

# The Severe Substance Dependence Treatment Act 2010

Professor Edward Ogden PSM

MA MBBS BMedSc DipCrim GradCertMgt(TechMgt) FRAGP FACHAM(RCPA) FFCFM(RCPA)

Addiction Medicine Specialist



**GVHealth**



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# How do we justify this?

- **Principal of beneficence**
  - “requires... that an action produces benefits and its benefits outweigh its burdens”
- **Principal of non-maleficence**
  - does compulsory treatment help
    - the individual?
    - the community?
  - what negative impacts does it have on
    - the individual?
    - the community?

# Background

- Alcoholics and Drug-dependent Persons Act 1968

- little utilised (about 10 cases in 2009)
- allowed for 7 days treatment
- could be extended by another 7 days if necessary
- no provision for ongoing care and no funding
- out-of-line with Charter of Rights and Responsibilities



# The SSDTA

- “provides for the detention and treatment of persons with *severe* substance dependence where this is necessary as a *matter of urgency* to *save* a person’s life or *prevent serious damage* to a person’s health”
- *Last resort* treatment option
- Designed for those who do not have the *capacity* to make choices about their substance use
- “The Act is not targeted at people who are capable of making choices about their substance use, including refusing treatment”

# The SSDTA

- Persons subject to a detention and treatment order can be detained in a treatment centre and treated involuntarily for up to 14 days
- “Detention and treatment is aimed at providing a critical intervention that will help bring the person back from the *brink*”  
...and a chance to recover their capacity...think more clearly about their situation and the opportunity to engage in voluntary treatment”

# Criteria

- The person has **severe** substance dependence

**and**

- because of the 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**

- the treatment **can only be provided** to the person through the *admission and treatment* of the person in a treatment centre

**and**

- there is **no less restrictive** means reasonably available to ensure the person receives the treatment

# *“Severe substance dependence”*

- 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”



# What treatment can be provided on an involuntary basis?



Treatment under the SSDT Act means anything done in the course of the exercise of professional skills to provide *medically assisted withdrawal* from a severe substance dependence or to lessen the ill effects of the pain and suffering of the withdrawal



# Summary of procedure for making an application

*Severe Substance Dependence Treatment Act 2010*

## **Step 1: Obtain expert advice**

Before you do anything, get expert advice from an alcohol and other drugs (AOD) service or call DirectLine on 1800 888 236 for information, advice or referral. You should do everything you can to help the person get voluntary treatment for their alcohol or drug problems before you apply for a detention and treatment order.

If you believe the criteria for detention and treatment applies to the person go to Step 2.



## **Step 2: Complete an Application for a detention and treatment order**



## **Step 3: Obtain a certificate from a registered medical practitioner**

Request a prescribed registered medical practitioner to examine the person.

If the practitioner decides that the person for whom the application has been made does not fit the criteria, the person should be encouraged to seek voluntary treatment.

If the practitioner examined the person and agrees, they must complete a recommendation entitled Recommendation for a detention and treatment order.

**See 'Apply for a special warrant' section if further assistance required for assessment.**



# Summary of procedure for making an application

*Severe Substance Dependence Treatment Act 2010*

## Step 4: Make an application to the Magistrate's Court

Take 5 copies of the ***Application for a detention and treatment order*** and the ***Recommendation for detention and treatment order*** to the Magistrates' Court closest to where the person lives.

The Court Registrar will tell you the date and time the application will be heard by a magistrate. You must write the date and time on all 5 copies of the application. The Registrar will then date and stamp each copy.

## Step 5: Give copies of both documents to others

### Copy 1:

The registrar at the court will keep one copy for the Magistrate.

### Copy 2:

Keep one copy for you.

### Copy 3:

You must take all reasonable steps to give a copy to the person (named on the application) within 24 hours. You must give it to them personally. You cannot send it in the mail or fax a copy to the person. At the hearing, the Magistrate will ask you to explain how and when you gave a copy of the application to the person.

### Copy 4:

You must take 'all reasonable steps' to give a copy to the senior clinician of the treatment centre (where the person will be detained and treated) within 24 hrs.

### Copy 5:

You must take all reasonable steps to give a copy to the person's guardian (if they have one) within 24 hrs. At the hearing, the Magistrate will ask you to explain how and when you gave a copy of the application to the guardian (if the person has one).

# Summary of procedure for making an application

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## **Step 6: Before and during the hearing**

The Magistrate will need enough information to make a decision about the application. Think about what you want to say. You may take notes to help you remember all the things you want to say.

The court must hear the application within 72 hours. You must go to the hearing to support your application.



## **Step 7: The treatment centre**

If the Court is satisfied that the criteria for treatment and detention applies, you must arrange transport for the person to the treatment centre at St Vincent's Hospital, Fitzroy, Melbourne.

If the Court disagrees with the application, encourage the person to seek treatment from an alcohol and other drugs service on a voluntary basis.



## **Step 8: Treatment**

Person is admitted to the treatment centre and given treatment for a maximum of 14 days.

Their Discharge Plan upon completion will include options for further treatment and support.

# The *Severe Substance Dependence Treatment Act* 2010 (SSDTA)



- provides for a **brief period of detention and treatment** of people with **severe substance dependence** in a treatment centre.
- **The SSDTA only applies to people with the most severe substance dependence who are incapable of making decisions** about their substance use and personal health, welfare and safety due primarily to their substance dependence.

# THANK YOU

