



Queensland

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

Subordinate Legislation 2011 No. 123

made under the

Mental Health Act 2000

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1 Short title

This rule may be cited as the *Mental Health Review Tribunal Amendment Rule (No. 1) 2011*.

2 Commencement

This rule commences on 1 July 2011.

3 Rule amended

This rule amends the *Mental Health Review Tribunal Rule 2009*.

4 Replacement of s 3 (Clinical report for each review)

Section 3—

omit, insert—

‘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—

- (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.’.

ENDNOTES

- 1 Made by the Governor in Council on 23 June 2011.
- 2 Notified in the gazette on 24 June 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.