

## What are my rights?

You are entitled to

- Written and verbal information about your legal status, rights and entitlements.
- Copies of most of the orders made about you.
- An interview by a psychiatrist.
- Access to your medical records (this right may be restricted).
- Ask questions and be fully informed about any treatment offered to you.
- A second opinion from another psychiatrist.
- Ask the Mental Health Review Board to review your case. Even if you do not make that request, the Board will review your case within eight weeks of becoming an involuntary patient and every six months after that.
- Obtain legal advice (The Mental Health Law Centre may provide free legal advice about the *Mental Health Act 1996*).
- Right to complain to the Council of Official Visitors, who may also support you in making an application for a review by the Mental Health Review Board.

This pamphlet is one of eight. The titles are as follows:

- *Carers*
- *Community Treatment Orders*
- *Electroconvulsive Therapy*
- *Involuntary Detained Patients*
- *People referred for a Psychiatric Examination Under the Mental Health Act 1996*
- *Treatments*
- *Voluntary Patients*
- *Your rights under the Mental Health Act 1996*

Other pamphlets available include:

- *The Mental Health Review Board, Information on the review process*
- *The Council of Official Visitors*
- *The Mental Health Law Centre*

## Contact Directory:

### ARAFMI

*(Mental Health Carers and Friends Association)*  
Phone 9228 0577 Fax 9228 0440  
Freecall 1800 811 747

### Council of Official Visitors

Phone 9226 3266 Fax 9226 3977  
Freecall 1800 999 057

### Mental Health Law Centre

Phone 9328 8266 Fax 9328 8577  
Freecall 1800 620 285

### Mental Health Review Board

Phone 9219 3162 Fax 9219 3163

### Multicultural Access Unit (DoH)

*(for interpretation & translation of health information & policy)*  
Phone 9400 9504 Fax 9400 9554

### Office of Health Review

Phone 9426 0100 Fax 9322 6848  
Freecall 1800 813 583

### Office of the Chief Psychiatrist

Phone 9222 4462, 9222 4079, 9222 4217  
Fax 9222 4244  
Freecall 1800 022 222

### Psychiatric Emergency Team

Phone 9224 8888 (24 hours) Rural 1800 676 822

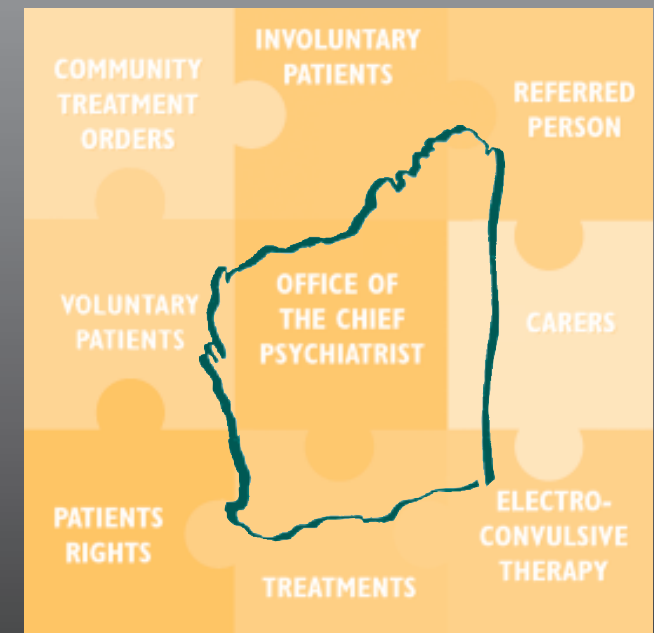
### WA Association for Mental Health

Phone 9420 7277 Fax 9420 7280

# COMMUNITY TREATMENT ORDERS

*Information about your status  
and your rights under the  
Mental Health Act 1996*

This pamphlet helps answer  
questions you might have  
about being on a  
Community Treatment Order.



Published by the  
Office of the Chief Psychiatrist  
© Department of Health  
Government of Western Australia 2005



## What is a Community Treatment Order?

A psychiatrist who believes that you need treatment for your mental illness, must consider whether your treatment can be given while you are living in the community. If this is possible and the psychiatrist believes that you would not accept the treatment voluntarily or you are unable to give consent to the treatment, then a Community Treatment Order may be made. A Community Treatment Order can be a less restrictive alternative to compulsory admission to hospital, or when being in hospital is no longer necessary. Although you may be living at home, or in a hostel and no longer a detained patient at the hospital, under the Mental Health Act 1996, you are still an involuntary patient and must accept the treatment thought best for you.

## What are the grounds for making a Community Treatment Order?

If the psychiatrist who examines you is satisfied that you have a mental illness, defined by the Mental Health Act as 'a disturbance of thought, mood, volition, perception, orientation or memory that impairs judgement or behaviour to a significant extent', **and**:

- That you require treatment for the health or safety of yourself or others; **or**
- To protect you from self-inflicted harm, including serious financial harm, irreparable harm to relationships or your reputation; **or**
- To prevent serious damage to property; **and**
- You have not consented or are unable to consent to treatment; **and**
- The treatment cannot be provided in a way that would involve less restriction; **then** a Community Treatment Order can be made. If the order is made after a psychiatrist in the community sees you, another doctor must agree with the order within 72 hours. If a Community Treatment Order is being made

when you are leaving hospital, then seeing another doctor, to confirm the order is not necessary.

## How will an order be made?

- Your psychiatrist must be willing to supervise the order or get another psychiatrist to supervise the order
- A treatment plan is part of the order and will outline what treatment you will be receiving
- The order will state who will be responsible for carrying out this treatment and it will either be a medical practitioner, such as your GP, or a mental health practitioner, like a community mental health nurse, psychologist, occupational therapist or social worker who may be your case manager.
- You will be given a copy of the order with a date when the order will finish, which will be within three months from the time the order was made, though the order can be extended for another three months.

## What will happen while I am on the order?

- At least once a month the supervising psychiatrist or a medical practitioner, such as your GP, will see you to decide whether the order should continue
- You will be expected to cooperate with the treatment plan, see your case manager and accept treatment
- If your psychiatrist believes at the end of the three month period that you need to stay on the order, he or she can extend the order for another three months. If you do not agree with this, you can ask in writing for a second opinion from another psychiatrist who should see you within 14 days. That psychiatrist can decide whether the order is to continue or not. If the second psychiatrist does not see you then the Community Treatment Order

finishes. If you do not keep the appointment with the second psychiatrist then the order continues

- If you move to another area the supervising psychiatrist can transfer the responsibility for carrying out the order to another psychiatrist, medical or mental health practitioner. If this happens you will be informed.
- The Community Treatment Order may be stopped if, in the opinion of your psychiatrist, it is no longer necessary, or it could be stopped by the Mental Health Review Board when reviewing your case.
- At the end of six months the order finishes. If your psychiatrist feels you should still be on a Community Treatment Order, a new order would need to be made.
- If you become so unwell that you require treatment in hospital, your psychiatrist can cancel your Community Treatment Order and you will be admitted to hospital as an involuntary detained patient for a period of up to 28 days.

## What if I fail to comply with the order?

- If you do not turn up for treatment or in any other way refuse to cooperate, and your psychiatrist has taken all reasonable steps to get you to cooperate, then you are in breach of the Community Treatment Order.
- Your psychiatrist will then inform you in writing that you are in breach of the Community Treatment Order.
- If you still fail to cooperate you may be sent an Order to Attend, which will be a form ordering you to go to a particular place, such as a clinic, doctors surgery or hospital, at a particular time for your treatment. The form will also tell you that if you fail to go as ordered, it may result in the use of the police who can enter your home and take you to have your treatment which can be given to you whether you agree or not.