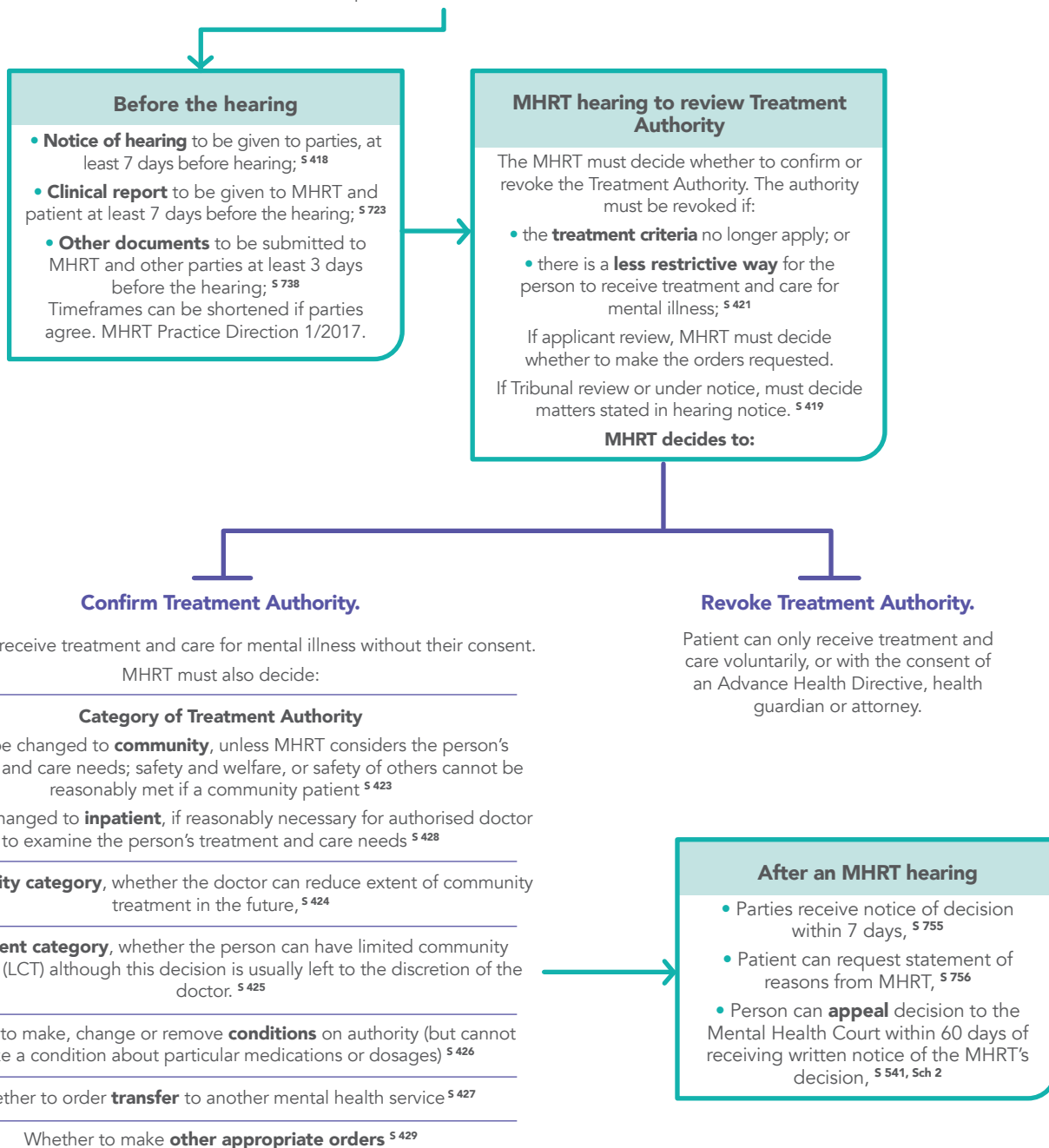


Treatment Authority reviews occur:

Automatically within the first 28 days, 6 months, 6 months and then every 12 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**) ^{5 413}



Treatment Authorities (TA) authorise involuntary treatment and care for mental illness. They are made by an authorised doctor and reviewed by the Mental Health Review Tribunal (MHRT). This flow chart focuses on the Tribunal review process.

***Treatment Criteria for a Treatment Authority (both parts must be satisfied):**

1. All the below treatment criteria apply to the person

- The person has a mental illness;
- The person does not have capacity to consent to be treated for the illness (capacity must be stable, **s 421(2)**)
- Because of the illness, absence of involuntary treatment is likely to result in:
 - Imminent serious harm to the person or others; or
 - The person suffering serious mental or physical deterioration.

s 12 AND

2. There is no less restrictive way for a person to receive treatment and care for mental illness.

There is a **less restrictive way** for a person to receive treatment and care if consent for treatment can be given by:

- a child's guardian
- Under an Advance Health Directive
- A personal guardian
- An Enduring Power of Attorney
- Statutory health attorney

s 13

Matters the MHRT must have regard to:

- mental state and psychiatric history;
- any intellectual disability of the person;
- social circumstances, including, family and social support;
- response to treatment and care and the person's willingness to receive appropriate treatment and care;
- if relevant, response to previous treatment in the community.

s 412 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**
- Patient can bring a support person, **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
 - Treatment Authority
 - Hearing notice
 - If third periodic review (at 12 months) - if the patient does not have a personal guardian, a report from mental health service about whether a personal guardian should be appointed, **s 420**
 - If applicant review— application form
 - Any other documents submitted by doctor applicant or patient (including patient self-report)
- Oral information given by people attending the hearing.

Parties to Review

- The patient
- The person who applied for the review (if there is one)
- The administrator of the authorised mental health service
- and for classified patients, the Chief Psychiatrist.

s 736, 418.

Appeals

A review will not occur if there is an appeal to the Mental Health Court pending and the MHRT's decision has been stayed. **s 415**

Unless otherwise specified, numbered references to sections (**s**) are from the *Mental Health Act 2016* (Qld)