

RESTRICTION ORDERS

This information explains:

- what restriction orders are
- how the Tribunal reviews these orders.

Who should read this

This information is for patients and their family, carers, guardians and other support people.

What is a restriction order?

A restriction order is an order:

- made by the Supreme Court
- that requires someone to be admitted to and detained in a secure mental health unit (the Wilfred Lopes Centre) until the order is discharged by the Supreme Court
- that may have conditions attached to it; for example, requiring the person to take certain medication.

Protective Division – Mental Health Stream
Phone: 1800 657 500
Web: www.tascat.tas.gov.au
Email: mentalhealth@tascat.tas.gov.au
GPO Box 1311, Hobart TAS 7001



What the Tribunal does

The Tribunal must review a restriction order within 12 months of it being made, and at least once in each 12 months after that.

The Tribunal will hold a hearing to decide between these two options:

Option 1: The order is no longer required

The Tribunal may decide that the restriction order is no longer required.

It will issue a certificate to the patient that gives them the right to apply to the Supreme Court to be released from the order (and therefore from the secure mental health unit).

This certificate does not release the patient from the order/unit — only the Supreme Court can do that. The order continues, and the patient remains in the unit, until released by the Supreme Court (if the Supreme Court does not release the patient from the order, there is another review in 12 months).

This certificate may recommend that the Supreme Court places another type of order or conditions on the patient once they are released.

Option 2: The order is still required

The Tribunal may decide that the restriction order is still required. In this case:

- the order continues until it is reviewed in another 12 months
- the patient remains in the secure mental health unit.

Applying without a certificate

A patient can apply to the Supreme Court to be released from the restriction order without the Tribunal's certificate. They can only do this two years after the restriction order was made.

If this application is not successful, the patient must wait another two years before they can apply again. They should seek legal advice about this.

Appealing a decision

A patient can appeal the decision made by the Tribunal. To do so, they must lodge an appeal with the Supreme Court, and they should seek legal advice about this.

Find information at www.supremecourt.tas.gov.au.

For legal advice a patient can:

- arrange their own lawyer, or
- ask Tasmania Legal Aid for someone to support them. Call 1300 366 611.

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