

Your Mental Health Tribunal Hearing

What is a hearing and why am I having one?

You have a hearing before the Mental Health Tribunal because you are an involuntary patient under an involuntary treatment order. An involuntary treatment order authorises psychiatric treatment without consent under the *Mental Health Act 2014*.

A hearing is a meeting with three members of the Tribunal (a legal member, a community member, and a psychiatrist member). The Tribunal's role at the hearing is to independently review your involuntary treatment order to decide whether you still need it.

The Tribunal reviews new involuntary treatment orders for adults within 35 days (10 days for children under 18). The Tribunal reviews continuing orders again regularly (every three months for adults and every 28 days for children).

I received my 'Notice of Hearing'. What do I do now?

First, think about how you want to attend your hearing. Your Notice of Hearing tells you when and where your hearing will take place.

You can attend in person by going to the place indicated in the notice at the time of the hearing.

If you prefer to attend the hearing from home, you may be able to attend by telephone or by video- conference using your computer, tablet or smart phone. Please email the Tribunal at registry@mht.wa.gov.au for information on how to attend from home.

Next, think about who you want with you at the hearing. You can invite family, friends or other supporters to the hearing. You can also ask an advocate from the Mental Health Advocacy Service to support you at the hearing. Advocates from MHAS are free of charge. Or, you can ask a lawyer to represent you. Lawyers from the Mental Health Law Centre are free of charge.

Closer to the hearing day, think about what you want to say to the Tribunal (or what you want your advocate to say for you). The 'Views and Wishes' form included with your Notice of Hearing may help you prepare. Your case manager, advocate or lawyer can help you complete this form. The form is also available on our website www.mht.wa.gov.au.

You can bring the completed form with you to the hearing. Or, if you want the Tribunal to read it, send a copy or a photograph of both sides of your completed form to registry@mht.wa.gov.au at least one day before your hearing.

We encourage you to attend your hearing so Tribunal members can hear your views and wishes. However, if you cannot (or do not want to) attend your hearing, you can still tell the Tribunal Members your views and wishes. Just send a copy or a photograph of both sides of your completed 'Views and Wishes' form to registry@mht.wa.gov.au at least one day before your hearing.

If you can't attend your hearing, you can still ask an advocate from MHAS to attend the hearing to ensure your views are presented to the Tribunal. Or, you can ask a lawyer to represent you. Lawyers from the Mental Health Law Centre are free of charge.

What happens at the hearing?

At your hearing, the Tribunal members will talk with you, your supporters, your advocate/lawyer, and your treating team about whether you still need the involuntary treatment order.

Your doctor will write a medical report for the hearing and should give it to you 3 days before the hearing. The Tribunal will ask your doctor questions about the report, and ask the treating team why they think you need involuntary treatment. You can also ask your treating team questions at the hearing.

The Tribunal members will ask for your views on the report and your views and preferences about treatment. We encourage you to tell the Tribunal members what you think about your treatment and your treatment support and discharge plan.

When the Tribunal members have finished asking questions and have listened to and read the information given to them, they will ask everyone to leave the room while they make a decision. The Tribunal will then decide whether you still need an involuntary treatment order.

The Tribunal will call everyone back into the room to tell you the decision and the Tribunal's reasons for the decision. You will receive a written Notice of Decision after the hearing. You may also ask the Tribunal for a transcript of the reasons for decision by writing to us within 28 days of the date of the decision.

All Tribunal hearings are recorded.

I have more questions. How can I get more information?

The Tribunal's website (www.mht.wa.gov.au) has information about the Tribunal and what we do. There is a tab for 'Patients & Supporters' which has further information, including Frequently Asked Questions.

If you have questions, please check the website for further information. If you still have questions after checking the Tribunal's website, call the Tribunal on (08) 6553 0060.

For support for your hearing, call the Mental Health Advocacy Service on (08) 6234 6300.

Useful Contacts

The following services may be able to provide you with assistance free of charge:

Mental Health Tribunal

Phone: (08) 6553 0060

Email: registry@mht.wa.gov.au

Web: www.mht.wa.gov.au

Post: PO Box Z5272

Perth St Georges Terrace 6831

Mental Health Advocacy Service

Phone: (08) 6234 6300

1800 999 057

Email: contactus@mhas.wa.gov.au

Web: mhas.wa.gov.au

Post: 6/18 Harvest Terrace West Perth
6005

Mental Health Law Centre

Phone: (08) 9328 8012

1800 620 285

Email: reception@mhlcw.org.au

Web: mhlcw.org.au

Post: PO Box 8078 Subiaco East 6008



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A guide for involuntary patients