

INFORMATION SHEET

Treatment Authority Reviews

This information is to assist you if you are receiving involuntary mental health treatment under a Treatment Authority (TA).

If you are under a TA (inpatient category), you will be receiving your treatment in hospital. If you are under a TA (community category), you will be receiving your treatment as an outpatient.

The Tribunal must review your TA:

- a) within 28 days of the TA being made; and
- b) within 6 months of the review under a) above; and
- c) within 6 months of the review under b) above; and
- d) at intervals of not more than 12 months after the review under c) above.

You can also apply to have your authority reviewed at any time. If you would like, someone else can apply on your behalf.

How will I know when my Tribunal hearing is?

The Tribunal will provide you with a written notice advising when and where your hearing will be held. Hearings are generally held at your local mental health service. Your hearing may be held in person, via the telephone or via videoconference facilities.

What happens before my hearing?

The Tribunal's notice of hearing will include a 'self report' form. You may wish to complete this report prior to the hearing to help you express your views to the Tribunal.

You may also wish to speak with your nominated support person/s or other people in your support network about attending the hearing with you. You may also like to organise legal representation, although this is not required.

At least 7 days before the hearing, your treating team will also give you a copy of a clinical report which will be discussed at the hearing. You should take the time to read this report and if you have any questions about the report, you can speak to your treating team (eg your case manager or doctor).

What happens at hearing?

The Tribunal usually consists of three members – a legal member, a medical member and a community member (a person who is not a lawyer or a doctor but has the necessary skills and experience in exercising the Tribunal's jurisdiction). However, in some cases there may only be two members.

A member/s of your treating team will attend the hearing and they will be asked to give their opinion about your illness and your progress/recovery.

You will also have the opportunity to ask questions and give your opinion about the TA. The Tribunal may also ask you questions.



You may also be represented at your hearing by a nominated support person, a lawyer or another person. You can be accompanied by one member of your support network or more, if the Tribunal allows.

What decisions can the Tribunal make?

After reading the clinical report and hearing all the information from you and your treating team, the Tribunal will make a decision whether to confirm (continue) your TA or revoke (stop) your TA. The Tribunal may also make orders about what category your TA should be, whether you should have limited community treatment (leave from the hospital) or any other orders the Tribunal considers appropriate.

To confirm your TA, the Tribunal must be satisfied that the treatment criteria in the *Mental Health Act 2016* apply to you. The treatment criteria are:

- a) the person has a mental illness;
- b) the person does not have capacity to consent to be treated for the illness;
- c) because of the person's illness, the absence of involuntary treatment, or the absence of continued involuntary treatment, is likely to result in –
 - i. imminent serious harm to the person or others; or
 - ii. the person suffering serious mental or physical deterioration.

What happens after my hearing?

In most cases, the Tribunal will tell you what their decision is at the hearing.

In all cases, you will receive a written notice advising of the Tribunal's decision.

If you would like to know the reasons for the Tribunal's decision, you can request a written statement of reasons. Details of how to request reasons are on the back of the written notice of decision or you can contact the Tribunal for further information.

You may also wish to appeal the Tribunal's decision to the Mental Health Court. Further information regarding appeals can be obtained by contacting the Court Registry (details below)

Where can I get more information?

If you would like further information about your medication and treatment, you should speak with your treating team.

If you need further information about your hearing, you can contact the Tribunal on telephone 07 3338 8300, at enquiry@mhrt.qld.gov.au or at www.mhrt.qld.gov.au

If you would like further information about appeals, the Mental Health Court Registry can be contacted on telephone 07 3082 0554, email RegistrarMHC@health.qld.gov.au or at <http://www.courts.qld.gov.au/courts/mental-health-court>

Further information regarding your rights as a patient can be found at <https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/clinical-staff/mental-health/act/topics/patient-rights>