

What will the observer do in the hearing?

There are strict rules about what the observer can do. They are not allowed to take part in the hearing in any way. For example, they must sit away from the panel and the others taking part. They are not allowed to speak at the hearing or talk about the details of the hearing with anyone, even after the hearing.

Do you need more information?

If you'd like more information about the Tribunal's policy regarding observers at hearings and the *Request to Observe* form or about the Tribunal in general:

- Ask Tribunal staff for more information
- Ask Tribunal staff to mail you our publications
- Find the publications at the Tribunal's website: www.mhrt.qld.gov.au

The following publications are available from the Tribunal at its website and offices:

- A brief guide
- Giving information to the Tribunal
- Confidentiality Orders
- Forensic Order Reviews
- Forensic Patient Information Orders
- Involuntary Treatment Order Reviews
- Electroconvulsive Therapy Applications
- Allied persons and the Tribunal
- Observers at Tribunal hearings
- How was your MHRT hearing?
- If you are not coming to your hearing
- Family and friends at Tribunal hearings
- The rights of patients attending a Tribunal hearing
- What is the Mental Health Review Tribunal Consumer Consultant?

A guide to Observers at Tribunal Hearings

Contact the Tribunal at:

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Information about observers at hearings

This brochure explains the Mental Health Review Tribunal's rules on observers at hearings. It tells what will happen if someone does ask to be an observer.

What is the Mental Health Review Tribunal?

The Tribunal is an independent body established under the *Mental Health Act 2000* to protect the rights of people receiving involuntary treatment for mental illness. It provides an independent review of the order or application, and makes decisions about whether the involuntary treatment will continue or not. It can also decide whether the treatment will be given in hospital or in the community. In making these decisions, the Tribunal must balance the rights of the patient with the rights of others and the protection of the community.

More information about the Tribunal can be found in other publications at the Tribunal's website or office (details at the back of this brochure). The following questions and answers explain how an observer can be at a hearing.

What is an observer?

An observer is someone who is not involved in the patient's hearing but who needs to know about hearings in their work.

Who can be an observer at a Tribunal hearing?

Tribunal hearings are normally closed. The only people who can attend are –

- the patient
- their lawyer if they have one
- those supporting the patient (e.g. Allied Person)
- the patient's psychiatrist and
- other members of the treating team

Only people with a genuine reason will be considered as observers (for example, someone from the Tribunal, or someone who is working in the mental health service, or will be).

How do people get permission to be observers?

If they have a genuine reason for being there, two things **must** happen before an observer will be allowed in to a Tribunal hearing:

- First, the President of the Tribunal must give approval in writing (the President is a lawyer who is head of the Tribunal)
- Second, the patient must give consent.

A *Request to Observe* application on an official form must be lodged with the Tribunal at least 10 working days before the hearing date. This is to give the President time to consider it.

What is the President's approval based on?

The President will think about the privacy and dignity of the patient. If having an observer in the hearing will affect the patient's rights, approval won't be given.

If the patient is under 17 years of age, observers won't be allowed.

After that it depends on the reasons the observer has given for being there – whether they can show how observing will help them in their work.

Generally the President will approve only one observer at a patient's hearing. But don't forget – it won't be allowed to happen unless the patient approves, too.

What happens next?

- First, the application will be considered by the President.
- If approved, a letter will be sent to the patient telling them about the request.
- Then, on the day of the hearing, one of the Tribunal members will ask the patient if they want to allow the observer into the hearing. If the patient says no, their decision won't be questioned.
- Also, if the patient doesn't attend their hearing and it goes ahead without them, no observer will be allowed in (because the patient isn't there to give permission).
- If the President approves, and the patient consents, the observer can attend.