



Information Sheet - Complaints

The Mental Health Review Tribunal (**Tribunal**) is committed to operating at a high standard. The Tribunal values the role that feedback plays in continually improving so that these high standards are maintained. Feedback will be treated with respect, and to the extent possible, confidentially.

The Tribunal is also committed to operating in a manner that respects and takes into account the language and cultural needs of different individuals. Please let the Tribunal know if there is something that the Tribunal can do to assist you.

The role of the Tribunal is to review the involuntary status of persons with a mental illness and/or intellectual disability. The Tribunal also provides approval for the performance of electroconvulsive therapy and non-ablative neurosurgical procedures. Further information on the Tribunal's purpose and functions can be found at [About the Tribunal | MHRT¹](#).

The Complaints Process

What is a complaint?

A complaint is an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint where a response is explicitly or implicitly expected or legally required.

What complaints can the Tribunal investigate?

The Tribunal can investigate complaints pertaining to its role and operations as outlined within the *Mental Health Act 2016*.

Complaints the Tribunal can investigate may include:

- matters regarding timely receipt of requested statement of reasons;
- conduct of Tribunal staff or members; or
- the way in which the Tribunal operates, including decisions by Tribunal staff regarding the scheduling of hearings or handling of personal information.

What complaints the Tribunal is unable to investigate?

Treatment and care

The Tribunal has no authority to resolve concerns or complaints relating to the treatment and care that a person receives from an Authorised Mental Health Service (**AMHS**). Therefore, the Tribunal cannot investigate matters relating to which doctor a patient sees, the actions of a doctor or the medication that a doctor prescribes.

Any concerns regarding the treatment and care received by a person from their AMHS, should be discussed directly with the treating team or the AMHS's patient liaison team in the first instance. If the complaint cannot be resolved, the Office of the Health Ombudsman may be available to assist. Further

¹ <https://www.mhrt.qld.gov.au/information-about/about-the-tribunal>



information can be found at www.oho.qld.gov.au.

Tribunal hearings

The Tribunal is not able to investigate complaints relating to the decision that a Tribunal panel reached. If a person does not agree with a panel's decision, they may wish to:

- request a statement of reasons which outlines why the panel made the decision;
- appeal the decision to the Mental Health Court; or
- lodge an application to have another review of their authority or order prior to the next scheduled periodic review.

Further information about how to take these steps can be found at the Tribunal's website.

If you are unsure whether your feedback or complaint can be investigated by the Tribunal, please contact us for assistance on one of the below contact methods.

How can I make a complaint about matters the Tribunal can investigate?

You may provide feedback or make a complaint to the Tribunal by:

- sending an email to enquiry@mhrt.qld.gov.au;
- over the phone by calling the Tribunal on (07) 3338 8300;
- via post by sending a letter to PO Box 15818, City East QLD, 4002;
- using the online form at located on the Contact Us page of the Tribunal's website; or
- having a representative make the complaint on your behalf using one of the above methods.

When providing feedback or making a complaint ensure that you provide enough detail so someone from the Tribunal is able to appropriately assist with your concern. Your feedback or complaint should include:

- a. Your details – you do not have to provide your personal details but if the Tribunal cannot contact you, you will not receive a response to your feedback;
- b. Details of what you are providing feedback/complaining about:
 - (i) what happened;
 - (ii) when the issue or concern occurred;
 - (iii) how it has affected you; and
 - (iv) who was involved?
- c. What you would like to happen in response to this feedback/complaint; and
- d. How the Tribunal may contact you in relation to this feedback/complaint?

The Tribunal will review this information and respond to your feedback or complaint appropriately.

You may wish to make a complaint anonymously. If you do so, it will be considered and managed in the same way as any other complaint, and the Tribunal staff will use their discretion to determine an appropriate response.

What happens after I've made a complaint?

Unless you have indicated you do not want to be contacted about your complaint, or if the complaint was



submitted anonymously, the Tribunal will contact you within three business days to resolve and/or discuss the concern further, or to confirm receipt of your complaint. This may be to clarify information, to discuss the intended actions to be taken or to finalise the complaints process.

If you make a complaint and the complaint is not able to be resolved at the first point of contact, it will be referred to a manager to consider.

Upon request, you can also be provided with written correspondence outlining your complaint process, including:

- a. the Tribunal's confirmation and date of receipt of your complaint;
- b. the efforts undertaken by the Tribunal to investigate your complaint; and
- c. adequate reasons for the Tribunal's decisions in response to your complaint.

What if I am dissatisfied with the outcome of my complaint?

If you are not satisfied with the outcome of your complaint you may ask for a review of the complaints process. This may be an internal review or an external review.

- a. A request for an internal review must be received within 20 business days of you receiving the outcome of the original process. A review may be requested in the same way as making a complaint. The staff member who completes this review will be no less senior than the staff member who managed the initial complaint process. Similar to the original complaint, the Tribunal will contact you within three business days confirming receipt of the internal review request.

An internal review will assess whether the original decision-maker:

- (i) acted in accordance with relevant legislation, including but not limited to the *Mental Health Act 2016* and *Human Rights Act 2019*;
- (ii) adequately explained the outcome of the complaint and the Tribunal's reasons for reaching that outcome; and
- (iii) made the correct decision.

We encourage all complainants to request an internal review before proceeding with an external review. A decision about a complaint will only be internally reviewed once.

- b. A request for an external review should be directed to the Queensland Ombudsman. The Queensland Ombudsman website is <https://www.ombudsman.qld.gov.au/>.

How your information is used

If your information is collected as part of the complaints process it will only be used for the purposes of contacting you in relation to the progress or outcome of your complaint. Your information will be stored, handled and disposed in accordance with the *Information Privacy Act 2009* and the *Public Records Act 2002*, and if the information relates to the Tribunal's operations under the *Mental Health Act 2016*, under the *Mental Health Act 2016*.

Commitment to a fair and impartial complaints process

The Tribunal is committed to ensuring a fair and impartial complaints process available to all individuals,



including those who may require further assistance. Please let the Tribunal know if there is a way that the Tribunal can assist you.



Do you need an interpreter?

If you require an interpreter, please call the Translating and Interpreting Service (TIS National) on 131 450 (within Australia) for immediate phone interpreting.