

Second opinions

This fact sheet is about the ways you can get a second opinion on your involuntary mental health order in Queensland under the Mental Health Act 2016.

It is important to remember that a second opinion may agree with your current diagnosis and need for treatment. It does not override your initial diagnosis, it just provides the Mental Health Review Tribunal (MHRT) with more evidence to consider. Any second opinion must be done by a psychiatrist.

There are 3 ways to get a second opinion.



Queensland Health



Private psychiatrist



By order of the Mental Health Review Tribunal (MHRT)

Let's break down each of these options.



Queensland Health

Cost	Free for you.
How to get it	The Mental Health Service will arrange it for you. Sometimes this is done informally. They may not tell you when they are doing the second assessment, or that the assessment is for a second opinion. It is important that you ask for the second opinion to be given to you in writing.



Time frames	You can request one at any time and should receive it within 28 days.
Choice of psychiatrist	Limited or no choice of which psychiatrist performs the assessment.
Confidentiality	Report will become part of your clinical file, whether it is favourable or not.
Independence	They will not be a member of your immediate treating team, but they will be a part of the same district health service.



Private psychiatrist





Cost	Can be expensive (between \$500 and \$5,000). You may be able to access Medicare rebates for a one-off assessment and management plan. Medicare rebates may not cover a professional report.
How to get it	Your GP can make a referral, however, it can be difficult to find a suitable specialist with the relevant expertise, and not all specialists are willing to write reports for the MHRT.
Time frames	You can arrange one at any time by referral from your GP and there is no set time frame. It usually takes longer than 28 days.
Choice of psychiatrist	You can choose if you want to get a private psychiatrist and who you want that to be. You can stop the assessment after it's started if you want to. You can also decide what you want the psychiatrist to report on, this is called setting the terms of reference.
Confidentiality	You can choose if you want to give the report to the treating team or the Tribunal or keep it to yourself. If it's not favourable, or poor quality, you can keep or destroy it.
Independence	As you get to choose the psychiatrist, you can ask questions to make sure you are happy with their independence.

Cost	Free for you. The MHRT will pay for this report.
How to get it	Unless there are exceptional circumstances, the MHRT do not order a second opinion, also called a Tribunal Ordered Examination, on request. If ordered, the Mental Health Service will arrange it for you.
Time frames	If the MHRT has ordered one, they will adjourn your hearing while it is being prepared. It is usually provided within 3 months.
Choice of psychiatrist	Limited or no choice of which psychiatrist performs the assessment. The Tribunal sets the terms of reference, but you can make suggestions at the hearing about what you think it should cover.
Confidentiality	The report will become part of the Tribunal's records for this hearing and will be considered by the Tribunal, whether you agree with it or not.
Independence	The psychiatrist must be independent of the treating team and district health service.

Need help?

If you would like more information or legal advice about involuntary mental health treatment, please contact us.

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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.

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