



Information Sheet

Application for Applicant Review

The Mental Health Review Tribunal (**Tribunal**) periodically reviews several types of authorities/orders to which a person may be subject in accordance with timeframes set out in the *Mental Health Act 2016 (Act)*.

Certain people are entitled to apply to the Tribunal to have their authority/order reviewed prior to the next scheduled review (called an **Applicant Review**).

This information sheet aims to clarify who may apply for an Applicant Review, what the Tribunal can do when conducting an Applicant Review and some matters to consider before submitting an application.

Who may apply?

Who is entitled to apply for an Applicant Review depends on the type of authority/order being reviewed.

Type of review	Who may apply
Treatment authority	<ul style="list-style-type: none"> the person the subject of the authority an interested person for the person the subject of the authority the Chief Psychiatrist
Forensic order (mental health)	<ul style="list-style-type: none"> the person the subject of the authority an interested person for the person the subject of the authority the Attorney-General the Chief Psychiatrist, where an authorised mental health service is involved the Director of Forensic Disability, where the forensic disability service is involved
Treatment support order	<ul style="list-style-type: none"> the person the subject of the authority an interested person for the person the subject of the authority the Chief Psychiatrist
Fitness for trial	<ul style="list-style-type: none"> the person whose fitness for trial is under review an interested person for that person the Chief Psychiatrist the Director of Forensic Disability

Who is an interested person?

An interested person is:

- the person's nominated support person; or
- another individual who has a sufficient interest in the person.



Examples of an interested person may include:

- a lawyer acting for the person the subject of the authority/order;
- a personal guardian, advocate or attorney; or
- a parent.

For the purposes of Applicant Reviews, the Tribunal does not consider a member of a person's treatment team to be an interested person. Members of the treating team may assist a person to complete and file an application form.

How to apply for an Applicant Review

To make an application for an Applicant Review, an eligible person (see above 'Who may apply?') must complete an Application for Applicant Review and send it to the Tribunal. The application form is available on the Tribunal's website or a copy can be obtained by contacting the Tribunal.

A completed application form can be sent to the Tribunal by post, fax or email and contact details appear on the application form itself.

For the Tribunal to be able to accept an application for Applicant Review, the application form must:

- be completed by an eligible person (see above 'Who may apply?')
- have all sections completed
- state the orders sought by the applicant.

The orders sought are the decisions that the applicant would like the Tribunal to make. The Tribunal is only authorised to make certain orders. If the application form states orders that the Tribunal cannot make, the application will be refused.

Types of Orders

Generally, the types of orders that the Tribunal can make will relate to revoking an authority/order, changing the category of an authority/order or changing the conditions of the authority/order. An example of an order the Tribunal cannot make is a change of medication or change of doctor.

The orders that the Tribunal can make for each type of review are set out in **Attachment A**.

What happens after an application form is submitted?

The Tribunal will first check that the application is valid taking into account the requirements specified above.

If an application form does not constitute a valid application, the application will be refused by a Tribunal member and the applicant will receive a letter stating why the application was refused.

If the application is accepted, a hearing will be scheduled for a Tribunal panel to hear the application. The hearing will be scheduled within 28 days of receipt of the application by the Tribunal and the applicant will receive a notice that details the time, date and location of the hearing.



ATTACHMENT A

Treatment Authority

- revoking the treatment authority;
- changing the category of the treatment authority from inpatient to community or community to inpatient;
- a transfer to another authorised mental health service;
- changing the level of community treatment; or
- changing or removing conditions to which a treatment authority is subject.

Forensic Order

- revoking the forensic order;
- changing the category of the forensic order from inpatient to community or community to inpatient;
- a transfer of responsibility for a forensic patient to another authorised mental health service or forensic disability service; or changing the level of community treatment;
- changing or removing conditions to which a forensic order is subject;

Treatment Support Order

- revoking the treatment support order;
- changing the category of the treatment support order from inpatient to community or community to inpatient;
- a transfer to another authorised mental health service;
- changing the level of community treatment;
- changing or removing conditions to which a treatment support order is subject;

Fitness For Trial

- the person is fit for trial; or
- the person is not fit for trial.