



ACT
Government
Health



CANBERRA HOSPITAL
AND HEALTH SERVICES

ADULT MENTAL HEALTH UNIT (AMHU)

MENTAL HEALTH SHORT STAY UNIT (MHSSU)

What to expect at the
ACT Civil and Administrative
Tribunal (ACAT)



In some circumstances your treating team may apply for a mental health order for you while you are staying at the Adult Mental Health Unit (AMHU) or at the Mental Health Short Stay Unit (MHSSU).

What is a mental health order?

A mental health order is a legal order which sets out the terms under which a person must accept treatment, therapy, counselling, management, rehabilitation and/or other services for their mental illness or mental disorder.

Your treating team will explain to you their reasons for applying for an order. Your treating team is made up of your doctors, nurses, and may also include allied health staff, such as a psychologist, social worker or occupational therapist.

If your treating team apply for an order, the Tribunal will hold a hearing to decide if the order will be made.

If you already have a Mental Health Order, your community team may apply to have it extended while you are staying at the AMHU or the MHSSU.

If you would like more information about mental health orders, you can ask for a copy of the *Mental Health Orders* brochure, ask staff for more information or search online for “ACT Health Mental Health Orders”.

What is the Tribunal?

The ACT Civil and Administrative Tribunal, sometimes referred to as “the Tribunal” or “ACAT” is independent from ACT Health.

The Tribunal is made up of a group of people, usually including a lawyer, a psychiatrist and a community member who come together to make a decision on whether a person needs treatment under the *Mental Health Act 2015*.

What is a hearing?

A hearing is where the Tribunal hears all the information about your application, and makes a decision whether to grant a mental health order.

Who is the Tribunal Liaison Officer?

The Tribunal Liaison Officer works at the AMHU. They help organise and coordinate your Tribunal hearing. They can provide you with information and answer questions about the Tribunal process and the *Mental Health Act 2015*.

The Tribunal Liaison Officer is not involved in making any medical or legal decisions and cannot provide you with legal advice.

THE FOLLOWING INFORMATION WILL HELP YOU PREPARE FOR YOUR HEARING:

Do I have to attend the hearing?

You can provide information in writing instead of, or as well as, attending your hearing in person.

The Tribunal will base its decision on the information it receives from you either in person or in writing, and from other people present at your hearing.

Do I need a lawyer?

You have the right to have a lawyer at your hearing, however, it is not compulsory to have a lawyer present.

The Tribunal Liaison Officer can arrange a lawyer for you through Legal Aid ACT if you do not already have your own. Legal Aid ACT lawyers are free of charge to you. You do not need to apply to Legal Aid ACT to receive assistance with an application for a mental health order.

The Tribunal Liaison Officer will ask you if you would like to speak to a lawyer

before the hearing and will organise for the lawyer to come to the AMHU to speak to you.

If at any time you change your mind or don't want a lawyer to represent you, please tell the Tribunal Liaison Officer.

Where will the hearing be held?

Hearings are held in a large meeting room near the reception area of the AMHU. This room is called the "Tribunal Room".

Staff will accompany you to and from the hearing.

If you need Legal Aid ACT's assistance for other legal matters, such as criminal or family matters, please talk to a lawyer from Legal Aid or contact the free Legal Aid Helpline on 1300 654 314.

Who will be at my hearing?

ESSENTIAL

Three (3) Tribunal members are usually present at a hearing. These include a presidential member (a lawyer), a psychiatrist and a community member.

A doctor from your treating team will always be present at your hearing however there are times when there may be two doctors. In those cases, both doctors will have their own expertise to bring to the hearing.

The Tribunal must record all hearings. There will be somebody at the back of the room who records the hearing, but will not have any input into the hearing. At times hearings are conducted via video link.

A nurse, wardsmen or security guard may be present. The Tribunal Liaison Officer will also attend.

OPTIONAL

If you have a clinical manager or a support worker, you can ask that they be with you at the Tribunal hearing.

You can have as many support people as you need attend your hearing. These people may be members of your family, friends, or people from community organisations. The Tribunal Liaison Officer will support you if you need help to contact these people.

If you have a nominated person under the Mental Health Act 2015 you can ask that they be present and participate. A nominated person is not automatically invited by the Tribunal to attend the hearing.

If you would like more information about nominated persons, you can ask for a copy of the Nominated Person brochure, or search online for “ACT Health nominated person”.

An advocate from the Public Advocate (PA) office can be available to attend your hearing. Their role is to ensure your voice is heard and your rights upheld under relevant laws, including the Mental Health Act 2015 and the Human Rights Commission Act 2015. Please let the Tribunal Liaison Officer know if you would like the Public Advocate to attend.

You may be asked if you mind having a medical student or law student observe the hearing as part of their training. Please let the Tribunal Liaison Officer know if you do not want them at your hearing

Tribunal hearings are private and are not open to the public.

How will the room be set up?

There will be a large table in the middle of the room. You will be shown to your seat and will sit next to your lawyer and/or support person if they are present.

Only people who are participating in the hearing will sit at the table. The person recording the Tribunal will sit to the side and behind the members.

Medical or law student observers may sit behind you. Please let your lawyer, support person or one of the Tribunal members know if you would rather they sit somewhere else.

No cameras are allowed. This means no videos or photographs can be taken of the hearing.

What can I do to prepare for my hearing?

The Tribunal Liaison Officer will give you a copy of the application for a mental health order and a hearing notice.

You are encouraged to read the application before your hearing. You can ask any of our staff to explain to you any parts of the application you do not understand.

If you choose to have a lawyer present, you should discuss the application before the hearing. You may also show the application to your support people.

If you would like more information about any of the medications mentioned or listed in the application, please ask your nurse to provide you with further information or speak to your doctor.

Are there any rules to follow during the Tribunal?

To ensure the hearing runs smoothly, there are some guidelines:

- Only one person should speak at a time. Please don't speak over the top of someone else.
- Make sure your phone is turned off.
- Direct all your comments to the Tribunal members or your lawyer.
- Treat each person in the room with respect.
- No food is allowed in the hearing. Water is provided.



Am I allowed to speak at my hearing?

Yes, you are encouraged to put forward your views.

Before your hearing you might like to prepare by thinking about what you would like to say. If you don't feel comfortable speaking at the hearing or do not wish to attend the hearing, you may write down your views. Please give this written information to your lawyer, support person, or the Tribunal Liaison Officer before your hearing starts. They will then give this information to the Tribunal.

If you decide to have a lawyer, they will speak to the Tribunal on your behalf outlining your views and wishes in relation to the application for a mental health order.

What if I or my support person needs an interpreter?

We can provide an interpreter. Please let the Tribunal Liaison Officer know that an interpreter is needed and your preferred language. Where possible we will have an interpreter in person, however in some cases the interpreter may only be available by phone.

A family member or friend cannot act as your interpreter.

What if my support person is not able to attend?

If your support person cannot attend, they are allowed to provide information

in writing or over the phone. Written information must be given to the Tribunal Liaison Officer before the hearing begins.

If you do not have someone to be your support person you can ask the Tribunal Liaison Officer to contact the ACT Disability, Aged and Carer Advocacy Service (ADACAS) on your behalf. They may be able to provide someone to act as your support person.

What if there is someone at the hearing who I don't want to be there?

You can let us know if there is someone you do not want at your hearing and your wishes will be considered.

This does not include people essential to the hearing, such as the Tribunal members or your doctor.

What should I wear?

You may wear whatever suitable clothes you have with you. You can ask nursing staff to wake you earlier on the morning of your hearing to make sure you are ready.

How long will it take?

Hearings usually last between thirty (30) minutes and one (1) hour. Sometimes complex hearings will last longer. Occasionally a hearing might be adjourned, meaning the hearing will stop and be continued later, usually on another day.

What can the Tribunal decide?

The Tribunal will decide whether to make a mental health order based on the application from your doctor and the information provided during the hearing. This includes information from you, your lawyer and/or your support person.

If a mental health order is made the Tribunal will decide how long it should last, up to a maximum of six months. At your hearing, you can tell the Tribunal how long you think the order should last and the Tribunal will consider this along with all the other information it receives before making a decision.

If an order is made, it does not mean that you must stay at hospital for the duration of the order.

The Tribunal does not decide what treatment you should receive. That is decided by your treating team.

When will I find out the Tribunal's decision?

At the end of the hearing, the Tribunal will make a decision about whether to make a mental health order. If a mental health order is made, the Tribunal will send you a copy. A brief statement will be included about how requirements were met for the mental health order to be made.

Your treating team will give you a treatment plan which will outline the details of treatment they have planned for you.

If you have a nominated person, guardian, health attorney (a person

authorised to give consent for health matters on your behalf when you are not able to give consent) or a person appointed under a power of attorney, they may also be sent a copy of the Tribunal's order and the treatment plan.

Is my information kept confidential?

Yes. Information given at the Tribunal will not be shared with anyone outside your treating team and the Tribunal unless ordered by a court.

What can I do if I don't agree with the Tribunal's decision?

If you disagree with the Tribunal's decision, you can appeal to the Appeal Tribunal or to the ACT Supreme Court.

To appeal, you can contact Legal Aid ACT and seek free legal advice. Please note legal aid is not automatically provided for an appeal of a Tribunal decision.

If you are unsure about any part of the Tribunal process or would like more information, please speak with the Tribunal Liaison Officer.

Please speak with staff if you are unsure whether you have a nominated person, guardian, health attorney or a person appointed under a power of attorney.

Accessibility

If you have difficulty reading a standard printed document and would like an alternative format, please phone 13 22 81.



If English is not your first language and you need the Translating and Interpreting Service (TIS), please call 13 14 50.

For further accessibility information, visit:
www.health.act.gov.au/accessibility

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