General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you to have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to Equal Opportunity Commission WA (EOC), it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Mental Health Tribunal Western Australia

In this fact sheet, we introduce the Mental Health Tribunal Western Australia ('**MHT**'). We outline how applications, reviews and some complaints can be made to the MHT.

The MHT is an independent decision-making body under the *Mental Health Act 2014 (WA)*. Its main role is to protect the rights of involuntary mental health patients by reviewing treatment orders and deciding specific Mental Health Act applications. It is not a general complaints body for poor mental health care, hospital staff conduct or unsafe treatment. Those complaints usually go to the hospital or health service first, and then to HaDSCO if unresolved.

Legislation and Key Terms

Relevant Legislation:

- Mental Health Act 2014 (WA)
- State Administrative Tribunal Act 2004 (WA)

Key terms:

Application: A formal request asking the MHT to decide or review something under the Mental Health Act 2014 (WA).

Authorised hospital: A hospital authorised under the Mental Health Act 2014 (WA) to receive and treat involuntary mental health patients.

Carer: A person who provides ongoing care or support to the patient. A carer may be able to participate in some MHT processes.

Community treatment order: An order that allows a person to receive involuntary treatment while living in the community, rather than being detained in hospital.

Compliance notice: A notice the MHT can issue requiring a service provider to comply with certain non-clinical duties under the Mental Health Act 2014 (WA).

Electroconvulsive therapy (ECT): A medical treatment for some mental illnesses. In some situations, ECT cannot be performed unless the MHT approves it.

HaDSCO: The Health and Disability Services Complaints Office. It handles complaints about health, mental health and disability services in Western Australia.

Inpatient treatment order: An involuntary treatment order that requires a person to receive treatment as an inpatient in hospital.

Involuntary patient: A person who is required to receive mental health treatment under an involuntary treatment order.

Involuntary treatment order: An order that requires a person to receive mental health treatment even if they do not agree.

Mental health advocate: A person from the Mental Health Advocacy Service who can help people understand and protect their rights under the mental health system.

Nominated person: A person formally chosen by a patient to receive information and be involved in certain decisions under the Mental Health Act 2014 (WA).

Notice of Decision: The document the MHT sends after a hearing to tell the person what decision was made.

Psychiatrist: A medical doctor who specialises in mental health. In this factsheet, this usually means a psychiatrist making or managing decisions under the Mental Health Act 2014 (WA).

Psychosurgery: A serious form of surgery used for mental illness in very limited circumstances. It cannot be performed unless the MHT approves it.

Review: A process where the MHT looks again at an order or decision and decides whether it should continue, be changed, be revoked or be dealt with in another way.

Service provider: A person or organisation that provides mental health services or has duties under the Mental Health Act 2014 (WA).

State Administrative Tribunal (SAT): The tribunal that can review some MHT decisions if a person is unhappy with the outcome.

Treatment, support and discharge plan: A plan about a person's mental health treatment, support needs and discharge planning.

Step 1: What type of Complaints can be made to this body?

The MHT handles specific applications and reviews under the *Mental Health Act 2014 (WA)*. This includes:	
Sub-category	**Example**
Review of an involuntary treatment order, inpatient treatment order, or community treatment order terms *Mental Health Act 2014 (WA)* ss 386, 387, 390	**You may ask the Tribunal to review whether a person still needs an involuntary treatment order, whether they still need to be an involuntary inpatient, or whether the terms of a community treatment order are appropriate.** The Tribunal also automatically reviews every new involuntary treatment order within 35 days, or within 10 days for children, and then reviews the order periodically while it remains in place. *Examples:* • *Leila is detained in hospital under an inpatient treatment order. She says her condition has improved, she has a safe place to live, and she no longer needs involuntary hospital treatment.* • *Marcus is on a community treatment order. He accepts treatment in the community, but says the appointment and medication-monitoring requirements are too strict for his current circumstances.* • *Noah's child has been made an involuntary patient under a treatment order, and Noah wants the Tribunal to review whether the order is still needed.*
Application to suspend an involuntary treatment order or restrain action before a review hearing *Mental Health Act 2014 (WA)* s 392	**If you have applied for review of an involuntary treatment order, you may also apply for the Tribunal to suspend the operation of the order or restrain action under the order until the review hearing is heard.** This is a linked interim pathway, not a separate general complaint about treatment. *Examples:* • *Mariam has applied for review of her involuntary treatment order. She says the hospital plans to act under the order before the hearing, and she wants the Tribunal to stop that action until the review is heard.* • *Daniel has asked the Tribunal to review his involuntary treatment order. He says urgent action under the order should be restrained before the hearing because it may affect his rights before the Tribunal can decide the review.*
Review of transfer or responsibility decisions under an involuntary treatment order	**You may ask the Tribunal to review certain transfer decisions.** This includes transfer to or between authorised hospitals, transfer of responsibility between supervising psychiatrists or treating practitioners, or certain interstate transfers. *Examples:*

Mental Health Act 2014 (WA) s 390(1)(d)–(g)	• *Aaliyah is an involuntary inpatient and has been transferred to an authorised hospital far from her family and cultural supports. Her carer wants the transfer reviewed.* • *Ben is on a community treatment order and has moved to another region, but responsibility for his treatment has not been transferred to a local treating practitioner.* • *Priya is an involuntary inpatient and wants a transfer to another authorised hospital reviewed.*
Review of a Tribunal direction to make a community treatment order *Mental Health Act 2014 (WA)* s 396	**If the Tribunal has directed a named psychiatrist to make a community treatment order, that psychiatrist may apply for review of that direction. This pathway is mainly for doctors.** *Examples:* • *Dr Patel has been named in a Tribunal order directing that a community treatment order be made, but believes the order should not be made and wants the Tribunal to review the direction.* • *Dr Nguyen is the psychiatrist named in a Tribunal order directing that a community treatment order be made, and wants the Tribunal to reconsider that direction before the order is made.*
Declaration about whether a treatment order is valid or invalid *Mental Health Act 2014 (WA)* ss 397–403	**You may ask the Tribunal to decide whether an involuntary treatment order, continuation order, or variation order is or was valid.** This is about whether the order was properly made under the Act, not just whether the person disagrees with the order. *Examples:* • *Sara says a continuation order was made before she was properly assessed, and she wants the Tribunal to decide whether the order is valid.* • *Mei says the terms of her community treatment order were varied without the required process being followed, and the error affected her rights.* • *Daniel says his involuntary treatment order was made using the wrong form or missing required details, and he wants the Tribunal to decide whether the order is valid.*
Review of long-term voluntary inpatient admission *Mental Health Act 2014 (WA)* ss 404–408	**You may ask the Tribunal to review whether there is still a need for a long-term voluntary inpatient to remain admitted to an authorised hospital.** This applies to an adult voluntary inpatient admitted for more than six months, or a child voluntary inpatient admitted for more than three months. The Tribunal can make recommendations only. *Examples:* • *Helen is a voluntary inpatient and has been in an authorised hospital for seven months. Her sister believes there is no clear discharge plan and asks for the admission to be reviewed.* • *Tom is 16 and has been a voluntary inpatient for four months. His parent wants the Tribunal to review whether he still needs to remain admitted.*

	• *Aisha has been a voluntary inpatient for more than six months and wants the Tribunal to recommend that her treating psychiatrist reconsider whether she still needs to stay in hospital.*
Approval decisions for electroconvulsive therapy or psychosurgery *Mental Health Act 2014 (WA)* ss 409–421	**The Tribunal may decide applications by a patient's psychiatrist for approval to perform electroconvulsive therapy or psychosurgery in specific circumstances.** This is not a general complaint about treatment. It is a Tribunal approval process before the treatment is authorised. Some applications may be made only by the patient's psychiatrist. *Examples:* • *Omar is an adult involuntary patient. His psychiatrist has applied for Tribunal approval to perform electroconvulsive therapy, and Omar wants the Tribunal to hear why he opposes it.* • *Lily is 15 and her psychiatrist recommends electroconvulsive therapy. Her parent wants to understand and participate in the Tribunal approval hearing.* • *Michael is an adult and his psychiatrist has applied for approval for psychosurgery. Michael has given consent, but his carer wants the Tribunal to consider the risks and whether alternatives have been properly trialled.*
Compliance notices for non-clinical Mental Health Act requirements *Mental Health Act 2014 (WA)* ss 422–426	**You may ask the Tribunal to issue a compliance notice if a service provider has not complied with certain non-clinical requirements under the Act.** This includes requirements to give documents or information, include documents or information in a patient's medical record, comply with a request, or prepare, review or revise a treatment, support and discharge plan. This pathway is often used where a treatment, support and discharge plan may not comply with the Act or Chief Psychiatrist's Guidelines. *Examples:* • *Ethan is an involuntary patient and says his mental health service has not prepared a treatment, support and discharge plan, even though he has asked several times.* • *Peter says important information has not been included in his medical record even though the Act requires it to be recorded.* • *Nadia has repeatedly asked for a document she is entitled to receive under the Mental Health Act, but the service has not provided it.* • *Joel made a specific request under the Mental Health Act that the service was required to respond to, but the service has not responded.*
Review of an order restricting freedom of communication	**You may ask the Tribunal to review an order that limits or prevents a patient from exercising their right to lawful communication.** This can include restrictions on speaking with people in hospital, visits, telephone calls, mail, electronic communications, or contact with legal practitioners and mental health advocates. *Examples:*

Mental Health Act 2014 (WA) ss 261, 262, 427–429	• *Sam is an inpatient and has been told he cannot receive phone calls from his partner because of a psychiatrist's communication restriction order.* • *Priya is in hospital and says an order is stopping her from contacting her lawyer before a Tribunal hearing.* • *Jonah's family visits have been restricted under a formal order, and his carer wants the Tribunal to review whether the restriction should continue.* • *Lina says her electronic messages are being restricted under a psychiatrist's order and she wants the Tribunal to review that order.*
Decision about a nominated person *Mental Health Act 2014 (WA)* ss 430–432	**You may ask the Tribunal to make a decision about a nominated person.** The Tribunal may decide whether a nomination is valid or invalid, vary the terms of the nomination to give effect to the patient's intention, or revoke a nomination if the nominated person is not appropriate. *Examples:* • *Elena says her nominated person form was not completed properly, and she wants the Tribunal to decide whether the nomination is valid.* • *Hassan's nominated person no longer wants to perform the role, and Hassan's carer asks the Tribunal to revoke the nomination.* • *Mia says her nominated person is acting against her interests and should no longer be involved in decisions about her treatment and care.*
Review of another decision affecting rights under the Mental Health Act *Mental Health Act 2014 (WA)* ss 434–436	**You may ask the Tribunal to review another decision made under the Act that affects a person's rights, but only if the matter cannot be heard by the Tribunal under another specific review pathway.** This pathway is often used to review a psychiatrist's decision to limit a patient's access to certain information. *Examples:* • *Joseph has been refused access to a medical report that may be used in his Tribunal hearing, and he wants that decision reviewed.* • *Sophie says her psychiatrist refused to let her see a medical report that will be used at her Tribunal hearing, and she wants that decision reviewed.* • *Ben says information relied on at his Tribunal hearing has been withheld from him, and he wants the Tribunal to review the decision limiting his access.*
Complaint about the Tribunal's own service or administration,	**You may complain to the Tribunal about service or administrative issues involving the Tribunal itself.** You cannot use this complaint process to challenge a Tribunal decision. If you are unhappy with a Tribunal decision, you may apply to the State Administrative Tribunal for review within 28 days of the Notice of Decision.

not a Tribunal decision	Examples: • *Rita says Tribunal registry staff repeatedly sent hearing notices to the wrong email address after she corrected her contact details.* • *Alex says they asked the Tribunal registry how to lodge a form but received no response before the hearing date.* • *Noor wants to complain that they were treated disrespectfully by Tribunal administrative staff, but they are not asking the Tribunal to change the hearing decision.* • *A Tribunal member was rude to Priya during the hearing, and Priya wants to complain about the member's conduct, not the outcome of the hearing.*

Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State	This tribunal has powers to make decisions under the law of Western Australia.
Geographical Scope	The Tribunal's work is tied to Western Australian mental health law. Its main role is reviewing involuntary treatment orders made by psychiatrists in Western Australia. MHT reviews every new involuntary treatment order made by psychiatrists in WA.
Time limits	Some Tribunal matters have strict timing rules. The Tribunal automatically reviews new involuntary treatment orders within **35 days**, or **10 days for children**. Ongoing reviews occur every **3 months for adults** and every **28 days for children**. A person who recently had a Tribunal hearing may need to wait up to **28 days** before applying for another review. If a person is unhappy with a Tribunal decision, any review to the State Administrative Tribunal must usually be made within **28 days** of the Notice of Decision.
Automatic reviews	The Tribunal automatically reviews every new involuntary treatment order within **35 days**, or within **10 days for children** under 18. It then reviews each order regularly: every **3 months for adults** and every **28 days for children**. Once a patient has been on a community treatment order for more than one year, reviews occur every **6 months**.
Requested reviews	A person can ask the Tribunal to review an involuntary treatment order. If they recently had a Tribunal hearing, they may need to wait up to **28 days** before applying for another review. Child-specific timing should be checked before giving case-specific guidance.
Requesting reasons / transcript of reasons	A party may request reasons within **28 days** after the Tribunal decision. Because the Tribunal usually gives oral reasons, the person is given a transcript of those oral reasons.

Validity applications where the order is no longer in force	If the treatment order is no longer in force by the hearing date, the Tribunal may still hear the application if satisfied that it raises a question of law or a matter of public interest.
Exclusions	• **General mental health-care complaints:** The Tribunal is not the body for general complaints about care provided by a mental health service. Those complaints should usually go to the hospital or health service first. If unresolved, HaDSCO may be able to assist. • **Tribunal decisions:** A person cannot complain to the Tribunal about a Tribunal decision. If they are unhappy with a Tribunal decision, the separate pathway is review by the State Administrative Tribunal. • **Outcomes:** The Tribunal's powers depend on the application type. For example, after reviewing a long-term voluntary inpatient admission, the Tribunal can make recommendations only.

Step 3: Who can you make a complaint against?

Respondent	Description
Psychiatrist	A psychiatrist is a medical doctor who specialises in mental health. In the MHT context, this may include the psychiatrist who made or is responsible for an involuntary treatment order, community treatment order, communication restriction, treatment approval application, or other decision under the Mental Health Act 2014 (WA).
Supervising psychiatrist	A supervising psychiatrist is the psychiatrist responsible for supervising a person's treatment under a community treatment order. This respondent may be relevant where the issue is about who is responsible for the person's treatment in the community.
Treating practitioner	A treating practitioner is a health practitioner involved in the patient's mental health treatment or care. In some MHT pathways, this may include a practitioner responsible for treatment under a community treatment order or transfer of responsibility.
Authorised hospital	An authorised hospital is a hospital authorised under the Mental Health Act 2014 (WA) to receive and treat involuntary patients. This respondent may be relevant where the issue concerns detention as an inpatient, transfer between authorised hospitals, or long-term voluntary inpatient admission.
Mental health service	A mental health service is a service that provides treatment or care for people experiencing mental illness. For MHT, this is only relevant where the issue concerns a specific Mental Health Act responsibility or application. General complaints about poor care, unsafe treatment, or staff conduct usually go to the service first and then HaDSCO if unresolved.

Service provider	A service provider is a person or organisation responsible for providing a mental health service or carrying out duties under the Mental Health Act 2014 (WA). This category is relevant where the Tribunal is asked to consider whether the provider failed to comply with a non-clinical requirement, such as giving required documents, recording information, or preparing a treatment, support and discharge plan.
Nominated person	A nominated person is someone formally chosen by a patient to receive information and be involved in certain decisions under the Mental Health Act 2014 (WA). This respondent may be relevant where there is an issue about whether the nomination is valid, should be changed, or should be revoked.
Mental Health Tribunal staff	Tribunal staff are administrative staff who help run the Tribunal process, including registry and hearing administration. Complaints about staff must be about their service or conduct, not about a Tribunal decision.
Mental Health Tribunal member	A Tribunal member is a person who sits on Tribunal hearings and helps decide applications. Complaints about a member must be about their conduct. If the issue is that the person disagrees with the Tribunal's decision, the correct pathway is review by the State Administrative Tribunal, not a complaint to MHT.
Exclusions	This pathway is not for general complaints about hospital care, poor mental health treatment, unsafe clinical care, negligence, compensation, or dissatisfaction with a health service's complaint outcome. Those matters usually sit with the health service first and then HaDSCO if unresolved.

Step 4: Are you eligible to make a complaint?

Eligibility	**Description**
Who can make a complaint?	Eligibility depends on the type of application. Patients can make many applications to the Tribunal, including applications about involuntary treatment orders, communication restrictions, nominated person issues, compliance notices, and other decisions affecting their rights under the Mental Health Act 2014 (WA). Some applications can also be made by carers, close family members, personal support people, mental health advocates, or other people with a sufficient interest. Some applications can only be made by a psychiatrist.
Pre-requisite steps	For automatic reviews of involuntary treatment orders, the patient does not need to do anything. The Tribunal schedules those reviews automatically. For requested reviews or other applications, the person usually needs to complete the correct MHT form and lodge it with the Tribunal. For complaints about the Tribunal's own service or conduct, the complaint should be sent to the Tribunal Registrar.

Can complaints be made on behalf of someone?	Yes, in some situations. A carer, close family member, personal support person, mental health advocate, or other person with a sufficient interest may be able to apply or participate. A patient may also have a legal representative, mental health advocate, or another advocate approved by the Tribunal at the hearing. This does not mean anyone can apply on behalf of a patient; the person must fit one of the recognised categories or have a real connection to the patient or issue.
Exclusions	A person cannot use MHT's complaint process to challenge a Tribunal decision. If they are unhappy with a Tribunal decision, the separate pathway is review by the State Administrative Tribunal. MHT is also not the right body for general complaints about mental health care, hospital service quality, negligence, compensation, or health service staff conduct. Those complaints usually go to the health service first and then HaDSCO if unresolved.
Additional information you need to know	Some applications are psychiatrist-only, including applications for approval of electroconvulsive therapy, psychosurgery, and review of a Tribunal direction to make a community treatment order. For Tribunal member conduct complaints, complaint details may be disclosed to people involved in the issue and to the person who is the subject of the complaint.

Step 5: What remedies are available at this body?

Power	Description
Review of an involuntary treatment order	The Tribunal can review whether the patient still needs to be under an involuntary treatment order. This can result in the order continuing, being changed where the Act allows, or being revoked.
Review of community treatment order terms	The Tribunal can review the terms of a community treatment order. This may result in the terms being confirmed or varied where the Act allows.
Review of transfer decisions	The Tribunal can review certain transfer decisions, including transfer to or between authorised hospitals, transfer of responsibility between treating practitioners, or some interstate transfer decisions.
Suspension of an order or restraint of action before a review hearing	If a person has applied for review of an involuntary treatment order, the Tribunal may be asked to suspend the operation of the order or restrain action under the order until the review hearing is heard.
Declaration that an order is valid or invalid	The Tribunal can decide whether an involuntary treatment order, continuation order or variation order is or was legally valid. This is

	about whether the order was properly made, not just whether the person disagrees with it.
Recommendations for long-term voluntary inpatients	If the Tribunal reviews a long-term voluntary inpatient admission, it can make recommendations only. For example, it may recommend that the treating psychiatrist reconsider the need for admission, prepare or review a treatment, support and discharge plan, or discharge the patient.
Approval or refusal of electroconvulsive therapy	For certain patients, ECT cannot be performed unless the Tribunal approves it. The Tribunal can approve or refuse the psychiatrist's application.
Approval or refusal of psychosurgery	Psychosurgery cannot be performed unless the Tribunal approves it. The Tribunal can approve or refuse the psychiatrist's application.
Compliance notice	The Tribunal can issue a compliance notice if a service provider has not complied with certain non-clinical requirements under the Act. A compliance notice can require the service provider to take action within a set period and report back.
Referral of compliance issues to another body	Before deciding whether to issue a compliance notice, the Tribunal must consider whether to refer the matter to another body, such as the Mental Health Commission, Health Department, Chief Psychiatrist or a registration board. This is not a guaranteed remedy for the user.
Confirmation, amendment or revocation of a communication restriction order	If the Tribunal reviews an order restricting a patient's freedom of communication, it can confirm the order, change it, or revoke it.
Decision about a nominated person	The Tribunal can declare a nomination valid or invalid, vary the nomination so it reflects the patient's intention, or revoke the nomination if the nominated person is not appropriate.
Orders or directions about another rights-affecting decision	For another decision made under the Act that affects a person's rights and cannot be heard under another pathway, the Tribunal may make orders or give directions it considers appropriate. This pathway is often used for decisions limiting access to information.
Explanation, apology or process improvement for Tribunal conduct complaints	For complaints about Tribunal member conduct, possible outcomes may include an explanation, an explanation of Tribunal expectations or procedures, planned changes to policies or processes, or an apology. Serious complaints may be referred to another body for formal investigation.
Exclusions	The Tribunal does not award compensation for general mental-health-care complaints, does not investigate ordinary hospital service complaints, and cannot change a Tribunal decision through its complaint process.

	General mental-health-care complaints should usually go to the health service first, then HaDSCO if unresolved. Tribunal decisions are reviewed by the State Administrative Tribunal.

Step 6: Preparing your complaint. What should it include?

Requirement	Description
Format	Use the form that matches the issue. MHT has hearing application forms for different application types, and its forms page also lists forms for representation, views and wishes, reasons, medical reports and transcripts.
Personal Details	Include your name and contact details so the Tribunal can contact you about the application or complaint. If someone is helping you, include their details and role.
Respondent's Details	Identify the person, service, hospital, psychiatrist, treating practitioner, nominated person, Tribunal staff member or Tribunal member involved, depending on the application or complaint type. Include names, roles, hospital or service details, contact details, order details or hearing details if known.
Relevant Facts	• Clearly identify the **order, decision, restriction, application, compliance issue or Tribunal service issue** you want addressed. • Include the **key facts in date order** where possible. Include **dates**, **locations**, **who was involved**, and **what has happened** so far. • Explain the **outcome** you want. For example, this may be a review of an order, a change to CTO terms, suspension or restraint before a hearing, a declaration about validity, a compliance notice, review of a communication restriction, or review of another rights-affecting decision. • Attach **relevant documents** if you have them. This may include the order or decision, medical reports, the treatment, support and discharge plan, correspondence, or other documents relevant to the application. MHT's portal accepts medical reports, treatment support and discharge plans, statutory declarations, evidence of consent and other application documents. • If the matter concerns a patient, include the **patient's views and wishes** where possible. MHT has a "My Views and Wishes" form that can be lodged through the portal. • Say **if the issue is urgent**, if there is an **upcoming hearing**, if **action may happen before the review is heard**, or if a **deadline** may apply.
What NOT to include	Do not include false or misleading statements

Additional information you need to know	Say if the person needs an interpreter, accessibility adjustment, advocate, lawyer, cultural support, or another support person. MHT provides interpreters where required. **For Tribunal member-conduct complaints:** Put the complaint in writing. Explain what happened, who was involved, when it happened, why the conduct was inappropriate, and what response you are seeking. Do not use this process to challenge the Tribunal's decision.

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your application	• **Online portal:** You can lodge most Tribunal documents through the MHT Document Lodgement Portal, including application forms, medical reports, treatment support and discharge plans, "My Views and Wishes" forms, statutory declarations, evidence of consent and supporting documents. • **Forms:** Use the correct MHT form for your application type, such as treatment order review, transfer review, compliance notice, communication restriction review, nominated person decision, ECT or psychosurgery approval. • **Email:** registry@mht.wa.gov.au • **Post:** PO Box Z5272, Perth St Georges Tce WA 6831 • **Phone:** (08) 6553 0060
Where to lodge a complaint about the Tribunal's service or conduct	Complaints about Tribunal service, staff or member conduct should be sent to the Registrar. **Email:** registrar@mht.wa.gov.au This complaint process cannot be used to challenge a Tribunal decision. If the issue is the Tribunal's decision, the separate pathway is review by the State Administrative Tribunal.
Automatic reviews	You do not need to apply for the Tribunal's automatic review of an involuntary treatment order. The Tribunal schedules these reviews itself.
After you lodge an application	The Tribunal will assess the application and, if it is accepted for hearing, arrange a Tribunal hearing. The timing depends on the type of application. For example, ECT applications are usually heard about 5 to 7 days after they are received, unless emergency ECT approval is being dealt with by the Office of the Chief Psychiatrist.
Before the hearing	The Tribunal may receive documents from the treating team, the patient and other participants. The patient can also provide their views and wishes using the "My Views and Wishes" form.

At the hearing	The Tribunal hears from the people involved. This may include the patient, the treating team, carers, family members, personal support people, legal representatives, mental health advocates or other approved advocates.
Support during the hearing	Hearings are meant to be private, as informal as possible, and not overly technical. The Tribunal can provide interpreters where needed. A person does not need a lawyer, but they may choose to have one.
Decision and reasons	At the end of the hearing, the Tribunal tells the patient its decision and gives reasons. The Tribunal then sends a Notice of Decision by post or email shortly after the hearing.
Complaints about Tribunal member conduct	For complaints about Tribunal member conduct, the complaint will be acknowledged in writing within 5 working days after it is received by the President or delegate. The parties should receive progress information within 15 working days and be kept updated.
Additional information you need to know	Keep a copy of anything you lodge. Tell the Tribunal if your contact details change, if the matter becomes urgent, or if new information becomes available. Try to provide key documents early, because late information may delay the process.

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	**Description**
External review — State Administrative Tribunal	If a person is dissatisfied with a Tribunal decision, they may apply to the State Administrative Tribunal for review. This must be done within 28 days of the day the Tribunal gives the Notice of Decision. SAT review is a new hearing. SAT may consider new material, affirm the Tribunal's decision, vary it, set it aside and substitute its own decision, or send the matter back to the Tribunal for reconsideration. The Tribunal's decision remains in place while SAT considers the matter.
Request reasons or transcript	This is not a review pathway. The Tribunal gives oral reasons at the end of the hearing. If a party requests reasons, they are given a transcript of the oral reasons. The Tribunal does not otherwise provide written reasons.
Separate complaint pathway — mental health care complaints	If the issue is about care provided by a mental health service, the person should contact the hospital or health service where they received treatment. If the complaint is still unresolved, HaDSCO may be able to assist.
Possible referral outcome —	For very serious complaints about Tribunal members, the President may refer the complaint for formal investigation by a professional association, the Corruption and Crime Commission, Police or the

serious Tribunal member conduct	Minister. This is a possible MHT response, not a user-controlled internal appeal pathway.
Support, not review — advocacy and legal help	A person who needs help completing a treatment order review application can contact the Tribunal Registry or the Mental Health Advocacy Service. A person wanting legal help can contact the Mental Health Law Centre. These are support options, not complaint or review bodies.

Step 9: Other bodies that handle mental health, health-care or rights-related complaints

Complaint body	Description
Health and Disability Services Complaints Office (HaDSCO)	HaDSCO handles complaints about health, mental health and disability services in Western Australia. It is usually the more appropriate pathway if the complaint is about poor mental health care, unsafe treatment, hospital service quality, communication problems with a health service, or an unresolved complaint to a health service. HaDSCO says complaints must usually be made in writing.
State Administrative Tribunal (SAT)	SAT can review some decisions made by the MHT. This is the pathway if a person is unhappy with an MHT decision and wants it reviewed. MHT says SAT review must usually be sought within 28 days of the Notice of Decision.
Mental Health Commission WA	The Mental Health Commission can receive complaints about the Commission and its own activities. It is not the general complaint pathway for non-Commission mental health, alcohol or other drug services. Its complaint page directs people with service complaints to complain to the relevant service first.
Office of the Chief Psychiatrist WA	The Office of the Chief Psychiatrist has oversight responsibilities connected to mental health treatment, standards and the *Mental Health Act 2014 (WA)*. It may be relevant where the issue concerns systemic treatment standards, authorised mental health services or clinical governance, but it is not a substitute for MHT review of orders or HaDSCO complaints about service quality.
Australian Health Practitioner Regulation Agency (Ahpra)	Ahpra handles concerns about registered health practitioners, including psychiatrists, doctors, nurses and psychologists. It may be relevant if the issue is about a practitioner's professional conduct, performance, safety or fitness to practise.
Ombudsman Western Australia	Ombudsman WA handles complaints about State Government departments, statutory authorities, boards, corporations and local governments. It may be relevant if the complaint is about the administration of a WA public authority, but it is not the main pathway for health, mental health or disability service complaints.
Equal Opportunity Commission WA	The Equal Opportunity Commission WA handles complaints about unlawful discrimination and harassment under WA equal opportunity laws. It may be relevant if the mental health issue also involves

	discrimination, for example because of disability, race, age, sex or another protected attribute.
Australian Human Rights Commission	The Australian Human Rights Commission can handle complaints about unlawful discrimination under federal discrimination laws. It may be relevant if the issue involves discrimination because of disability, race, age, sex or another protected attribute.
Office of the Australian Information Commissioner	The Office of the Australian Information Commissioner handles complaints about how personal information has been handled by Australian Government agencies and some private organisations. It can also review freedom of information decisions made by Australian Government agencies and ministers.
National Anti-Corruption Commission	The National Anti-Corruption Commission handles referrals about serious or systemic corruption involving Australian Government public officials. It is not the usual pathway for individual mental-health treatment or Tribunal review issues.
Additional information	One situation can involve more than one pathway. For example, a person may need the MHT for review of an involuntary treatment order, HaDSCO for a complaint about poor care, and the Equal Opportunity Commission WA or Australian Human Rights Commission if discrimination is also involved.

Need help preparing or pursuing your complaint?

Below are organisations that may be able to help you to make your complaint, provide support or advocacy during the complaint process or give you more information.

Organisation	Contact Details	How they can help
Mental Health Advocacy Service WA	Website: Mental Health Advocacy Service WA Email: contactus@mhas.wa.gov.au Telephone: 1800 999 057 or (08) 6234 6300	Provides free, independent advocacy for people receiving or at risk of receiving involuntary mental health treatment. It can help people understand their rights, apply to the MHT and participate in hearings.
Ruah Legal Services / Mental Health Law Centre	Website: Ruah Legal Services Telephone: (08) 9328 8012 Freecall: 1800 620 285	Provides legal advice and support for people with legal issues connected to mental health. It may assist with MHT matters, rights under the Mental Health Act 2014 (WA) and related legal problems.
Legal Aid WA	Website: Legal Aid WA — Mental health	Provides legal information about mental health law, including MHT processes, mental health advocacy and legal help options.
Health Consumers' Council WA	Website: Health Consumers' Council WA Telephone: (08) 9221 3422 or 1800 620 780	Provides advocacy and support for health consumers. It may help people raise concerns about health services or understand health complaint options. Legal Aid WA lists it as a health consumer advocacy contact.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provide support to people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.

Self-help tools and additional resources

Resource	How this helps
MHT — Complaints page	Explains the difference between complaints about mental health care, complaints about Tribunal service or conduct, and review of Tribunal decisions.
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.

Legal Aid WA — Mental health	Provides plain-language legal information about mental health law, MHT reviews, mental health advocacy and where to get legal help.
HaDSCO — Complaint Resolution Process	Explains how to complain about health, mental health and disability services in WA. Useful where the issue is about care quality rather than a Mental Health Act order or decision.