



MI Fact Sheet Series

UNDERSTANDING AND MANAGING MENTAL ILLNESS

The mental health legal framework in Queensland

Mental Health Act 2000

The Mental Health Act (2000) is the law that governs the treatment of people with mental illness in hospitals and the community. It aims to protect the rights of people with mental illness while ensuring that they have access to appropriate care. This care is required to place as little restriction on the rights and liberty of the patient as the circumstances permit. Some important features of this Act are:

- **Voluntary Patient** means the person agrees to be admitted to hospital voluntarily.
- **Involuntary Patient** means the person is admitted to or detained in a hospital against their wishes. For involuntary admission to occur all of the following criteria must be met:
 - the person appears to have a mental illness
 - the person requires immediate assessment
 - the assessment can properly be made at an authorised mental health service
 - there is a risk that the person may
 - cause harm to himself or herself or someone else or
 - suffer serious mental or physical deterioration
 - there is no less restrictive way of ensuring the person is assessed and
 - the person is lacking the capacity to consent to be assessed or has unreasonably refused to be assessed.

- **Informed Consent** occurs where the consumer provides permission for a specific treatment to occur. For consent to be informed, the consumer needs information which enables them to understand the procedure or treatment, the risks involved, the consequences of not having or agreeing to the treatment and also alternative treatments. The person must also be deemed well enough to be able to give informed consent.
- **Involuntary treatment** order enables a doctor to work with the person in drawing up a treatment plan. The category of the involuntary treatment order can be changed to allow the patient to be treated either as an inpatient or in the community.
- **Limited community treatment** is an active process that enables an inpatient to receive short periods of treatment in the community. It provides the patient with a process of transition to the community prior to discharge from hospital.
- **Confidentiality** generally means that information about a consumer is not given to people outside the service agency without the consumer's permission.

Protective bodies

A number of public bodies and appointed individuals protect the rights of people within the mental health system.

The **Mental Health Review Tribunal** is a tribunal consisting of three to five members, chaired by an experienced legal officer. The Tribunal must include a psychiatrist and another person with relevant experience or qualifications. It has many functions under the Mental Health Act including regularly reviewing all involuntary patients, hearing appeals and hearing applications for involuntary treatment orders.

Allied person is a person involuntary patients can choose to help them represent their views. The allied person can be chosen from a list that includes their guardian/attorney, partner, another adult relative, adult close friend of the patient or the adult guardian.

Community Visitor Program gives all patients the right to raise any concerns with a community visitor.

Director of Mental Health is the statutory officer appointed by the Governor-in-Council, responsible on a statewide basis for ensuring that the assessment and treatment of involuntary patients complies with the Mental Health Act 2000.

The mental health legal framework in Queensland continued...

Useful references

Mental Illness Fellowship of Australia
www.mifellowshipaustralia.org.au

Mental Illness Fellowship Victoria
www.mifellowship.org

Mental Health Review Tribunal
07 3235 9059

Community Visitors Scheme
168 Bay Terrace Wynnum
07 3396 2751

Legal Aid Queensland
1300 651 188

Legal Aid Inala
1st Floor Commonwealth Centre
97 Brisbane Road Ipswich
1300 651 188

Mental Health Unit
Queensland Health
07 3234 0680

Schizophrenia Fellowship of Sth Qld Inc
Fortitude Valley
07 3358 4424

Schizophrenia Fellowship of Sth Qld
Gold Coast Branch
Southport
07 5591 6490

Mental Illness Fellowship of Nth Qld Inc
Hyde Park
07 4725 3664



Schizophrenia Fellowship of Sth Qld Inc
95 Arthur St Fortitude Valley QLD 4006
Telephone 07 3358 4424 **Facsimile** 07 3254 1770
email sfsq@sfsq.org.au
A member of Mental Illness Fellowship Australia



**Schizophrenia Fellowship of Sth Qld
Gold Coast Branch**
PO Box 1759 (6 Olive Street) Southport QLD 4215
Telephone 07 5591 6490 **Facsimile** 07 5527 0259
A member of Mental Illness Fellowship Australia

Mental Illness Fellowship of Nth Qld Inc
PO Box 979 Hyde Park QLD 4812
Telephone 07 4725 3664 **Facsimile** 07 4725 3819
www.mifnq.org.au
A member of Mental Illness Fellowship Australia