

12: Psychiatric Treatment Order

Most people with a mental illness willingly and actively seek help, and can make decisions about what kind of treatment, care or support they want. There may however be times when you become unwell because of your mental illness and cannot make those decisions (you don't have decisionmaking capacity), or you refuse help, despite there being a risk of harm to yourself or the community. In these situations, a Psychiatric Treatment Order may be made.

What is mental illness?

A mental illness is a condition that seriously impairs (either temporarily or permanently) functioning in one or more areas of your thought, mood, volition, perception, orientation, or memory. It may include delusions (false beliefs), hallucinations (e.g. seeing or hearing things that are not there), disorder of thought, disturbance of mood or irrational behaviour.

What is a Psychiatric Treatment Order (PTO)?

A PTO is a type of Mental Health Order, made by the ACT Civil and Administrative Tribunal (ACAT), when you have been identified as requiring treatment and care for your mental illness.

It is made to enable you to receive the assessment, treatment, care or support you need, when you don't have the ability to seek it yourself or are refusing to do so. This means treatment, care or support can be given without your consent.

When can a PTO be made?

A PTO will only be made if, based on an assessment:

- you have a mental illness; and either
 - you do not have decision-making capacity and you refuse treatment, care, and support, or
 - you have decision-making capacity but do not consent to treatment, care, and support, and either

- you are likely to do serious harm to yourself or someone else, or
- your physical or mental health is getting worse, or is likely to get worse, (to the extent that it outweighs your right to give consent)
- treatment, care, and support are likely to improve your mental illness or stop it from getting worse, and
- treatment, care, and support cannot be given to you in a way that involves less restriction on your freedom of choice and movement.

Application for a PTO

The Chief Psychiatrist or their delegate can apply to ACAT for a PTO. The delegate is usually your treating psychiatrist who will provide information about your mental illness and why the application is being made. Your psychiatrist should also attach a copy of your proposed treatment plan with the application. The treatment plan will include information about what treatment, care or support is recommended, why and how it will help. Copies of these application forms can be found on the ACAT website.

How is a PTO made?

After receiving an application, ACAT will hold a hearing to decide whether a PTO should be made. ACAT will give you at least three days written notice of the hearing.

The hearing is a formal meeting, and you will be invited to attend. ACAT encourages your attendance as your views and wishes are important. You can bring a support person(s) with you and have a lawyer to represent your interests if want to. Your views and those of your carer, guardian or Nominated Person can be put forward, both verbally and in writing. ACAT are also provided with information from your treating team.

Hearings are held in private, which means that only people who you want to be present will be able to attend. Hearings may be in person, via video or by teleconference.

Who is consulted?

If a PTO has been made for you, the psychiatrist will consult with you and discuss your opinions about:

- where treatment, care or support will be given
- whether you should stay in a mental health facility for treatment, and
- the type(s) of treatment you might be given.

You might want to talk to the psychiatrist about:

- what treatment is being considering and why
- where and when the treatment, care and support will take place
- the treatment, care or support that has worked for you in the past, and
- the type(s) of treatment, care or support you want, what you don't want and why.

While your opinions and views will always be considered, your treatment plan will need to accommodate your clinical needs, and the treatment given and/or the

location may be different to what you request.

Your psychiatrist may also talk to:

- your parents, or the people who have parental responsibility (if you are a child)
- your nominated person (if you have one)
- your guardian (if you have one)
- the person who holds power of attorney for you (if you have one)
- your health attorney (if you have one)
- the Director-General of Corrections if you are a detainee, on bail or parole, and
- the Children and Young People's DirectorGeneral, if you are a child who is a detainee or on bail.

The psychiatrist will give a copy of your treatment plan to you, as well as:

- your parents, or the people who have parental responsibility (if you are a child)
- ACAT
- the Public Advocate
- your nominated person (if you have one)
- your guardian (if you have one)
- the person who holds power of attorney for you (if you have one), and
- your health attorney (if you have one).

What if a PTO is made for me?

If a PTO has been made for you, the Chief Psychiatrist (or their delegate) is responsible for your treatment, care, and support. The delegate can be a psychiatrist in the community, at the hospital or at another mental health facility. The psychiatrist needs to decide:

- what treatment, care or support you will be given and includes making sure that the treatment is explained to you

- whether you need to stay at an approved mental health facility (such as a hospital) to receive treatment, care, and support. If so, the treatment plan must say if you can be given leave, or
- if you are receiving your treatment, care and support in the community, where you need to go to receive treatment and when you need to go there (e.g., for counselling, to attend a group program, or to collect medication).

These decisions will be made within five working days of the Order being made and are used to form your Treatment Plan.

A copy of your Treatment Plan will be given to you in writing.

How long will I stay on a PTO?

Under the Act any compulsory treatment must be for the shortest time possible. A PTO can be made for any period up to six months, but it is frequently shorter.

The PTO will be reviewed before it expires. It can also be reviewed sooner if your treating team believes the Order is no longer needed or if you ask for a review. A hearing needs to be held if you, your representative or ACAT initiated the review.

When ACAT reviews an Order, it can:

- confirm the Order (keep it the same)
- change the Order
- cancel the Order
- make additional Orders, or
- make an Assessment Order, requiring you to undergo a mental health assessment to decide what further treatment, care and support is needed.

Limits on communication

As part of your PTO, limits can be placed on who you are able to communicate with. The limitation must be consistent with the Order, necessary and reasonable and must not reduce the effectiveness of your treatment, care, and support. You will be told the reasons for the limitation, what the limitations are and how long they will be in place (a maximum of seven days at a time).

Can I have leave on a PTO?

If you are subject to a PTO and your treatment plan requires you to stay at an approved mental health facility, you have the right to apply for leave. Leave is time spent outside a facility that has been agreed on between you and your treating team. Leave is designed to enhance recovery and help you return to your usual life in the community. Your treatment plan should state whether you are entitled to leave and if not, why.

The specific type, length and other conditions of leave are decided on a case-by-case basis, when leave is requested.

The Chief Psychiatrist or your treating doctor can also cancel your leave. If leave is cancelled, you will be invited to return to the facility voluntarily. If you do not have approved leave or fail to return from approved leave then a Mental Health Officer, doctor, authorised ambulance officer or police officer can apprehend you and take you to a relevant facility.

What if I do not comply with my PTO?

If you do not comply with the terms of your PTO, for example you refuse or fail to attend for treatment, you will be contacted by a member of your treating team to discuss why. A verbal

warning will be issued in the first instance and, if you still fail to comply with your PTO, a written warning will be delivered to you.

If you continue to refuse treatment after the written warning your treating team will seek approval from the Chief Psychiatrist to ask for support from police to locate (apprehend you) and to transport and/or detain you at an approved mental health facility so that treatment can be provided.

What is a Restriction Order (RO)?

A RO is a type of Mental Health Order that can be added to a PTO for a maximum of three months and can tell you where you must live or where you must stay and can also state any people you must not see or talk to, places you must not go and/or things you must not do.

ACAT is responsible for reviewing applications and can make a RO if the Order is needed to keep you, someone else, or the public safe; and if treatment, care, and support cannot be given in a way that involves less restriction of your freedom of choice and movement.