

Requesting an adjournment



Treatment Authority Review

If you are on a Treatment Authority, you will have a review by the Mental Health Review Tribunal (MHRT) within 28 days of the Treatment Authority being made. The MHRT will give you a Notice of Hearing which tells you the date, time, and location of your hearing. If you remain on the Treatment Authority, it will then be reviewed by the MHRT every 6 months for the first year, then annually after that if the order continues. You will receive a Notice of Hearing from the MHRT for each hearing.



I want an advocate or lawyer for my hearing

If you choose, you may wish to engage an advocate or a lawyer to represent you at your hearing to express your views, wishes and preferences about your treatment under the Treatment Authority.

There is no advocate or lawyer available for my hearing – can I request an adjournment?

If you have made genuine attempts to get an advocate or a lawyer for your hearing and are unable to find one to assist you at the time of your hearing, you may ask the MHRT panel at your hearing to consider an application for an adjournment on the basis that you:

- 1 Want representation
- 2 Have made a genuine attempt to engage an advocate or a lawyer
- 3 There was no advocate or lawyer available to represent you at this time

Please note that the decision to grant an adjournment is at the discretion of the MHRT and will not automatically be approved. You should attend your hearing and be prepared to go ahead with the review if the MHRT decide not to grant the adjournment.

What to do if the MHRT grant an adjournment

If the MHRT do grant the adjournment, it is important for you to contact the organisation you want to represent you as soon as your hearing is adjourned, as well as when you receive your new Notice of Hearing from the MHRT with your new hearing date and time.

This will give the organisation a chance to review their capacity and check if they have an advocate or lawyer available to represent you at your new hearing.

What to do if the MHRT confirm my Treatment Authority

If the MHRT do not grant the adjournment and continue with the hearing and decide to confirm the Treatment Authority, you can still get advice from a lawyer after the hearing. A lawyer can go through what happened at your hearing and why the MHRT confirmed the Treatment Authority. They can also discuss what actions you could take to increase your chances of getting the outcome you want at your next hearing, as well as your appeal options. If you would like advice after your hearing, call us to make an appointment.

Will QAI represent me at my next hearing?

QAI is a free, independent not-for-profit community legal centre and cannot guarantee assistance. It is important to note that until you have spoken to QAI's Mental Health Advocacy Practice, signed a client authority and received a letter from us confirming us as your advocate or lawyer, we are not representing you.

Contact QAI

Phone: [1300 130 582](tel:1300130582) or [07 3844 4200](tel:0738444200)

Email: qai@qai.org.au

Website: www.qai.org.au



This fact sheet has been written by Queensland Advocacy for Inclusion (QAI), an independent, community-based systems and advocacy organisation for people with disability in Queensland.

This publication is for general information only. It must not be relied on as legal advice. You must seek legal advice about your own particular circumstances.