

Mental Health Act 2016
Chief Psychiatrist Policy

Support to the Mental Health Review Tribunal

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General

The Mental Health Review Tribunal (Tribunal) reviews and hears applications on the following matters:

- review of treatment authorities
- making/review of forensic orders
- making/review of treatment support orders
- review of fitness for trial of particular persons
- detention of minors in high security units
- application for examination authorities
- application for approval of regulated treatments (electroconvulsive therapy and non-ablative neurosurgery)
- application to transfer particular patients into and out of Queensland.

The Tribunal also hears appeals against particular decisions made by the Chief Psychiatrist and administrators of authorised mental health services (AMHSs).

Scope

This policy is mandatory for all AMHSs. An authorised doctor, authorised mental health practitioner, AMHS administrator, or other person performing a function or exercising a power under the Act **must** comply with this Policy.

Clinicians should work collaboratively with and in partnership with patients to ensure their unique age-related, cultural and spiritual, gender-related, religious and communication needs are recognised, respected and followed to the greatest extent practicable. Clinicians should consider the timely involvement of appropriate local supports and provide treatment and care with a recovery-oriented focus.

This policy **must** be implemented in a way that is consistent with the objects and principles of the Act.

Policy

1 Facilities

AMHSs are to be respectful of the nature of the Tribunal proceedings, the rights and needs of the patients and others attending the hearings, and the requirements of Tribunal members conducting hearings.

Key Points

AMHSs **must** provide the Tribunal with appropriate rooms that:

- can comfortably accommodate up to **twelve (12) people**,
- have appropriate air conditioning, power and lighting,
- cater for special needs if required, such as being wheelchair accessible, and
- have available waiting space for patients to meet with their legal representative, nominated support person or other support persons.

Rooms must be accessible for the Tribunal before and after hearings, preferably an hour either side of the proceeding.

Given the sensitivities of the Tribunal hearings, the rooms provided **must** enable privacy for the proceeding. If the rooms are accessible with a key or swipe card these must be provided to the Tribunal members in advance.

The rooms **must** provide a safe and secure environment. There **must** be a duress alarm for the Tribunal, either fixed in the room or available to use while in the facility. Appropriate AMHS staff are to be available to assist if the need arises.

AMHSs **must**:

- provide a contact staff member who can assist with administrative tasks,
- orient Tribunal members to the premises by providing a map or directions and taking members through evacuation procedures,
- provide technology to enable proceedings to be conducted by teleconferencing or videoconferencing, and
- provide administrative facilities, including computers, telephones, photocopy machines, printers and stationery for the purposes of proceedings.

In addition:

- toilets should be easily accessible, and
- consideration should be given to making refreshments available in near proximity.

All staff at the AMHS should assist patients to attend hearings, particularly if they are inpatients.

The *Audit tool: Facilities and support provided to the Mental Health Review Tribunal* is provided at [Attachment 1](#).

2 Reports and other matters

Key Points

The relevant treating psychiatrist **must** provide accurate and up-to-date clinical reports and other relevant documents, such as risk management plans, at least **seven (7) clear** days prior to the hearing (See [MHRT Practice Direction 1 of 2017](#)).

- The report needs to be legible, preferably typed, and signed (either manually or digitally) by the treating psychiatrist.
- The report is given to the Tribunal and the person who is the subject of the review (unless the treating practitioner intends to apply for a confidentiality order). The report needs to be discussed with the person who is subject to the review.

At least one member of the treating team for the relevant patient is required to attend the proceeding. However, it is preferable that both the treating psychiatrist and the principal service provider, such as the community case manager or primary inpatient nurse attend.

Communication may be required between the treating team and the Tribunal prior to the hearing if the proceeding is expected to be sensitive, complex, where a confidentiality order will apply, or where the patient has legal representation. This will help to ensure the efficient running of the hearing and avoid adjournments.

Issued under section 305 of the *Mental Health Act 2016*.

Dr John Reilly
Chief Psychiatrist, Queensland Health
15 April 2020

Definitions and abbreviations

Term	Definition
AMHS	Authorised Mental Health Service - a health service, or part of a health service, declared by the Chief Psychiatrist to be an authorised mental health service. AMHSs include both public and private sector health services. While treatment and care is provided to both voluntary and involuntary patients, additional regulation applies under the Act for persons subject to involuntary treatment and care.
Seven (7) Clear Days	For further information on how to calculate seven (7) clear days in QLD legislation, see s38 of the <i>Acts Interpretation Act 1954</i> or MHRT Practice Direction 1 of 2017 .
The Tribunal	Mental Health Review Tribunal

Referenced documents and policies

[Acts Interpretation Act 1954](#)

[Mental Health Review Tribunal website](#)

Document status summary

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To be reviewed by: 15 April 2023

Attachment 1: Audit tool: Facilities and support provided to the Mental Health Review Tribunal

Authorised Mental Health Service:	
Audit undertaken by: (Name/s and designation/s)	
Audit date:	

AMHS procedures	Yes	No	Comments
Patients receive appropriate information about the Tribunal and its processes and functions and, where necessary, patients (e.g. inpatients) are assisted to attend and participate in the hearing.			
Patients are provided with information relating to entitlement to, and process for, access to legal representation in relevant circumstances.			
Mental Health Review Tribunal Clinical Reports are provided to the Tribunal and the patient at least 7 clear days prior to the hearing.			
Timely access to additional clinical material by the patient or their legal representative.			
Attendance of the authorised psychiatrist and case manager at the hearing.			
Consideration to the most appropriate hearing venue i.e. requesting the MHRT schedule the hearing for a community patient at a hospital where there are additional security measures may be appropriate in some circumstances.			

Hearing room - general requirements	Yes	No	Comments
<p>Privacy of proceedings protected</p> <p>Conversations not audible in adjacent rooms/areas with hearing room door/s closed.</p>			
<p>Room booking</p> <p>The room must be booked in a way that ensures the Tribunal panel have access to the room one hour prior and one hour after the scheduled hearing times.</p>			
<p>Two entry/exit points</p> <p>One that accesses a secure area and another that accesses a public area.</p>			
<p>Patient and support person access</p> <p>Located within close proximity to waiting area/space used for patients to meet with legal representative and support persons.</p>			
<p>The room should be:</p> <ul style="list-style-type: none"> • airconditioned, • located within easy access to toilets, and • close to refreshment facilities. 			
<p>The hearing room requires:</p> <ul style="list-style-type: none"> • adequate lighting, • adequate access to power (e.g. for member equipment), and • should be wheelchair accessible. 			
Furniture and Equipment	Yes	No	Comments
<p>Table area</p> <p>Required to be at least 1 metre wide and 2 metres in length to enable sufficient work area and personal space for participants.</p>			
<p>Seating</p> <p>Sufficient seating to accommodate up to 12 persons in the hearing room.</p>			
<p>Furniture arrangement/room layout</p> <p>Required to be arranged in a way that minimises risk of Tribunal members access to doors or duress alarms being obstructed. E.g. If members are required to leave the room due to aggressive behaviour.</p>			

Teleconference/videoconference facilities Should be available in the room or readily able to be arranged on request.			
Administrative facilities Including computers, telephones, photocopier machines, printers and stationary is available to Tribunal members for the proceedings.			
Water containers and drinking cups should be supplied.			
Safety Considerations	Yes	No	Comments
Patients at risk of agitated or aggressive behaviour in the context of a Tribunal hearing are to be assessed, and where appropriate, strategies to minimise and manage risk are implemented. E.g. checks for concealed weapons or other potentially harmful objects.			
Duress alarm/s Suitably located in the hearing room or made available to Tribunal members for use while in the facility.			
Duress alarm/s Procedures in place to ensure duress alarms are checked prior to the commencement of hearings and that appropriate staff are available to respond.			
Consideration should be given to the items within the hearing room, for example water jugs, glassware etc. to ensure they are safe for Tribunal members and consumers.			
All hearing rooms should have two entry/exit points that are easily accessible.			
General	Yes	No	Comments
Orientation and Swipe card access Tribunal members should be oriented to the facility and emergency evacuation procedures and, if relevant, provided with swipe cards to access room/areas as required.			
A staff member should be available to assist the Tribunal with administrative tasks where required.			