

**Authorised Version**

**Severe Substance Dependence Treatment  
Regulations 2011**

**S.R. No. 5/2011**

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**Authorised Version**

STATUTORY RULES 2011

S.R. No. 5/2011

*Severe Substance Dependence Treatment Act 2010*

**Severe Substance Dependence Treatment  
Regulations 2011**

The Governor in Council makes the following Regulations:

Dated: 22 February 2011

Responsible Minister:

MARY WOOLDRIDGE  
Minister for Mental Health

MATTHEW McBEATH  
Clerk of the Executive Council

**1 Objectives**

The objectives of these Regulations are—

- (a) to prescribe certain forms for the purposes of the **Severe Substance Dependence Treatment Act 2010**; and
- (b) to prescribe various matters necessary to be prescribed under the **Severe Substance Dependence Treatment Act 2010**.

**2 Authorising provision**

These Regulations are made under section 40 of the **Severe Substance Dependence Treatment Act 2010**.

**3 Commencement**

These Regulations come into operation on 1 March 2011.

#### 4 Definition

In these Regulations—

*the Act* means the **Severe Substance Dependence Treatment Act 2010**;

*Victoria Police* means the force within the meaning of the **Police Regulation Act 1958**.

#### 5 Application for detention and treatment order

For the purposes of section 10(2)(a) of the Act, the prescribed form of an application for a detention and treatment order is the form set out in Schedule 1 and the prescribed information is the information required by that form.

#### 6 Prescribed registered medical practitioner

For the purpose of sections 10, 12, 13 and 39 of the Act, a prescribed registered medical practitioner is—

- (a) a person who is a fellow or affiliate of the Royal Australian and New Zealand College of Psychiatrists; or
- (b) a person who is a fellow of the Australasian Chapter of Addiction Medicine; or
- (c) in relation to a person in custody at facilities operated by the Victoria Police—
  - (i) a registered medical practitioner who, in the course of work for the Victoria Police, provides medical care to that person at those facilities; or
  - (ii) a person referred to in paragraph (a) or (b).

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**7 Recommendation for the detention and treatment of a person**

For the purposes of section 12(7)(a) of the Act, the prescribed form of a recommendation for the detention and treatment of a person is the form set out in Schedule 2 and the prescribed information is the information required by that form.

**8 Special warrant**

For the purposes of section 13(2) of the Act, the prescribed form of a special warrant is the form set out in Schedule 3.

**9 Detention and treatment order**

For the purposes of section 20(1) of the Act, the prescribed form of a detention and treatment order is the form set out in Schedule 4.

**10 Application for revocation of detention and treatment order**

For the purposes of section 22(1) of the Act, the prescribed form of an application for the revocation of a detention and treatment order is the form set out in Schedule 5.

**11 Payment for recommendation**

For the purposes of section 39(1) of the Act, the prescribed rate in respect of a prescribed registered medical practitioner making a recommendation for the detention and treatment of a person under section 12 is the fee that would be available in respect to that medical service in the table of medical services prescribed in section 4 of the Health Insurance Act 1973 of the Commonwealth.

## SCHEDULES

### SCHEDULE 1

Regulation 5

**Severe Substance Dependence Treatment Act 2010**  
Section 10(2)

Severe Substance Dependence Treatment Regulations 2011

#### APPLICATION FOR A DETENTION AND TREATMENT ORDER

IN THE MAGISTRATES' COURT

OF VICTORIA AT [venue]

Court reference:

TO THE MAGISTRATES' COURT

The applicant applies to the Magistrates' Court for a detention and treatment order to be made in respect to the respondent.

#### 1. DETAILS OF APPLICANT

Name:

Address:

Telephone number:

Email address:

#### 2. DETAILS OF RESPONDENT

Name: *[full name of person who the applicant believes should be made subject to a detention and treatment order]*

Date of birth:

Gender:

Address:

Telephone number:

Signature of the applicant:

Date: / /

**PLEASE NOTE: THE APPLICANT MUST TAKE THIS APPLICATION TO THE MAGISTRATES' COURT NEAREST TO THE PLACE OF RESIDENCE OF THE RESPONDENT TO OBTAIN A DATE AND TIME FOR THE HEARING OF THIS APPLICATION. THE APPLICATION MUST HAVE ATTACHED A RECOMMENDATION FOR THE DETENTION AND TREATMENT OF THE PERSON MADE BY A PRESCRIBED**

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MEDICAL PRACTITIONER THAT IS CURRENT AT THE TIME OF THE APPLICATION.

**DETAILS OF THE HEARING** [*To be completed by the Court*]

A hearing of this application will be held at [*time*] \*a.m./\*p.m. on [*date*] at the Magistrates' Court at [*venue*].

Date and time application filed at the Magistrates' Court: / / \*a.m./\*p.m.

\*Delete if not applicable

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**SCHEDULE 2**

Regulation 7

**Severe Substance Dependence Treatment Act 2010**

Section 12(7)(a)

Severe Substance Dependence Treatment Regulations 2011

**RECOMMENDATION FOR A DETENTION AND TREATMENT ORDER**

TO THE MAGISTRATES' COURT

I, [*insert your name*], recommend that the court make a detention and treatment order under section 20 of the **Severe Substance Dependence Treatment Act 2010** in respect to [*insert patient name*].

**PATIENT DETAILS**

Name:

Date of birth:

Gender:

Address:

Telephone Number:

- (1) I am a prescribed registered medical practitioner within the meaning of section 12 of the **Severe Substance Dependence Treatment Act 2010**.
- (2) I personally examined the abovenamed patient on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ \*a.m./\*p.m.
- (3) I examined the patient:

at the request of:

Name: [*insert full name of person requesting the examination*]

Address: [*insert address of person requesting the examination*]

Relationship between the person requesting the examination and the patient:

OR

subject to a special warrant under section 13 of the **Severe Substance Dependence Treatment Act 2010**.

(Please  one option only)

- (4) It is my opinion that all of the following criteria in section 8(2) of the **Severe Substance Dependence Treatment Act 2010** apply to the patient:
- a. the person has a severe substance dependence; and**  
A person has a severe substance dependence if—
- the person has tolerance to the substance; and
  - the person shows withdrawal symptoms when the person stops using, or reduces the level of use of the substance; and
  - the person is incapable of making decisions about his or her substance use and personal health, welfare and safety due primarily to the person's dependence on the substance.
- [Specify the substance(s) and the nature and length of time of the dependence.]*
- [Specify the facts on which you base your opinion that the person is incapable of making decisions primarily due to substance dependence.]*
- b. because of the person's severe substance dependence, immediate treatment is necessary as a matter of urgency to save the person's life or prevent serious damage to the person's health; and**
- [Specify the facts on which you base your opinion that immediate treatment is necessary to save the person's life or prevent serious damage to their health.]*
- c. the treatment can only be provided to the person through the admission and detention of the person in a treatment centre; and**
- [Specify the facts on which you base your opinion that treatment can only be provided through the admission and detention of the person and not through other means.]*
- d. there is no less restrictive means reasonably available to ensure the person receives treatment.**
- [Specify the facts on which you base your opinion that there is no less restrictive means reasonably available to ensure the person receives treatment. You may refer to the person's living arrangements, support persons, dependants, history of previous treatment and other relevant circumstances.]*
- [Distinguish between facts personally observed and facts communicated to you by another person.]*

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- (5) I have consulted with [*insert name of senior clinician*] of [*insert name of treatment centre where it is proposed to detain the person*] on the            day of            20            at            \*a.m./\*p.m.

The senior clinician at the treatment centre has advised me there are the facilities and services available to treat the person at the treatment centre.

Signed:

Date: / /

[*signature of prescribed registered medical practitioner making recommendation*]

Name: [*full name of prescribed registered medical practitioner making recommendation*]

Professional address:

Telephone number:

Qualifications:

\*Delete if not applicable

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**SCHEDULE 3**

Regulation 8

**Severe Substance Dependence Treatment Act 2010**

Section 13(2)

Severe Substance Dependence Treatment Regulations 2011

**SPECIAL WARRANT**

IN THE MAGISTRATES' COURT

OF VICTORIA AT [*venue*]

Court reference:

DETAILS OF PERSON TO BE EXAMINED

Name: [*full name of person who is to be examined*]

Date of birth:

Gender:

Address:

Telephone number:

To: [*name of a member of the police force*] or [*all members of the police force*]

You are authorised and directed, in the company of a prescribed registered medical practitioner to:

- (a) subject to section 37 of the Act, enter the premises specified in the warrant; and
- (b) to use such force as may be reasonably necessary to enable the prescribed registered medical practitioner to examine the person named in the warrant for the purposes of determining whether or not to make a recommendation under section 12 of the **Severe Substance Dependence Treatment Act 2010**.

Magistrate: [*signature*]

Date:

Expiry date of warrant: [*section 13(4)*]

**PLEASE NOTE: IF YOU ARE UNABLE TO EXECUTE THE WARRANT BY THE EXPIRY DATE YOU MUST RETURN THE UNEXECUTED WARRANT TO THE COURT.**

\*Delete if not applicable

**SCHEDULE 4**

Regulation 9

**Severe Substance Dependence Treatment Act 2010**

Section 20(1)

Severe Substance Dependence Treatment Regulations 2011

**DETENTION AND TREATMENT ORDER**

IN THE MAGISTRATES' COURT

OF VICTORIA AT [*venue*]

Court reference:

To: [*name*]

Date of birth:

Gender:

Address:

The Magistrates' Court orders that you be detained and treated at [*name of treatment centre*] [*address of treatment centre*] for a period of 14 days from the date of your admission to the treatment centre.

\*The Court authorises [*name of person authorised to provide transport to the treatment centre*] to take you to the abovementioned treatment centre.

**TRANSPORT TO TREATMENT CENTRE**

Pursuant to section 20(4) of the **Severe Substance Dependence Treatment Act 2010**, this Order authorises a member of the police force, an ambulance paramedic, a non-emergency patient transport provider or anyone else specified in this order to take you to the abovementioned treatment centre.

Magistrate: [*signature*]

Date:

\*Delete if not applicable

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**SCHEDULE 5**

Regulation 10

**Severe Substance Dependence Treatment Act 2010**

Section 22(1)

Severe Substance Dependence Treatment Regulations 2011

**APPLICATION TO REVOKE A DETENTION AND TREATMENT ORDER**

IN THE MAGISTRATES' COURT

OF VICTORIA AT [venue]

Court reference:

TO THE MAGISTRATES' COURT

The applicant applies to the Magistrates' Court for the revocation of a detention and treatment order made in respect to [name].

1. DETAILS OF APPLICANT

Name:

Address:

Telephone number:

Email address:

I am:

- the person subject to the detention and treatment order
- the nominated person of the person subject to the detention and treatment
- the guardian of the person subject to the detention and treatment order

(please  one option only)

2. DETAILS OF PERSON SUBJECT TO DETENTION AND TREATMENT ORDER

Name: [full name of person who is subject to the detention and treatment order]

Date of birth:

Gender:

Address:

Telephone number:

Date of Order placing the person on the detention and treatment order:

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**PLEASE NOTE:** A COPY OF THE ORIGINAL ORDER MUST BE ATTACHED TO THIS APPLICATION

Signed by the applicant:

Date: / /

**PLEASE NOTE:** THE APPLICANT MUST TAKE THIS APPLICATION TO THE MAGISTRATES' COURT TO OBTAIN A DATE AND TIME FOR THE HEARING OF THIS APPLICATION

**DETAILS OF THE HEARING** [*To be completed by the Court*]

A hearing of this application will be held at [*time*] \*a.m./\*p.m. on [*date*] at the Magistrates' Court at [*venue*].

Date and time application filed at the Magistrates' Court: / / \*a.m./\*p.m.

\*Delete if not applicable

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