

Chief Psychiatrist

ADVISORY NOTE

Requirement for mental health order for a person subject to a conditional release order to be detained at Dhulwa

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| ISSUE | To provide a direction to clinicians in circumstances where a person subject to a conditional release order under section 180 (4) of the <i>Mental Health Act 2015</i> requires admission to Dhulwa. |
| DEFINITIONS | A conditional release order is an order made by the ACT Civil and Administrative Tribunal (ACAT) that releases a person from custody if they have been found by a Court that they are not criminally responsible by reason of mental impairment. The CRO places the person under the jurisdiction of the ACAT. |
| ADVICE | <ul style="list-style-type: none">• If a chief psychiatrist delegate forms a view that a person subject to the conditional release order is likely to be sent to Dhulwa, the delegate should consider whether the criteria is fulfilled for making an application to the ACT Civil and Administrative Tribunal (ACAT) for the making of a psychiatrist treatment order (PTO) or forensic psychiatric treatment order (FPTO). An application should ideally be done prior to the ACAT considering the release of the person under section 180.• If a patient is transferred to Dhulwa under section 180 (4) AND is not under an involuntary mental health order, BUT needs to be urgently treated involuntarily, the initiation of emergency detention processes under Section 80 of the Act (emergency apprehension) should be considered.• In circumstances where such a patient is transferred to Dhulwa, AND is not under a mental health order, BUT the delegate of the Chief Psychiatrist is of the view that the criteria for a Mental Health Order are met, the delegate of the chief psychiatrist <u>should</u> make an application to the ACAT for making of a mental health order. |
| IMPLEMENTATION | This Advisory will be part of orientation for all staff involved in the treatment care or support of a person on a conditional release order. Services may develop their own policies and procedures to implement this advice. |
| RELEVANT LEGISLATION | <u><i>Mental Health Act 2015</i></u> <u><i>Mental Health (Secure Facilities) Act 2016</i></u> |