

## Statements of Reasons 2016\*

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### Introduction

The Mental Health Tribunal publishes select statements of reasons on the [AustLII website](#). In order to assist people to navigate statements of reasons on AustLII and thereby enhance the transparency of the Tribunal’s decision-making, the Tribunal will publish from time to time a list categorising the published statements of reasons under various broad categories. Some

statements of reasons are relevant to more than one category so appear in this list more than once. Conversely, not all statements of reasons published in 2016 appear in this list. There is a large number of informative examples of the Tribunal's decision making (part of the first category described below) that do not fall under other categories. Given this and given that all published statements of reasons can be seen as informative examples of the Tribunal's decision making, such statements of reasons are not separately listed in the categorised list below.

\*This list mainly contains Statements of Reasons finalised in 2016. However, the list also contains statements of reasons finalised after mid-November 2015 as this is when the Tribunal started to publish only those statements of reasons that fall within the categories listed below.

## Categories of published Statements of Reasons

Statements of Reasons are published under the following categories:

- Statements of reasons highlighting the Tribunal's interpretation and application of the provisions of the *Mental Health Act 2014*, governing Treatment Orders, ECT Orders and Tribunal hearings. This category includes any statements of reasons addressing complex or novel legal questions; but also includes statements selected because they provide a particularly informative example of the Tribunal's decision making.
- Statements of reasons which highlight the application of mental health principles or other themes such as recovery-oriented practice, solution-focused hearings, handling of particular procedural fairness scenarios (for example, the participation of carers and family members, the adequacy of information before the Tribunal etc).
- Statements of reasons concerning hearings that involved particularly complex or novel facts or clinical issues (e.g. personality disorders etc).

## Statements of Reasons are not precedents

These statements of reasons explain the Tribunal's decision in the particular hearing they refer to; they should not be regarded as precedents that must or should be followed in subsequent Tribunal hearings. Rather, the decision in each Tribunal hearing turns on the particular facts and submissions before the Tribunal.

**1. Statements of reasons highlighting the Tribunal's interpretation and application of the provisions of the *Mental Health Act 2014* governing Treatment Orders, ECT Orders and Tribunal hearings**

**Treatment Order hearings**

**Criterion in section 5(a) – mental illness**

[PWS \[2015\] VMHT 208](#)

[RUZ \[2015\] VMHT 213](#)

[OJZ \[2016\] VMHT 2](#)

[YLN \[2016\] VMHT 18](#)

[DGL \[2016\] VMHT 21](#)

[KON \[2016\] VMHT 23](#)

[GCQ \[2016\] VMHT 30](#)

[XOG \[2016\] VMHT 40](#)

[QBV \[2016\] VMHT 58](#)

[AYT \[2016\] VMHT 62](#)

[ZFU \[2016\] VMHT 66](#)

[FYJ \[2016\] VMHT 72](#)

[NTW \[2016\] VMHT 86](#)

[FSY \[2016\] VMHT 93](#)

[XUV \[2016\] VMHT 99](#)

[KGJ \[2016\] VMHT 102](#)

**Criterion in section 5(b) – immediate treatment necessary to prevent serious deterioration in mental or physical health or serious harm to the person or another person**

[XNC \[2016\] VMHT 5](#)

[UKR \[2016\] VMHT 12](#)

[XOO \[2016\] VMHT 50](#)

[ASZ \[2016\] VMHT 57](#)

[ZWM \[2016\] VMHT 67](#)

[ABC No 1 \[2016\] VMHT 68](#)

[SQO \[2016\] VMHT 74](#)

[RTK \[2016\] VMHT 95](#)

[XTB \[2016\] VMHT 97](#)

[DLF \[2016\] VMHT 98](#)

[NVI \[2016\] VMHT 104](#)

**Criterion in section 5(c) – immediate treatment will be provided if person is subject to a Treatment Order**

[GXS \[2015\] VMHT 205](#)

[RCK \[2016\] VMHT 9](#)

[LQQ \[2016\] VMHT 17](#)

[OWC \[2016\] VMHT 39](#)

[ZGE \[2016\] VMHT 92](#)

**Criterion in section 5(d)- no less restrictive means reasonably available to enable the immediate treatment**

[TRN \[2015\] VMHT 203](#)

[YVG \[2015\] VMHT 206](#)

[QDE \[2015\] VMHT 207](#)

[BMK \[2015\] VMHT 210](#)

[UKR \[2016\] VMHT 12](#)

[HKC \[2016\] VMHT 29](#)

[OSW \[2016\] VMHT 54](#)

[SYQ \[2016\] VMHT 61](#)

[HPH \[2016\] VMHT 78](#)

[YPC \[2016\] VMHT 85](#)

[WXM \[2016\] VMHT 94](#)

**Duration of Treatment Orders**

[HSG \[2016\] VMHT 6](#)

[FVB \[2016\] VMHT 16](#)

[GSG \[2016\] VMHT 27](#)

[XPO \[2016\] VMHT 48](#)

[KNC \[2016\] VMHT 56](#)

[HUI \[2016\] VMHT 69](#)

## **Setting of Treatment Orders (Inpatient Treatment Order or Community Treatment Order)**

[RQA \[2015\] VMHT 202](#)

[GJW \[2015\] VMHT 204](#)

[YVG \[2015\] VMHT 206](#)

[QDE \[2015\] VMHT 207](#)

[UFG \[2016\] VMHT 7](#)

[TPW \[2016\] VMHT 46](#)

[LNB \[2016\] VMHT 55](#)

[EPW \[2016\] VMHT 80](#)

[NVD \[2016\] VMHT 87](#)

[AGK \[2016\] VMHT 90](#)

[QYF \[2016\] VMHT 96](#)

[AKQ \[2016\] VMHT 101](#)

[CIQ \[2016\] VMHT 106](#)

## **Applications to deny access to documents**

[RCZ \[2015\] VMHT 215](#)

[KJR \[2016\] VMHT 38](#)

## **ECT hearings**

### **Criterion in section 96(1)(a)(i) – capacity to give informed consent**

[TRK \[2015\] VMHT 220](#)

[QSC \[2016\] VMHT 4](#)

[HFD \[2016\] VMHT 8](#)

[NLK \[2016\] VMHT 19](#)

[XWZ \[2016\] VMHT 25](#)

[YIY \[2016\] VMHT 33](#)

[NRI \[2016\] VMHT 37](#)

### **Criterion in section 96(1)(a)(ii) – no less restrictive way for the patient to be treated**

[HFD \[2016\] VMHT 8](#)

[NLK \[2016\] VMHT 19](#)

[GLX \[2016\] VMHT 22](#)

[HOQ \[2016\] VMHT 89](#)

**Other ECT issues (e.g. urgency)**

[TRK \[2015\] VMHT 220](#)

[KQQ \[2016\] VMHT 47](#)

[EPD \[2016\] VMHT 81](#)

[YDQ \[2016\] VMHT 105](#)

**Combined Treatment Order and ECT hearings**

[QKN \[2015\] VMHT 212](#)

[DQU \[2016\] VMHT 1](#)

[UFG \[2016\] VMHT 7](#)

**Jurisdictional issues**

[XOG \[2016\] VMHT 40](#)

[YFC \[2016\] VMHT 44](#)

[VUZ \[2016\] VMHT 64](#)

[NMP \[2016\] VMHT 65](#)

**2. Statements of Reasons highlighting the application of MHA principles and other themes**

[QDE \[2015\] VMHT 207](#)

[KBD \[2015\] VMHT 209](#)

[BMK \[2015\] VMHT 210](#)

[YGJ \[2015\] VMHT 211](#)

[TRK \[2015\] VMHT 220](#)

[UKR \[2016\] VMHT 15](#)

[FVB \[2016\] VMHT 16](#)

[NYN \[2016\] VMHT 45](#)

[KQQ \[2016\] VMHT 47](#)

[QBV \[2016\] VMHT 58](#)

[AYT \[2016\] VMHT 62](#)

[HPH \[2016\] VMHT 78](#)

[QYF \[2016\] VMHT 96](#)

[XTB \[2016\] VMHT 97](#)

[YDQ \[2016\] VMHT 105](#)

**3. Statements of reasons concerning particularly complex or novel facts or clinical issues**

[SJX \[2016\] VMHT 13](#)

[XAE \[2016\] VMHT 82](#)