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 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.
Support to the Mental Health Review Tribunal

AMHSs are to provide the Tribunal with a safe environment and appropriate rooms that:

- ensure privacy of the proceedings
- can comfortably accommodate up to 12 people, depending on the nature of the hearing
- have appropriate air conditioning, power and lighting
- cater for special needs if required, such as being wheelchair accessible
- provide an appropriate waiting area space that can be used by patients to meet with their legal representative, nominated support person or other support persons
- are accessible for the Tribunal before and after hearings, preferably an hour either side of the proceeding, and, where relevant, key or swipe card provided to Tribunal members in advance
- have an available duress alarm for the Tribunal, either fixed in the room or available to use while in the facility, and appropriate AMHS staff 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. Safety considerations apply equally to persons participating in conference hearings.

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.

An audit tool is provided (Attachment 1) to assist with the assessment of hearing facility and support services, and to identify where additional consideration or attention to safety issues may be required.

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 confidentially order). It is good practice that the report 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. All discussions, except for confidentiality order matters, must take place with the patient and other relevant parties present if they have chosen to attend.
6. **Supporting Documents**

- Attachment 1: Audit of facilities and support to the Mental Health Review Tribunal

Issued under section 305 of the Mental Health Act 2016

---

Dr John Reilly  
Chief Psychiatrist, Queensland Health  
03 April 2019
Audit of facilities and support provided to the Mental Health Review Tribunal

This audit tool aims to assist Administrators of Authorised Mental Health Service to assess the facilities and support services provided to the Mental Health Review Tribunal as well as key statutory and policy requirements relating to Tribunal hearings.

Mandatory requirements as set out in the *Mental Health Act 2016* and the *Chief Psychiatrist Policy: Support to the Mental Health Review Tribunal* are bolded.

Safety elements are identified in blue text. Where these are not met, Administrators should consider whether additional strategies are needed to mitigate risk e.g. immediate procedural changes and/or longer-term capital works modifications.

<table>
<thead>
<tr>
<th>Authorised Mental Health Service:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit undertaken by:</td>
</tr>
<tr>
<td>(name/s and designation/s)</td>
</tr>
<tr>
<td>Audit date:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hearing room – general requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>Privacy of proceedings protected i.e. conversations not audible in adjacent rooms/areas with hearing room door/s closed</td>
</tr>
<tr>
<td>Two entry/exit points – one that accesses a secure area and another that accesses a public area</td>
</tr>
<tr>
<td>Located within close proximity to waiting area/space for use by patients to meet with legal representative and support persons</td>
</tr>
<tr>
<td>Located within easy access to toilet facilities</td>
</tr>
<tr>
<td>Located within easy access to refreshment facilities</td>
</tr>
<tr>
<td>Wheelchair accessible</td>
</tr>
<tr>
<td>Adequate lighting and power (e.g. for member equipment)</td>
</tr>
</tbody>
</table>
- Air-conditioned

### Furniture and equipment

- Duress alarm/s are suitably located in the hearing room or made available to Tribunal members for use while in the facility
- Procedures are in place to ensure duress alarms are checked prior to the commencement of hearings and that appropriate staff are available to respond
- Table area is at least 1 metre wide and 2 metres in length to enable sufficient work area and personal space for participants
- Sufficient seating to accommodate up to 12 people in the hearing room
- Furniture is arranged to minimise risk of Tribunal member egress or access to duress alarm being obstructed
- Access to teleconference facilities available in the room or readily able to be arranged on request
- Access to videoconference facilities available in the room or readily able to be arranged on request
- Administrative facilities including computers, telephones, photocopy machines, printers and stationary is available to Tribunal members for the proceedings
- Water containers and drinking cups provided for participants are made from suitably soft materials

### AMHS procedures

The AMHS has documented procedures to ensure:

- 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
- Information regarding entitlement to, and process for, access to legal representation is provided to the patient in relevant circumstances

- **MHRT Clinical Reports are provided to the Tribunal and the patient at least 7 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 of the most appropriate hearing venue i.e. requesting the MHRT schedule the hearing for a community patient at a hospital setting where there are additional security measures

- Patients at risk of agitated or aggressive behaviour in the context of the hearing are assessed and, where appropriate, strategies to minimise and manage risk are implemented e.g. check for concealed weapons or other potentially harmful objects

- Room bookings ensure the Tribunal panel has access to the room one hour before and one hour after scheduled hearing times

**General support**

- Tribunal members are oriented to the facility and emergency evacuation procedures and, if relevant, are provided with swipe cards to access rooms/areas as required

- A nominated staff member/s are available to assist the Tribunal with administrative tasks if required