



Mental Health Act 2000

Mental Health Review Tribunal Rule 2009

Reprinted as in force on 1 July 2011

Reprint No. 1A

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This rule is reprinted as at 1 July 2011. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Mental Health Review Tribunal Rule 2009

Contents

		Page
1	Short title	3
2	Commencement	3
3	Report for each review	3
4	Electronic filing	4
 Endnotes		
1	Index to endnotes	5
2	Date to which amendments incorporated	5
3	Key	5
4	Table of reprints	6
5	List of legislation	6
6	List of annotations	6

Mental Health Review Tribunal Rule 2009

[as amended by all amendments that commenced on or before 1 July 2011]

1 Short title

This rule may be cited as the *Mental Health Review Tribunal Rule 2009*.

2 Commencement

This rule commences on 28 February 2009.

3 Report for each review

- (1) This section applies to a review under chapter 6, part 1, 2, 3 or 4 of the Act.
- (2) A clinical report or report (forensic disability) about the relevant patient must—
 - (a) be prepared and signed by the relevant patient's treating psychiatrist or senior practitioner; and
 - (b) address matters relevant to a decision the tribunal may make under section 191, 197, 203 or 212 of the Act; and
 - (c) be in the form directed by the president under section 480 of the Act.
- (3) At least 7 days before the day notified, under section 189, 196, 202 or 211 of the Act, of the hearing for the review, the relevant patient's treating psychiatrist or senior practitioner must give a copy of the clinical report or report (forensic disability) to the executive officer.
- (4) Also, at least 7 days before the day notified, under section 189, 196, 202 or 211 of the Act, of the hearing for the review, the relevant patient's treating psychiatrist or senior practitioner must—

[s 4]

- (a) give a copy of the clinical report or report (forensic disability) to the relevant patient; or
 - (b) make the relevant patient aware of the report's contents.
- (5) However, the treating psychiatrist or senior practitioner is not required to comply with subsection (4) if the treating psychiatrist or senior practitioner intends to apply to the tribunal for a confidentiality order in relation to the clinical report or report (forensic disability).
- (6) In this section—

relevant patient means the patient the subject of the review.

treating psychiatrist, of the relevant patient, means the psychiatrist currently assigned under the Act to treat the relevant patient.

senior practitioner, of the relevant patient, means the senior practitioner currently responsible for performing obligations for the patient under the *Forensic Disability Act 2011*, chapter 2, part 1.

4 Electronic filing

A document may be filed with the tribunal by electronic or computer-based means.

Endnotes

1 Index to endnotes

	Page
2	Date to which amendments incorporated.5
3	Key5
4	Table of reprints6
5	List of legislation6
6	List of annotations6

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2011. Future amendments of the Mental Health Review Tribunal Rule 2009 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	28 February 2009	
1A	2011 SL No. 123	1 July 2011	

5 List of legislation

Mental Health Review Tribunal Rule 2009 SL No. 18

made by the Governor in Council on 26 February 2009

notfd gaz 27 February 2009 pp 956–7

ss 1–2 commenced on date of notification

remaining provisions commenced 28 February 2009 (see s 2)

SIA pts 5, 7 does not apply (see 1991 No. 68 s 118B)

amending legislation—

Mental Health Review Tribunal Amendment Rule (No. 1) 2011 SL No. 123

notfd gaz 24 June 2011 pp 534–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

Note—An explanatory note was prepared.

6 List of annotations

Report for each review

s 3 sub 2011 SL No. 123 s 4