



Annette McMullan

President



Mental Health Review Tribunal



MHRT COMMUNIQUE

Issue 7, 2020

PRESIDENT'S UPDATE:

Welcome to the final communique for 2020. It has been a very strange, and sometimes difficult year, but I was very pleased with the way that the MHRT was able to adapt to the new way of working. I would like to again thank you all for your dedication to learning new systems and processes which allowed us to continue with hearings, where other Tribunals around Australia could not.

I would also like to take this opportunity to wish you and your families a very safe and happy holiday season. Please take time to rest and recharge and Virginia and I look forward to welcoming you back in 2021.

MHRT Members Christmas Catch Up

Thank you to those members who were able to join us on Friday 4 December at The Pav Bar for some Christmas drinks and nibbles. It was a great night and lovely to be able to catch up with so many of you ahead of the holiday break.

Queensland Human Rights Commission Annual Report

The QHRC recently published its inaugural annual report. I am very pleased to let you know that Queensland Advocacy Incorporated (QAI) and the QHRC both commended the MHRT on our approach to creating and maintaining a culture of respect for human rights. In particular, QAI and the QHRC commented on our proactive approach to incorporating human rights considerations in all decision of the MHRT. Thank you to members who have worked hard on learning about the *Human Rights Act 2019* and building it into your decision-making. Your efforts have been noticed and recognised.

Something to consider for conditions about contact with certain persons

We have noted that the Mental Health Court has started to change the usual wording for conditions on forensic orders which limit the contact that the person can have with certain persons – usually victims. So far we have noticed this wording used for persons on forensic orders (disability), but it can be used for any order, where the panel considers it appropriate.

That the patient not initiate contact or communication, either directly or indirectly, with [name], noting that:

(a) “contact or communication” includes meeting, speaking to, telephoning, texting, delivering a written note, contacting on social media or getting in contact in any other way.

(b) “directly” means contacting or communicating or attempting to contact or communicate.

(c) “indirectly” includes getting someone else to contact or communicate or attempt to contact or communicate.

Debriefing and downloading

The work we do at the MHRT can sometimes be confronting and challenging. While members are up to the task, sometimes you may feel frustrated, upset or overwhelmed. Talking through a difficult day with a colleague can be very effective at helping you to regulate those emotions. Please remember that Virginia and I know exactly how you feel, so you are welcome to reach out to us at any time.



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Device batteries

Please ensure that you keep your MHRT-issued laptop device in good working order. eHealth have advised that from time to time, the battery will overheat causing the outer casing of the device to pop open. We ask that you check your device regularly and if you notice that this has happened, please contact Heath Eddison (heath.eddison@mhrt.qld.gov.au or 3338 8333) as soon as possible.

Practice Direction – Confidentiality Orders

I will soon issue a new Practice Direction No 2/2020, which will replace the current Practice Direction on Confidentiality Orders No 2/2017. A copy of the Practice Direction is attached for your reference and it will also be published on the MHRT website.

It is intended to provide guidance to parties for when the Tribunal is considering making a confidentiality order under section 722 of the *Mental Health Act 2016*. The Practice Direction simply documents the Tribunal's current expectations and processes regarding confidentiality orders.

Key information set out in the Practice Direction includes:

- if the person requesting a confidentiality order will not be in attendance at the hearing, it is expected that liaison should occur with members of the treating team will be at the hearing so that evidence can be provided to the Tribunal.
- when the request relates to a document, the request should clearly articulate whether the request applies to the whole document or only parts of it. The request form should specify if any parts of the document may be provided to the person the subject of the hearing.
- if a confidentiality order is made, attendees at the hearing are not to refer to the information the subject of the order while the person the subject of the hearing is present.

- if a confidentiality order is not made, the person requesting the order may request that the Tribunal allow the material to be withdrawn, however, consideration of such a request is at the discretion of the Tribunal.

EXECUTIVE OFFICER'S UPDATE:

Hearings:

Return to in-person hearings

With an increase in the number of venues we can return to sit at in person, please be reminded to check the hearing list as to where you are sitting. You may be sitting in one of three places – your home, the office or the AMHS.

Uploading of decisions

With the Christmas break fast approaching, it would be appreciated if decisions could be uploaded as soon as possible after the hearing. This is particularly important for decisions involving victims as notification also needs to be provided to them.

Corporate Services:

Statement of reasons payments

With the upcoming Christmas break and associated public holidays, payroll have made some changes to their usual processing dates. As a result of this, any statements of reasons received after 18 December may not be processed until your second pay in January. As far as possible, we are attempting to minimise these impacts with ad-hoc processing at our end, however we have been advised that these may not be processed until the January pays. Please note that this is only for SOR payments, not your usual sitting fee.

Carparking

With new ownership of the car park at 53 Albert St, we may look to a return to parking there in the new year. Should this be the case, you will be advised with an ample notification period.