

**North Queensland Community Skill
Building Program**

**Mental Health
Review Tribunal
Toolkit**

Helping you understand your order, your rights, and your next steps.



www.rightsinaction.org.au

Contents

Who is this toolkit for?	03
Purpose of this toolkit	04
What is the Mental Health Review Tribunal?	05
Who is involved at the Mental Health Review Tribunal	06
Understanding Treatment Authorities	07
Making Sense of your Treatment Authority	09
Your Rights	10
Support people who can help you	12
Independent Patient Rights Adviser	13
Mental Health Review Tribunal: Before the Hearing	15
Self-Report	17

Contents

Mental Health Review Tribunal: During the Hearing	19
Mental Health Review Tribunal: After the Hearing	23
Statement of Reasons	25
Record of Hearing	27
Next steps....	28
Key Terms	29
Useful Links and Resources	30
Other available Toolkits	32
Upcoming Toolkits	33
Feedback	34

Who is this toolkit for?

Who is this toolkit for?

- People on Treatment Authorities or other mental health orders
- Family, carers, or nominated support persons
- Advocates and workers supporting people to self-advocate



This toolkit is designed to help you understand your rights, make sense of the process, and take steps to have your say.

Purpose of this Toolkit

It will guide you through:

- What a Treatment Authority is
- What your rights are under the Mental Health Act 2016 (Qld)
- What the Mental Health Review Tribunal does
- What happens before, during, and after a hearing
- How to write a Self-Report and request a Statement of Reasons
- Where to find support



What is the Mental Health Review Tribunal?

The **Mental Health Review Tribunal** is an independent decision-making body under the Mental Health Act 2016 (Qld). The Mental Health Review Tribunal's main role is to assess whether a person should continue to be on a Treatment Authority or other mental health order.



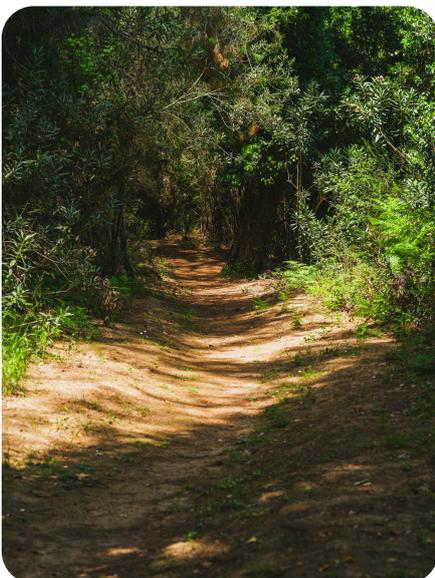
Key things to know about the Mental Health Review Tribunal:

Independent: The Tribunal is not part of your treating team or hospital. They do not make clinical decisions about your treatment or medications.

Purpose: Their primary role is to review your involuntary status, balance your rights, and assess whether an order is still necessary.

Who is involved at the Mental Health Review Tribunal?

- **Tribunal members:** They make the decisions at the hearing.
- **You (the person on the order):** Your views and wishes are important.
- **Support people:** Advocates, lawyers, family, or nominated support persons can attend.
- **Treating team:** Your doctor or other health professionals provide reports and information.



Understanding Treatment Authorities

What is a Treatment Authority?

A Treatment Authority is a legal order made under the Mental Health Act 2016 (Qld).

It allows doctors to give you treatment for a mental illness, even if you don't agree, if certain criteria are met.



Why might a Treatment Authority be made?

A doctor (usually a psychiatrist) can place someone on a Treatment Authority if they believe:

- You have a mental illness, and
- You need treatment, and
- Without treatment, you might experience serious harm to yourself or others, or your health may get worse, and
- There is no less restrictive way to keep you safe and well.

Understanding Treatment Authorities

Who makes the decision?

- A psychiatrist or authorised doctor.
- The Mental Health Review Tribunal will review the Treatment Authority regularly to check if it is still needed.

How long does it last?

- A Treatment Authority can last for different periods of time.
- The Mental Health Review Tribunal reviews the Treatment Authority within 28 days of it starting, then at least every 6 months.

****Review time frames may differ depending on the type of Treatment Order you have been placed under****

- You can also apply for a review yourself at any time.

Making Sense of Your Treatment Authority

What's on your Treatment Authority document?

- **Type of Authority:** Inpatient or community treatment
- **Start date:** When the order began
- **Review dates:** When the Mental Health Review Tribunal must review your Treatment Authority
- **Conditions:** Rules or requirements (e.g., attend appointments, take medication)
- **Reason for the Treatment Authority:** Short explanation of why it was made



Your Rights

Being on a Treatment Authority does not mean you lose all your rights. You still have important rights to review, appeal, ask questions, and have support.

Your rights include:

- **The right to the least restrictive care:** Your treatment should interfere as little as possible with your life, while keeping you safe.
- **The right to apply for a review:** You can ask the Mental Health Review Tribunal to review your Treatment Authority at any time.
- **The right to appeal:** If you disagree with a Mental Health Review Tribunal decision, you may be able to appeal to the Mental Health Court.
- **The right to a Statement of Reasons:** You can request a written explanation of why the Mental Health Review Tribunal made its decision.

Your Rights

Your rights include:

- **The right to a support person:** You can have an advocate, lawyer, family member, or nominated support person with you at the hearing.
- **The right to a second opinion:** You can ask for another psychiatrist to review your diagnosis or treatment.
- **The right to information:** You must be given information about your Treatment Authority and the Mental Health Review Tribunal in a way you can understand.



Support People Who Can Help You

Independent Advocates (like Rights in Action)

- Free, independent service (not part of the hospital or government).
- Can help you understand your rights, prepare for hearings, and write your self-report.
- Can attend Mental Health Review Tribunal hearings with you for support.

An advocate is there simply to support you and cannot contest the clinical report or seek to persuade the members with their decision.

Independent Patient Rights Adviser

- Works within hospitals and health services.
- Explains your rights under the Mental Health Act 2016.
- Can help you understand documents, make applications to the Mental Health Review Tribunal, and connect you to advocacy or legal services.

Independent Patient Rights Advisers

Independent Patient Rights Advisers role is to liaise between clinical teams, patients and support persons, and to ensure patients are advised about their rights and responsibilities under the **Mental Health Act 2016**.



All authorised mental health services who provide treatment and care to public patients must have an **Independent Patient Rights Adviser** available.



Support People Who Can Help You

Nominated Support Person

- A family member, friend, carer.
- They can receive information about your treatment and support you in decisions.
- Can attend Mental Health Review Tribunal hearings with you.

Independent Lawyers

- You can have a lawyer represent you at the Mental Health Review Tribunal.
- Free legal services may be available through organisations like Legal Aid Queensland or community legal centres.

Family, Friends, and Carers

- People close to you can give emotional support, help prepare for the hearing, and attend with you if you want.



Mental Health Review Tribunal: Before the Hearing

Step 1: Notice of Hearing

- You will receive a notice of hearing from the Mental Health Review Tribunal
- This tells you:
 - Date, time, and location of the hearing
 - Type of order being reviewed (e.g., Treatment Authority)
 - Who will attend



Step 2: Read Your Clinical Report

- Your treating team will provide a clinical report about your treatment and why the order is in place.
- The report is shared with the Tribunal members and you.
- Read it carefully and note anything you disagree with or want to explain.

Mental Health Review Tribunal: Before the Hearing

Step 3: Decide How You Want to Participate

- Attend in person, by phone, or by video
- You can send a representative (lawyer, advocate, or nominated support person) if you don't want to attend yourself
- Bring a support person – family, friend, or advocate

Step 4: Complete a Self-Report

The self-report is a form that lets you tell the Tribunal your views before the hearing.

Although your attendance at the hearing is not mandatory, it is recommended that you attend to enable you to engage with Tribunal members



Self-Report

The Self-Report is your opportunity to tell the Mental Health Review Tribunal what you think, feel, and want regarding your treatment or order. It is a key tool for self-advocacy.

What is a Self-Report?

- A form you receive with your notice of hearing.
- Allows you to share your views even if you cannot attend the hearing.
- Helps the Tribunal understand your recovery, strengths, and preferences.

Why It's Important

- Ensures your voice is heard.
- Provides a written record of your opinion, goals, and concerns.
- Can support your case if you disagree with your clinical report or order.

Self-Report

What to Include in Your Self-Report

- Your Thoughts on Treatment
- How your current treatment is helping or not helping.
- Any preferences for community vs hospital treatment.
- Supports you have in place
- Family, friends, advocates, or other services helping your recovery.
- Your Goals and Plans
- Short-term and long-term goals for your wellbeing and recovery.
- Disagreements or Concerns
- Points from your clinical report you don't agree with.
- Any experiences that may affect your treatment preferences.
- Strengths, coping strategies, and other personal information that shows your progress and capacity.

Mental Health Review Tribunal: During the Hearing

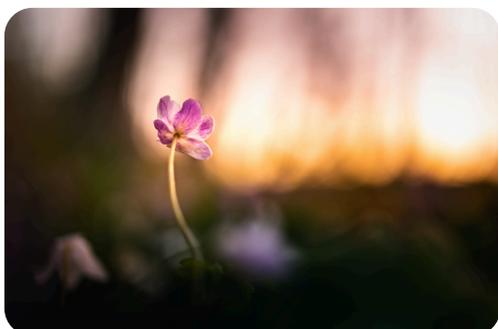
Who will be at the hearing

- **Tribunal members:** Make the decisions about your order.
- **You (the client):** Your voice is central.
- **Support people:** Advocates, family, friends, or nominated support persons can attend.
- **Legal representatives:** Lawyers can speak on your behalf if needed.
- **Treating team:** Doctors and other health professionals provide reports and answer questions.

Mental Health Review Tribunal: During the Hearing

What happens during the hearing:

- **Introductions:** Tribunal members introduce themselves and explain their role.
- **Clinical report discussion:** Your treating team presents the report.
- **Support people speak:** Your advocate, nominated support person, or lawyer can assist you in presenting your case.
- **Tribunal questions:** Members may ask you or your treating team questions to better understand your situation.
- **Private deliberation:** Tribunal members review all information in private before making a decision.



Mental Health Review Tribunal: During the Hearing

Your input - You can:

- Speak for yourself in person, by phone, or video
- Have your self-report read or referenced
- Ask questions or clarify points

Tips for during the hearing:

Take notes beforehand: Jot down key points you want to say or questions to ask.

Bring someone you trust: Support people can help you feel confident and remind you of what to say.

Stay calm and focused: It's okay to pause, ask for clarification, or refer to your self-report.

Use your self-report: It's a formal way to make sure your voice is heard even if you don't speak a lot during the hearing.

Mental Health Review Tribunal: During the Hearing

Rights you can exercise during the hearing:

- The right to be heard
- The right to have a support person present
- The right to ask questions
- The right to clarify your clinical report
- The right to representation if you choose



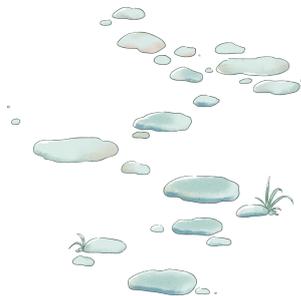
Remember:

The hearing is about you. Your views, wishes, and preferences matter, and the Tribunal is there to listen and make decisions based on evidence, your rights, and your best interests.

Mental Health Review Tribunal: After the Hearing

Receiving the Decision:

- The Tribunal will make a formal decision about your Treatment Authority or other order.
- You will receive notice of the decision in writing.
- This notice explains whether your order continues, ends, or if any conditions are changed.



Your Rights After the Hearing:

- Request a Statement of Reasons.
- Explains why the Tribunal made its decision.
- Must be provided within 21 days of a valid request.
- Helps you understand the decision and prepare for appeals or future hearings.

Mental Health Review Tribunal: After the Hearing

Request a Record of Hearing

- Audio or written record of what was said at the hearing.
- Can be requested by you, your support person, or legal representative.

Appeal or Apply for a New Hearing

You can appeal the decision to the Mental Health Court within **60 days** of receiving a written notice of the Mental Health Review Tribunal's decision

What to Do Next:

- **Talk to your treating team:** Discuss the Tribunal's decision and how it affects your treatment or care.
- **Seek support:** Advocates, Independent Patient Rights Adviser, or legal representatives can help you understand the decision and plan next steps.
- **Prepare for future hearings:** Keep notes, self-reports, and documents for any upcoming reviews.

Statement of Reasons

What is a Statement of Reasons?

A Statement of Reasons is a document that explains why the Mental Health Review Tribunal made a particular decision about your treatment or order.

- It gives a clear explanation of the Tribunal's decision.
- Shows the evidence and considerations the Tribunal used.
- Helps you understand the legal and clinical reasoning behind the outcome.

Who Can Request a Statement of Reasons?

- The person the decision is about.
- Nominated support persons.
- Legal representatives.
- Other authorised persons under the Mental Health Act 2016.

Statement of Reasons

How to Request a Statement of Reasons:

- Make a written request by email or post to the Mental Health Review Tribunal.
- Include the following information:
 - Your name (or patient's name and your relationship if requesting for someone else)
 - Date of the hearing
 - Contact details



The Tribunal must provide the Statement of Reasons within 21 days of receiving your request.

Record of Hearing

What is a Record of Hearing?

The Record of Hearing is a document or recording that captures what happened during your Mental Health Review Tribunal hearing.

Why It's Important

- Helps you review what was said during the hearing.
- Provides a reference for your self-advocacy or future hearings.
- Can help you check that your points were accurately considered.

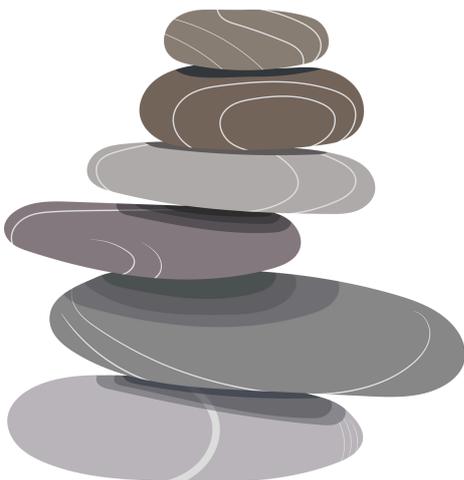
How to Request a Record of Hearing

- Fill out the Request for Record of Hearing form.
- Submit it to the Tribunal via email or post.
- The Tribunal will provide the record as audio or written, depending on the hearing.

Next Steps....

Next Options

- Accept the decision and follow any conditions.
- Request a new hearing if circumstances change or you disagree.
- Seek advocacy or legal support to understand your rights and options.



Key Terms

Common words explained:

- **Inpatient:** you must stay in hospital for treatment
- **Community:** you live at home or in the community, but still receive treatment under conditions
- **Authorised Doctor:** the psychiatrist or doctor who made the Treatment Authority
- **Review:** when the Mental Health Review Tribunal checks if the Treatment Authority is still needed

Useful links and Resources

1800 887 688



Cairns: 2/192 Mulgrave Road,
Westcourt, QLD

Townsville: 1/ 1-3 Barlow Street,
South Townsville, QLD

[Email: info@rightsination.org.au](mailto:info@rightsination.org.au)



(07) 3338 8300

1800 006 478 (1800 00 MHRT)

[Email: mhrt.enquiry@mhrt.qld.gov.au](mailto:mhrt.enquiry@mhrt.qld.gov.au)

Mental Health Act 2016



Useful links and Resources

Independent Patient Rights Adviser Contact Details:

Cairns and Hinterland HHS:

Phone: 0427973467
0409701095

Email:

CHHHS.IPRA@health.qld.gov.au

Townsville HHS:

Phone: 0427973467
0409701095
0436655256
0409064008

Email:

TSV-IPRA@health.qld.gov.au

Other Available Toolkits

Disability
Support Pension
Toolkit



www.rightsinaction.org.au
1800 687 688



Inclusive
Education
Toolkit



www.rightsinaction.org.au



QCAT
QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL
**Guardianship and
Administration Toolkit**

A simple guide to guardianship, administration, and decision-making — for people with disabilities, their families, and the people who support them.



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North Queensland Community Skill
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**NDIS Access
Toolkit**

Information on eligibility, application procedures, and practical tips for preparing your application and understanding the planning process.



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NDIS Appeals

Child Protection

Human Rights Complaints

Navigating Provider Disputes

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