

## Statements of Reasons 2017

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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.

## 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).<sup>1</sup>

## 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.

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<sup>1</sup> There were no published statements of reasons that fit within this category in 2017, noting that statements of reasons in this category are difficult to de-identify and are therefore often not appropriate for publication.

**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**

[OSY \[2017\] VMHT 002](#)

[VUF \[2017\] VMHT 047](#)

[MDW \[2017\] VMHT 051](#)

[XIJ \[2017\] VMHT 058](#)

**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**

[DGN \[2017\] VMHT 004](#)

[KCO \[2017\] VMHT 009](#)

[SBK \[2017\] VMHT 018](#)

[ECA \[2017\] VMHT 020](#)

[DQI \[2017\] VMHT 052](#)

[BQH \[2017\] VMHT 060](#)

[ZPR \[2017\] VMHT 61](#)

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

[SBK \[2017\] VMHT 018](#)

[QUM \[2017\] VMHT 049](#)

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

[MLL \[2017\] VMHT 003](#)

[FIF \[2017\] VMHT 005](#)

[UPQ \[2017\] VMHT 011](#)

[OJR \[2017\] VMHT 015](#)

[KNP \[2017\] VMHT 022](#)

[YRO \[2017\] VMHT 028](#)

[DFU \[2017\] VMHT 033](#)

[QXR \[2017\] VMHT 035](#)

[ITK \[2017\] VMHT 048](#)

[GWR \[2017\] VMHT 055](#)

[VSZ \[2017\] VMHT 056](#)

[UTN \[2017\] VMHT 057](#)

#### **Duration of Treatment Orders**

[YHQ \[2017\] VMHT 054](#)

[GWR \[2017\] VMHT 055](#)

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

[LNT \[2017\] VMHT 006](#)

[YHJ \[2017\] VMHT 040](#)

[YZV \[2017\] VMHT 050](#)

[YHQ \[2017\] VMHT 054](#)

[GWR \[2017\] VMHT 055](#)

[EHV \[2017\] VMHT 062](#)

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

[VUF \[2017\] VMHT 047](#)

#### **ECT hearings**

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

[XUP \[2017\] VMHT 007](#)

[CVT \[2017\] VMHT 027](#)

[YRO \[2017\] VMHT 028](#)

[QMB \[2017\] VMHT 031](#)

[VTF \[2017\] VMHT 044](#)

[VDA \[2017\] VMHT 045](#)

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

[CTN \[2017\] VMHT 012](#)

[XBU \[2017\] VMHT 037](#)

[IGV \[2017\] VMHT 046](#)

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

[IGV \[2017\] VMHT 046](#)

**Combined Treatment Order and ECT hearings**

[XUP \[2017\] VMHT 007](#)

[EDO \[2017\] VMHT 013](#)

[YRO \[2017\] VMHT 028](#)

[VTE \[2017\] VMHT 044](#)

**Application against transfer**

[NQQ \[2017\] VMHT 063](#)

**Jurisdictional issues**

[DQU \[2017\] VMHT 053](#)

[XIY \[2017\] VMHT 059](#)

**Adjournments**

[AIA \[2017\] VMHT 016](#)

## **Informative examples of the Tribunal's decision making**

[WNB \[2017\] VMHT 001](#)

[EAP \[2017\] VMHT 029](#)

[WSL \[2017\] VMHT 008](#)

[YJZ \[2017\] VMHT 030](#)

[ZIZ \[2017\] VMHT 010](#)

[KVN \[2017\] VMHT 032](#)

[EDO \[2017\] VMHT 013](#)

[BLQ \[2017\] VMHT 034](#)

[UFJ \[2017\] VMHT 017](#)

[CUH \[2017\] VMHT 036](#)

[TDL \[2017\] VMHT 019](#)

[SBJ \[2017\] VMHT 038](#)

[DTE \[2017\] VMHT 021](#)

[SGT \[2017\] VMHT 039](#)

[WXM \[2017\] VMHT 023](#)

[ZDE \[2017\] VMHT 042](#)

[NPC \[2017\] VMHT 025](#)

[OPS \[2017\] VMHT 043](#)

[EYU \[2017\] VMHT 026](#)

[ITK \[2017\] VMHT 048](#)

## **2. Statements of Reasons highlighting the application of Mental Health Act principles and other themes**

[KCO \[2017\] VMHT 009](#)

[VQE \[2017\] VMHT 014](#)

[ECA \[2017\] VMHT 020](#)

[AQH \[2017\] VMHT 024](#)

[EYU \[2017\] VMHT 026](#)

[QXR \[2017\] VMHT 035](#)

[OUM \[2017\] VMHT 049](#)

[DQI \[2017\] VMHT 052](#)