

SUPERVISION ORDERS

This information explains:

- what supervision orders are
- how the Tribunal reviews these orders
- how patients can be apprehended under these orders.

Who should read this

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

What is a supervision order?

A supervision order is an order:

- made by the Supreme Court
- that releases someone into the community under the supervision of the Chief Psychiatrist
- that may have conditions attached to it; for example, requiring the person to take certain medication or report to a medical centre once a week.

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 **T A S C A T**
TASMANIAN CIVIL &
ADMINISTRATIVE TRIBUNAL

REVIEWING A SUPERVISION ORDER

What the Tribunal does

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

It will hold a hearing to decide between four options for the supervision order:

Option 1: The order is no longer required

The Tribunal may decide that the supervision order is no longer required. It will issue the patient with a certificate that gives them the right to apply to the Supreme Court to have the order revoked or cancelled.

This certificate does not cancel the order — only the Supreme Court can do that. The order continues until the Supreme Court revokes (cancels) it.

If the Supreme Court does not revoke the order, there is another review in 12 months.

Option 2: The order is still required

The Tribunal may decide that the supervision order is still required.

In this case:

- the order continues until it is reviewed in another 12 months, or earlier if requested
- the Tribunal may recommend new or updated conditions be placed on the order.

Option 3: A restriction order is recommended

The Tribunal may decide that the order should be cancelled, but it will recommend that a restriction order is put in place instead.

The Tribunal will make this recommendation to the Secretary of the Department of Health.

If the Secretary agrees with this, they will apply to the Supreme Court to have this carried out.

Option 4: A treatment order is recommended

The Tribunal may decide that the order should be cancelled, but it will recommend that a treatment order is put in place instead.

The Supreme Court may make the treatment order. A treatment order authorises treatment for a patient. The treatment is set out in a treatment plan, and the treatment can take place in a hospital, in the community, or a combination of both.

Applying without a certificate

A patient can apply to the Supreme Court to be released from the supervision order without the Tribunal's certificate. They should seek legal advice about this.

APPREHENDING A PATIENT UNDER A SUPERVISION ORDER

If a patient —

- contravenes or breaches their supervision order (or is likely to do so), or
- suffers a serious deterioration to their mental health (or is likely to), and
- because of these factors, there is a risk the patient will harm themselves or another person

— then the patient can be apprehended and taken to an approved hospital or secure mental health unit for up to 72 hours.

What the Tribunal does

The Tribunal will hold a hearing to review the detention of the apprehended patient upon receiving an application for an extension. The Tribunal may extend the period that the patient is detained for, as it determines is necessary.

While a defendant is being detained in an approved hospital or secure mental health unit, the supervision order is suspended. An application can be made for treatment of the patient being detained, and the Tribunal will hold a hearing to determine this application.

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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