



# Policy – Modifying Timeframes in the COVID-19 Emergency Period

## 1.0 Policy Statement

1. The COVID-19 pandemic has affected people and health services in Queensland. During this emergency period, the Mental Health Review Tribunal (**Tribunal**) plans to continue to operate and conduct hearings as prescribed under the *Mental Health Act 2016* (**MH Act**) to the greatest extent possible. To ensure the efficient and effective conduct of the Tribunal's operations, some hearings may require a modification of timeframes outside those prescribed by the MH Act. For these hearings, timeframes will be modified under the *COVID-19 Emergency Response Act 2020* (**Emergency Response Act**) to allow for the most efficient relisting process for parties to the proceedings.

## 2.0 Scope

1. This policy applies to all Tribunal hearings during the Emergency Period.

## 3.0 Legislation

*COVID-19 Emergency Response Act 2020*  
*Mental Health Act 2016*  
*Human Rights Act 2019* (**HR Act**)

## 4.0 Associated Documents

1. Procedure – Modifying Timeframes in the COVID-19 Emergency Period

## 5.0 Principles

1. This policy is based on the following principles:
  - As far as possible, matters heard by the Tribunal will continue during the Emergency Period.
  - Timeframes for scheduling matters as legislated under the MH Act may not be suitable for some matters during the Emergency Period.
  - As a public entity, the Tribunal has obligations under the HR Act. Whilst adhering to the legislative framework of the MH Act and the Emergency Response Act the Tribunal will consider the HR Act in making decisions in respect of adjusting timeframes for adjournments.

## 6.0 Policy

1. During the Emergency Period, scheduling of matters within the legislated timeframes set out in the MH Act may not be suitable.



2. Matters may be identified as needing to be adjourned for longer than as prescribed in the MH Act by:
  - a. the President;
  - b. the Deputy President;
  - c. the Executive Officer; or
  - d. the Manager, Hearings Coordination.
3. A matter may be identified as requiring an adjournment of longer than 28 days:
  - a. after being adjourned on a regular day of hearing; or
  - b. in advance as a result of specific circumstances affecting that particular hearing.
4. The panel making the decision must contain the Tribunal President or Deputy President.
5. If a panel decides to adjourn a matter, they may also decide, for reasons related to the Emergency Period, the timeframe for relisting will need to be modified. They will record this modification to the timeframe and the reasons for doing so on the record of proceedings for a matter.
6. It will be at the discretion of a panel making a decision on a hearing to decide if a matter is to be adjourned and if the panel will need to exercise their power under the Emergency Response Act to modify the period in which the next hearing will proceed. A panel may only decide to exercise this discretion if either the President or the Deputy President forms part of the panel.

## 7.0 Definitions

**Emergency Period:** the period of time during which the *COVID-19 Emergency Response Act 2020* remains in force.

## 8.0 Custodian of Procedure

Executive Officer, Mental Health Review Tribunal

## 9.0 Review Date

Date of Procedure: May 2020

Review Date: January 2021