, carers or supporters if the patient consents or if sharing is otherwise allowed under the *Mental Health and Wellbeing Act 2022*.
7. **offer** the patient help to submit the ***What I want to tell the Tribunal*** form if they would like to do so.

Decision-making principles in for treatment and interventions

When making an application for another Treatment 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.

Definitions

- **'Relevant Child Protection Order'** means:
 - a therapeutic treatment (placement) order;
 - a family reunification order;
 - a care by Secretary order;
 - a long term care order,each within the meaning of the *Children, Youth and Families Act 2005*.