

# Contents

<b>PREFACE</b>	v
<b>CONTRIBUTORS</b>	vi
<b>TERMS OF REFERENCE</b>	vii
<b>ABBREVIATIONS</b>	viii
<b>SUMMARY</b>	xi
<b>CHAPTER 1: INTRODUCTION</b>	
<i>Scope of the reference</i>	1
<i>Why a reference on compulsory care and treatment?</i>	4
<i>Terminology</i>	5
<b>CHAPTER 2: A CRITICAL LOOK AT CURRENT ARRANGEMENTS</b>	
<i>Introduction</i>	11
<i>The current law</i>	11
<i>Some problems with the present system</i>	34
<b>CHAPTER 3: PRINCIPLES AND POLICY ISSUES</b>	
<i>Principles underpinning a new system</i>	43
<i>Some practical issues</i>	49
<b>CHAPTER 4: WHO AND WHAT ARE WE TALKING ABOUT?</b>	
<i>Who should be covered by the legislation?</i>	53
<i>The criterion of risk</i>	61
<i>Some possible criteria for risk assessment</i>	64
<i>What type of care and treatment practices should the law regulate?</i>	70
<i>Place of care</i>	78
<i>People cared for by their families</i>	79

# Contents

## CHAPTER 5: OPTIONS FOR DECISION MAKING AND REVIEW

<i>How should compulsory care decisions be initiated?</i>	81
<i>What assessment process should apply ?</i>	84
<i>Who should be able to authorise compulsory care and treatment?</i>	87
<i>How should compulsory care and treatment be managed?</i>	92
<i>The review process</i>	94
<i>The appeal process</i>	99

## CHAPTER 6: OTHER ISSUES

<i>Interim care</i>	103
<i>Emergencies</i>	106
<i>Leave of absence</i>	107
<i>The relationship between compulsory care and the criminal justice system</i>	109
<i>Approval of care providers</i>	115

## APPENDICES

<i>Appendix 1: Relevant Victorian legislation</i>	122
<i>Appendix 2: Categories of intellectual disability in other jurisdictions</i>	125
<i>Appendix 3: Decision-making bodies in other jurisdictions</i>	129
<i>Appendix 4: Questions</i>	133