



Information Sheet

Legal representation at your Mental Health Review Tribunal hearing

Who can be represented at an Mental Health Review Tribunal (MHRT) hearing?

Every consumer may be represented at their MHRT hearing by a nominated support person (NSP), a lawyer, or another person.

You may choose to get your own representative, but sometimes the MHRT will organise a lawyer for you. When this happens, there is no cost to you.

When will the MHRT get me a lawyer?

If you don't already have a lawyer, the MHRT must get you one in the following situations:

- if you are a minor (a person under 18 years of age);
- if your hearing is about fitness for trial.
- if your hearing is about an electroconvulsive therapy (ECT) application; and
- if your hearing is about a forensic order and the Attorney-General will be represented.

The MHRT can also get you a lawyer in limited other situations if they think it's in your best interests.

How does the MHRT get me a lawyer?

The MHRT has an agreement with Legal Aid Queensland (LAQ) to provide lawyers for MHRT hearings.

The MHRT tell LAQ when your hearing is and then they organise a specific lawyer for you.

The MHRT does not choose your lawyer, this is LAQ's job.

What happens after LAQ choose the lawyer?

After LAQ organises a lawyer for you, the lawyer will contact you directly. The lawyer may ask the mental health service to help contact you, so make sure to tell your treating team if your contact information changes.

The lawyer should speak to you before the hearing to understand your situation, and what outcome you would like at the hearing.

What information is given to my lawyer?

Any information the MHRT has for your hearing will be given to your lawyer. This might include the MHRT clinical report, the forensic dossier, or your self-report.



What does my lawyer do at the MHRT hearing?

At the hearing, your lawyer must tell the MHRT about your views, wishes and preferences. If you can't explain your thoughts and opinions, your lawyer must talk about what is best for you.

What if I want to choose my own lawyer?

If you would like to choose your own lawyer, you will need to organise this. You will also need to pay any costs with your own lawyer. Below are the contact details of some organisations that may be able to help you.

What if I don't want a lawyer?

If you are an adult, you can choose not to have a lawyer, but the MHRT must be sure that you understand what it means to not have a lawyer and that you're making that choice on your own, without anyone forcing you.

You can say you don't want a lawyer by writing a note, or in another way like telling the MHRT or your lawyer before the hearing.

Where can I get more information?

- The MHRT can be contacted on telephone 07 3338 8300 or free call 1800 006 478 or at www.mhrt.qld.gov.au.
- Legal Aid Queensland can be contacted on telephone 1300 65 11 88 or at www.legalaid.qld.gov.au.
- Community Legal Services Queensland can be contacted on telephone 07 3392 0092 or at www.communitylegalqld.org.au.
- Your treating team or an Independent Patient Rights Adviser may also be able to help you.