

## Treatment Authorities

A Treatment Authority authorises the treatment and care of a person for a mental illness without the person's consent.

### How is a Treatment Authority made?

An assessment of a person may be undertaken by an authorised doctor after a recommendation for assessment is made by an authorised doctor or authorised mental health practitioner.

An assessment may result in a Treatment Authority being made if the authorised doctor is satisfied that:

- the treatment criteria apply to the person, and
- there is no less restrictive way for the person to receive treatment and care for the person's mental illness.

One of the treatment criteria is that the person does not have capacity to consent to treatment.

See Factsheets: *Examinations and Assessment* and *Advanced Health Directives and less Restrictive Way of Treatment*.

### Does an authorised psychiatrist need to review the making of a Treatment Authority?

If a Treatment Authority is made by an authorised doctor who is not a psychiatrist, an authorised psychiatrist

must review the Treatment Authority to decide whether to confirm the Treatment Authority, with or without amendment, or revoke the Treatment Authority.

Generally, this review is to occur within 3 days after the Treatment Authority is made. However, if the person is a patient of a service declared by the Chief Psychiatrist to be an authorised mental health service (rural and remote) and it is not reasonably practicable to complete the review within 3 days, the review may be completed within 7 days.

### What does a Treatment Authority authorise?

A Treatment Authority authorises treatment and care of a person for the person's mental illness without the consent of the person or anyone else.

When making a Treatment Authority, an authorised doctor must decide whether the category is inpatient or community.

However, the community category is the default category. An authorised doctor may only decide an inpatient category if the person's treatment and care needs cannot reasonably be met in the community.

An inpatient category of a Treatment Authority also authorises the person's detention in an authorised mental health service.



## How long is a Treatment Authority in place?

After a Treatment Authority is confirmed by an authorised psychiatrist, authorised doctors must undertake regular assessments of the patient to monitor whether the Treatment Authority should continue. These must occur at least every three months.

In addition, an authorised doctor must assess a patient if, at any time, it appears that the treatment criteria may no longer apply to the patient or there may be a less restrictive way for the patient to receive treatment and care.

An authorised doctor must revoke the patient's Treatment Authority if, at any time, the treatment criteria no longer apply to the patient or there is a less restrictive way for the patient to receive treatment and care for the patient's mental illness.

Also, if the authorised doctor is not a psychiatrist, the authorised doctor must consult with an authorised psychiatrist before revoking the authority.

The only exception to this is if a patient regains capacity but the capacity is not stable. To avoid a person with fluctuating capacity cycling on and off Treatment Authorities, a patient may remain on a Treatment Authority until their capacity becomes stable. It is intended that this would apply over a relatively short period of time.

## What is the role of the Mental Health Review Tribunal (MHRT)?

One of the roles of the MHRT is to independently review the making and continuation of Treatment Authorities.

To achieve this, the MHRT reviews Treatment Authorities at set intervals.

A patient, or someone on the patient's behalf, may apply to the MHRT for a review at any time.

When the MHRT undertakes a review, it can revoke a Treatment Authority if the treatment criteria do not apply to the patient or there is a less restrictive way for the patient to receive treatment and care.

If the MHRT decides the Treatment Authority should continue, it can decide whether the patient should have increased treatment in the community.

The first MHRT review takes place within 28 days after the Treatment Authority is made. The next two reviews are 6 monthly and thereafter at 12 monthly intervals.

If a patient has been on a Treatment Authority for 12 months, the MHRT must consider whether it would be less restrictive for the patient to be treated with the consent of a guardian rather than under a Treatment Authority.

## What other ways can a Treatment Authority end?

The Mental Health Court may make a Forensic Order (mental health) or Treatment Support Order for a patient subject to an existing Treatment Authority.

In this instance any existing Treatment Authority ends.

See factsheets: *Treatment Support Orders* and *Forensic Orders*

If a patient subject to a Treatment Authority in Queensland is transferred to an interstate mental health service, the existing Treatment Authority ends when the person leaves Queensland.

**More information:**

Mental Health Act 2016

[www.health.qld.gov.au/mental-health-act](http://www.health.qld.gov.au/mental-health-act)

Contact your local mental health service  
1300 MH CALL (1300 642255)

<https://www.qld.gov.au/health/mental-health/help-lines/services>

**Resources:**

Factsheet: [Examinations and assessments](#)

Factsheet: [Advance Health Directives and less restrictive ways of treatment](#)

Factsheet: [Treatment Support Orders](#)

Factsheet: [Forensic Orders](#)