Support to the Mental Health Review Tribunal

1. Purpose
This Policy sets out the way in which the Mental Health Review Tribunal is to be supported in performing its functions, including, for example, providing facilities for proceedings.

2. Scope
This Policy is mandatory for all authorised mental health services (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.

This Policy must be implemented in a way that is consistent with the Objects and Principles of the Act.

3. Authorising Legislation
Section 305(2)(f) of the Mental Health Act 2016.

4. Background
The Act provides that the Tribunal reviews and hears applications for the following:
- treatment authorities
- forensic orders
- treatment support orders
- the fitness for trial of particular persons
- the detention of minors in high security units
- examination authorities
- the approval of regulated treatments (electroconvulsive therapy and non-ablative neurosurgery), and
- the transfers of particular patients into and out of Queensland.

The Tribunal also hears appeals against particular decisions made by the Chief Psychiatrist and administrators of AMHSs.

Chapter 12 of the Act outlines the proceedings of the Tribunal. Part 2 of Chapter 16 of the Act provides for the establishment and administration of the Tribunal.

5. Policy

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

AMHSs are to provide the Tribunal with appropriate rooms which can comfortably accommodate up to 12 people, with appropriate air conditioning, power and lighting. The rooms must cater for special needs if required, such as being wheelchair accessible. The rooms must also have available waiting space for use by patients to meet with their legal representative, nominated support person or other support persons.
The 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 an available 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 orientation to the premises by providing a map or directions, and orient the Tribunal members to evacuation procedures. Toilets should be easily accessible. Consideration should be given to making refreshments available in near proximity.

It is expected that AMHSs provide the appropriate technology to enable the Tribunal to conduct a proceeding by teleconferencing or videoconferencing.

AMHSs are to provide administrative facilities, including computers, telephones, photocopy machines, printers and stationery for the purposes of proceedings. AMHSs are to provide a contact staff member who can assist with administrative tasks.

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

5.2 Reports and other matters

The relevant treating practitioner must provide accurate and up-to-date reports and other relevant documents such as risk management plans at least 7 days prior to the hearing, as required under the Act (section 723). The report needs to be clearly 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 case manager 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.

6. Supporting Documents

• Nil
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Issued under section 305 of the Mental Health Act 2016

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Chief Psychiatrist, Queensland Health
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