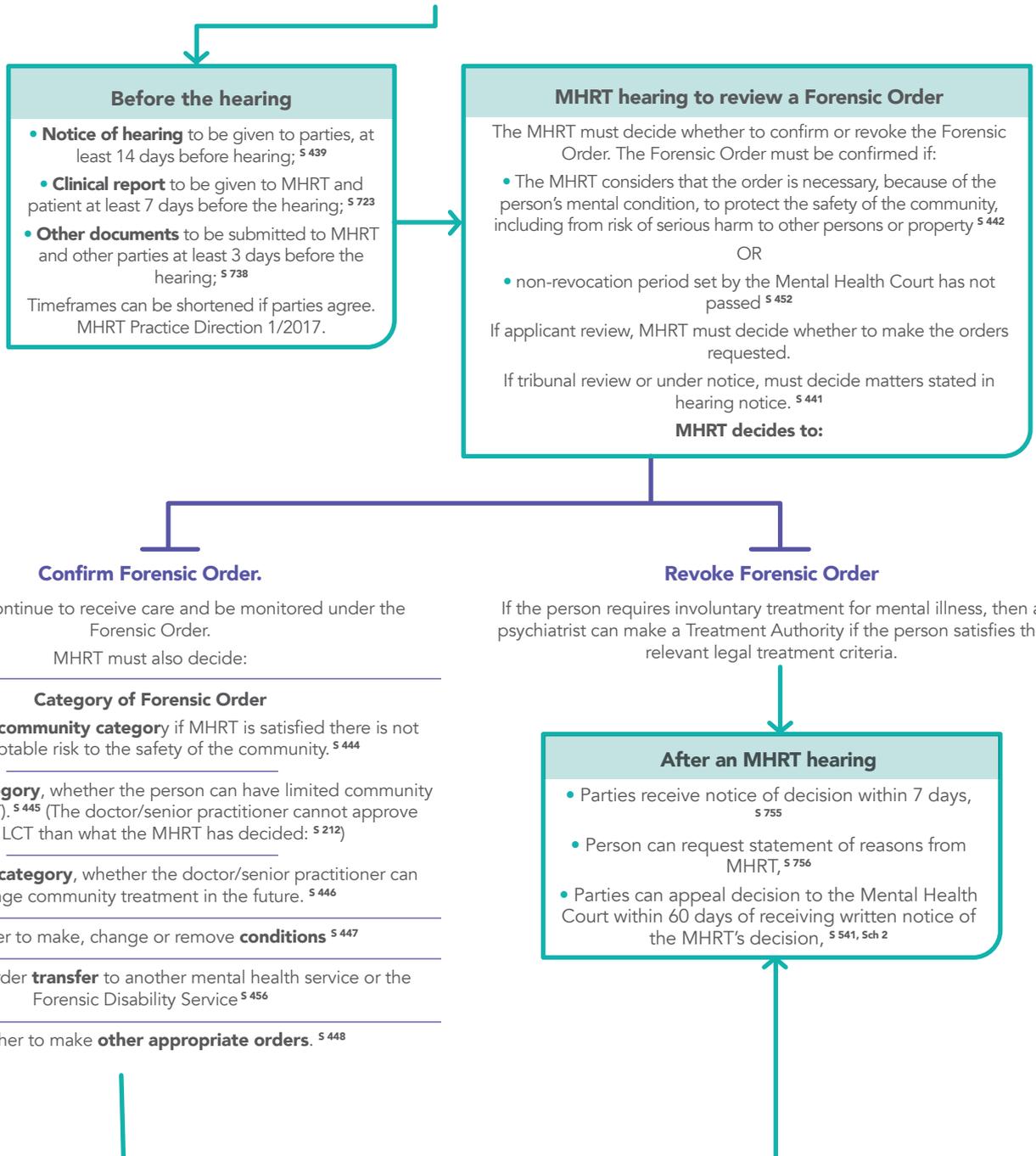


A Forensic Order will be reviewed by the Mental Health Review Tribunal:

- Within 6 months of the Forensic Order being made and then every 6 months (**Periodic review**);
- By application to the MHRT at any time (**Applicant review**)
 - On the MHRT's initiative (**Tribunal review**)
- Because there has been a material change in the patient's mental state requiring a change of category from community to inpatient (**under notice**)^{5 433}



If the Mental Health Court thinks it is necessary, because of the person's mental condition, to protect the safety of the community, a Forensic Order (Disability) may be made, which permits the involuntary care for the person's disability. s 134, s 152

This flow chart focuses on the Tribunal process to review a Forensic Order (disability). There is a separate flowchart #6 which considers reviews of Forensic Orders (mental illness).

A person under a Forensic Order (disability) may be

- the responsibility of a doctor at an authorised mental health service under the *Mental Health Act 2016* (Qld), or
- the responsibility of the senior practitioner at the Forensic Disability Service under the *Forensic Disability Act 2011* (Qld)

Matters the MHRT Must Regard

- The "relevant circumstances" of the person subject to the order (that is, mental state and psychiatric history, any intellectual disability, social circumstances, response to and willingness to receive care, and the person's response to previous care in the community)
- The nature of the relevant unlawful act and the period of time that has passed since the act happened;
- Any victim impact statement; and
- If the Mental Health Court made a recommendation about intervention programs, the person's willingness to participate in the program if offered

s 432, Sch 3 ("relevant circumstances")

Attendance at hearing

the patient is encouraged to, but does not have to attend the hearing.

- If 17 years old or under, the patient will be appointed a free legal representative, unless already represented or patient waives right to representation, s 740.
- If the Attorney-General elects to send a representative, the patient will be appointed a free legal representative, unless already represented or patient waives right to representation, s 740.
- Patient can bring a support person, including service providers s 739
- One or more members of the patient's treating team must attend the hearing.
- Hearings can be attended in person, by phone or, if available, by videoconferencing.

Evidence Considered by MHRT

- Documents
 - Clinical report
 - If the Forensic Disability Service is responsible for the person—the person's Individual Development Plan
 - Most recent decision from the MHRT
 - Hearing notice
 - Dossier prepared by MHRT (Mental Health Court order, and other relevant documents including the decision or transcript from the Mental Health Court and any reports)
 - If applicant review— application form
 - Any other documents submitted by doctor/senior practitioner, applicant or patient (including patient self-report)
- Oral information given by people attending the hearing.

Parties to a Review

- The patient,
- The person who applied for the review (if there is one),
- If an authorised mental health service is responsible—the administrator and Chief Psychiatrist
- If the Forensic Disability Service is responsible—the administrator and the Director of Forensic Disability
- the Attorney-General

s 736, 439

The MHRT must not conduct a review of the Forensic Order if there is a current appeal to the Mental Health Court about the Forensic Order and the MHRT's decision has been stayed s 436

Unless otherwise specified, references to sections (s) are in relation to the *Mental Health Act 2016* (Qld).