

# Chief Psychiatrist

## ADVISORY NOTE

### A person in contravention of a mental health order can be treated at a place other than an approved facility

PURPOSE	If a person is in contravention of an order under the <i>Mental Health Act 2015</i> options can be provided for the person to receive treatment at a place other than an approved mental health facility or approved community care facility.
SCOPE	Approved mental health facilities Approved community care facilities
DEFINITIONS	<b>Approved mental health facility</b> is a place approved by the Minister for Mental Health under s. 261 of the Act. This is a facility that a person may be taken to, if they have contravened a Psychiatric Treatment Order.  <b>Approved community care facility</b> means place approved by the Minister for Mental Health under s. 262 of the Act.
ADVICE	Section 77 (3) was included in the Act in September 2020 to provide clarity in situations where a consumer has been noncompliant with a treatment aspect of a mental health order (and therefore is in contravention) but consents to receiving treatment after the noncompliance.  If the person consents to receiving treatment at a place other than an approved mental health facility or approved community care facility and the relevant official is satisfied that: <ol style="list-style-type: none"> <li>1. The person can be appropriately treated at a place other than an approved mental health or community care facility, and</li> <li>2. The other place (such as the person’s home) is a suitable place for the treatment s. 77 (3).</li> </ol> Then the person can receive the treatment at the ‘other place.’
IMPLEMENTATION	This Advisory will be part of orientation for all staff involved in the contravention of person on a mental health order.  Services may develop their own policies and procedures to implement this advice.
RELEVANT LEGISLATION	<a href="#"><u><i>Mental Health Act 2015</i></u></a>  <a href="#"><u><i>Mental Health (Secure Facilities) Act 2016</i></u></a>