



# **Mental Health Tribunal Quarterly Activity Report**

**1 July to 30 September 2022**



# Mental Health Tribunal

## Quarterly Activity Report

1 July to 30 September 2022

## **Mental Health Tribunal**

Level 30, 570 Bourke Street Melbourne Victoria 3000

Phone: (03) 9032 3200      Vic Toll Free: 1800 242 703      Fax: (03) 9032 3223

[Email Mental Health Tribunal](mailto:mht@mht.vic.gov.au) <mht@mht.vic.gov.au>

[Mental Health Tribunal](http://www.mht.vic.gov.au/) <http://www.mht.vic.gov.au/>

To receive this publication in an accessible format phone the Mental Health Tribunal on 03 9032 3200, using the Translating and Interpreting Service by phoning 131 450 if required, or [email the Mental Health Tribunal](mailto:mht@mht.vic.gov.au) <mht@mht.vic.gov.au>.

© State of Victoria, Australia, Mental Health Tribunal December 2022.

Available at [Mental Health Tribunal](http://www.mht.vic.gov.au/) <http://www.mht.vic.gov.au/>

# Contents

|  |           |
|--|-----------|
| <b>1. Tribunal hearings</b> .....                                  | <b>6</b>  |
| 1.1 Hearings conducted.....  | 6         |
| 1.2 Hearings adjourned .....                                       | 7         |
| 1.3 Reasons for adjournments with extension of Order .....         | 7         |
| <b>2. Treatment Order hearings</b> .....                           | <b>8</b>  |
| 2.1 Treatment Orders made and revoked by the Tribunal .....        | 8         |
| 2.2 Duration of Treatment Orders.....                              | 9         |
| 2.3 Community Treatment Orders made .....                          | 9         |
| 2.4 Inpatient Treatment Orders made .....                          | 10        |
| <b>3. ECT Orders</b> .....   | <b>11</b> |
| 3.1 Elapsed time from receipt of ECT application to hearing .....  | 11        |
| 3.2 ECT Orders made and applications refused by the Tribunal ..... | 12        |
| 3.3 Duration of ECT Orders made.....                               | 13        |
| 3.4 Number of treatments authorised by ECT Orders.....             | 14        |
| <b>4. Participation at hearings</b> .....                          | <b>15</b> |
| <b>5. Patient demographics</b> .....                               | <b>16</b> |
| 5.1 Treatment Order hearings – by age and gender .....             | 16        |
| 5.2 ECT Order hearings – by age and gender .....                   | 17        |
| <b>6. Complaints &amp; feedback</b> .....                          | <b>19</b> |

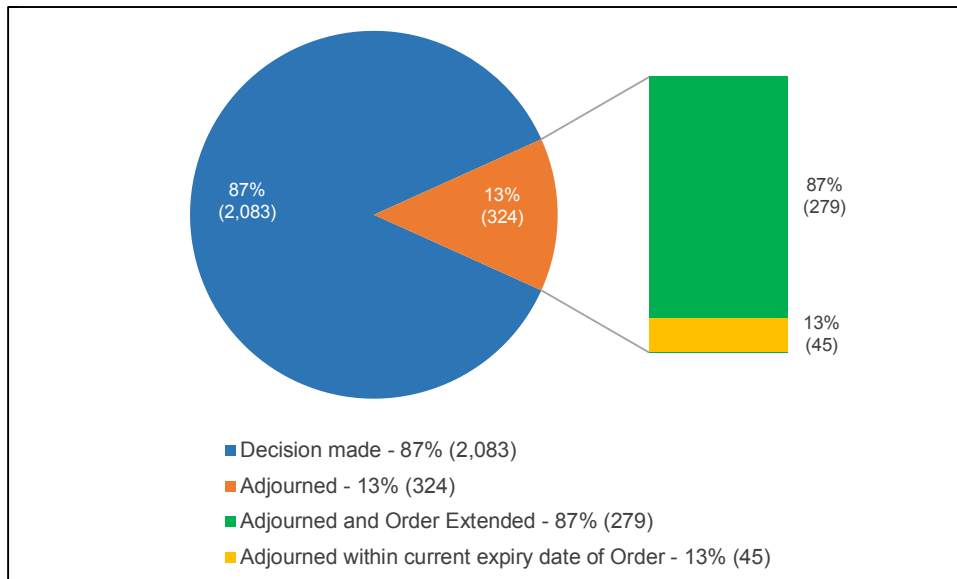
## *Notes about the Mental Health Tribunal Quarterly Activity Report:*

To enable the community to be informed of the practical operation of the *Mental Health Act 2014* (the Act), the Mental Health Tribunal (the Tribunal) is committed to providing regular and detailed information about the decisions it makes concerning compulsory mental health treatment. Quarterly Activity Reports are produced for the first three quarters of each financial year and the Annual Report captures the full financial year.

# 1. Tribunal hearings

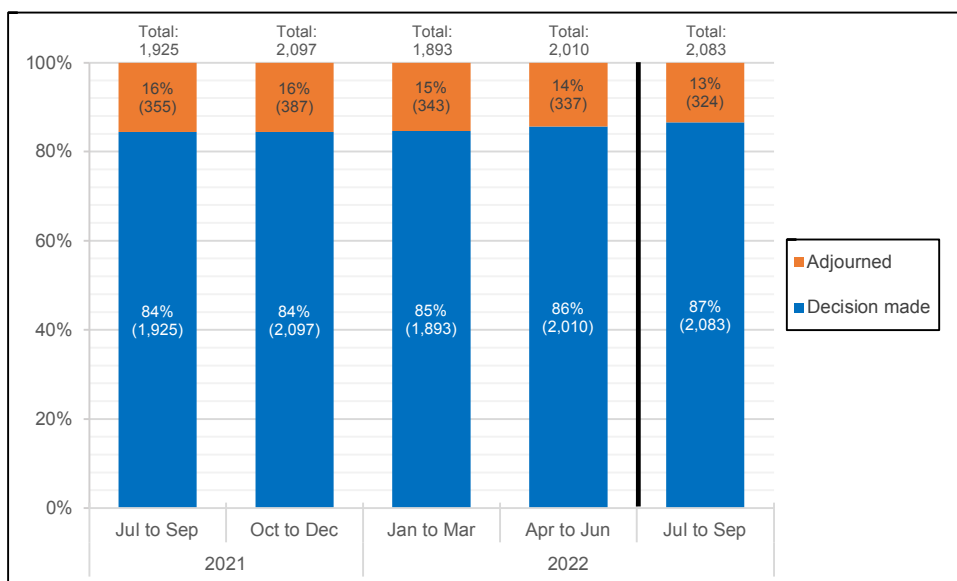
Between 1 July and 30 September 2022, the Tribunal conducted 2,407<sup>1</sup> hearings. There were a further 1,763 matters which were listed for a hearing but did not proceed, usually as a result of the patient’s Order being revoked (cancelled) or the hearing being rescheduled to another date to facilitate the participation of parties.

Of the 2,407 hearings conducted in this period, 87% (2,083) were determined and 13% (324) were adjourned.



## 1.1 Hearings conducted

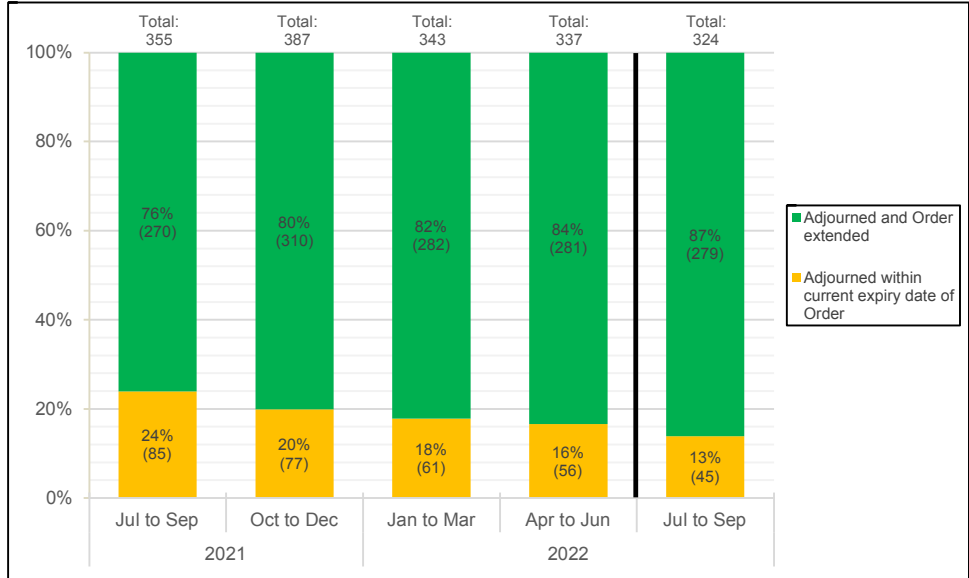
The number of hearings conducted has remained relatively stable over recent quarters, however in that time the proportion of hearings with a decision made has increased.



<sup>1</sup> Total of all Tribunal hearings including Treatment Order, ECT and other hearings.

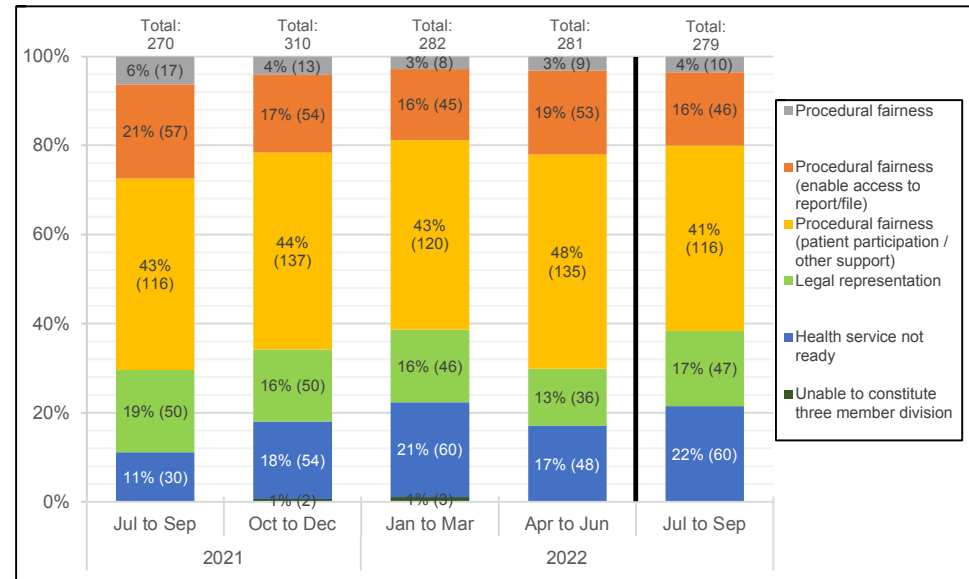
## 1.2 Hearings adjourned

Hearings can be adjourned to a later date with or without the patient’s Order being extended. The proportion of hearings adjourned with an Order extension was 87% between July and September 2022 and continues to grow as a proportion of all hearings adjourned.



## 1.3 Reasons for adjournments with extension of Order

A patient’s hearing can be adjourned, and their Temporary Treatment Order or Treatment Order extended by a maximum of 10 business days if the Tribunal is satisfied that exceptional circumstances exist.



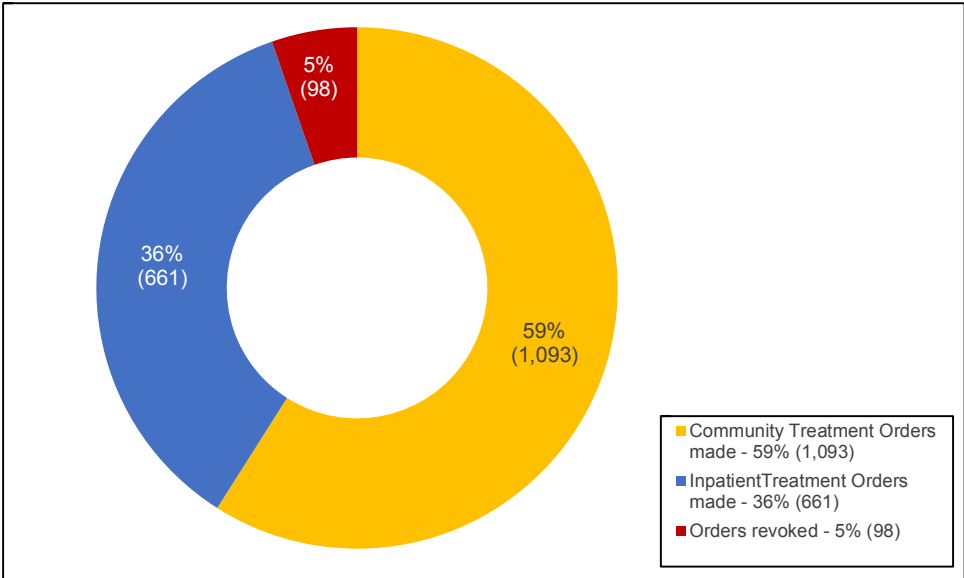
# 2. Treatment Order hearings

## 2.1 Treatment Orders made and revoked by the Tribunal

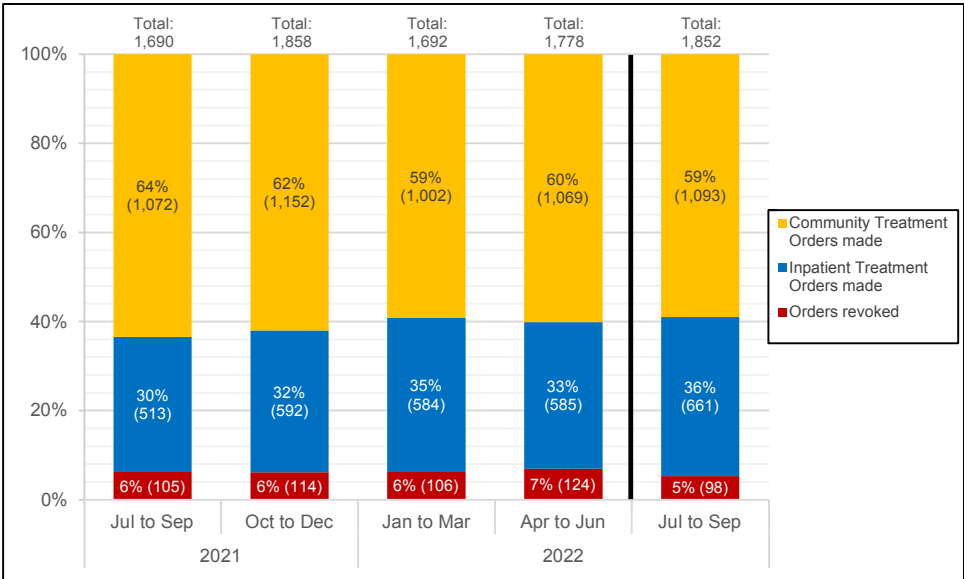
In any hearing concerning a Temporary Treatment Order or Treatment Order, the Tribunal must decide whether to revoke an Order or make a further Treatment Order. If it makes a Treatment Order the Tribunal must decide whether it will commence as an Inpatient or Community Treatment Order, based on the circumstances at the time of the hearing.

Between July and September 2022, the Tribunal conducted 1,852 Treatment Order hearings. In these hearings the Tribunal made 1,093 Community Treatment Orders, 661 Inpatient Treatment Orders and revoked 98 Orders.

### 2.1.1 Treatment Orders made and revoked



### 2.1.2 Comparison of Treatment Orders made and revoked



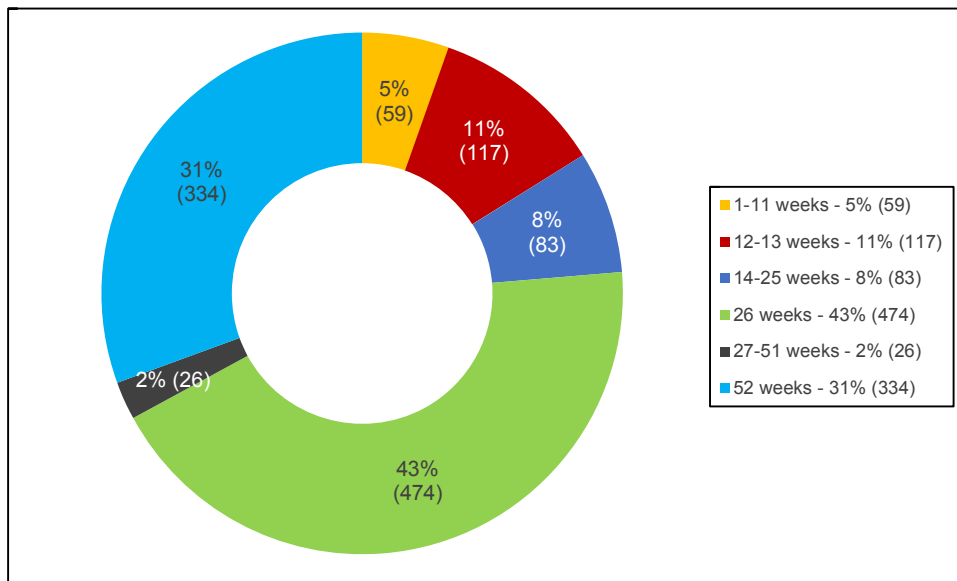


## 2.2 Duration of Treatment Orders

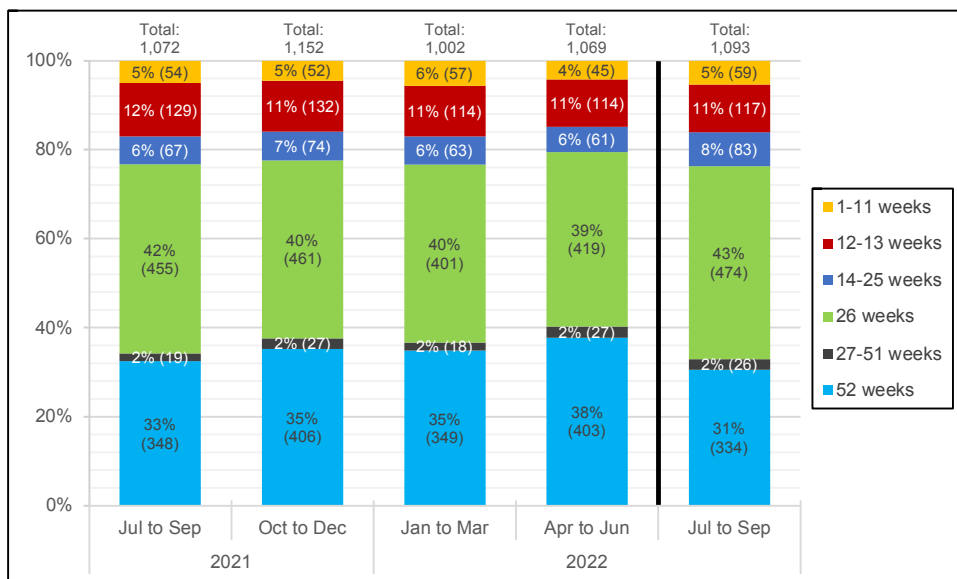
When the Tribunal makes an Order, the Tribunal must also set the duration of the Order. Inpatient Treatment Orders for adults can have a maximum duration of six months (26 weeks) and Community Treatment Orders for adults can have a duration of up to 12 months (52 weeks). Inpatient and Community Treatment Orders for children can have a maximum duration of 3 months.

## 2.3 Community Treatment Orders made

### 2.3.1 Duration of Community Treatment Orders made

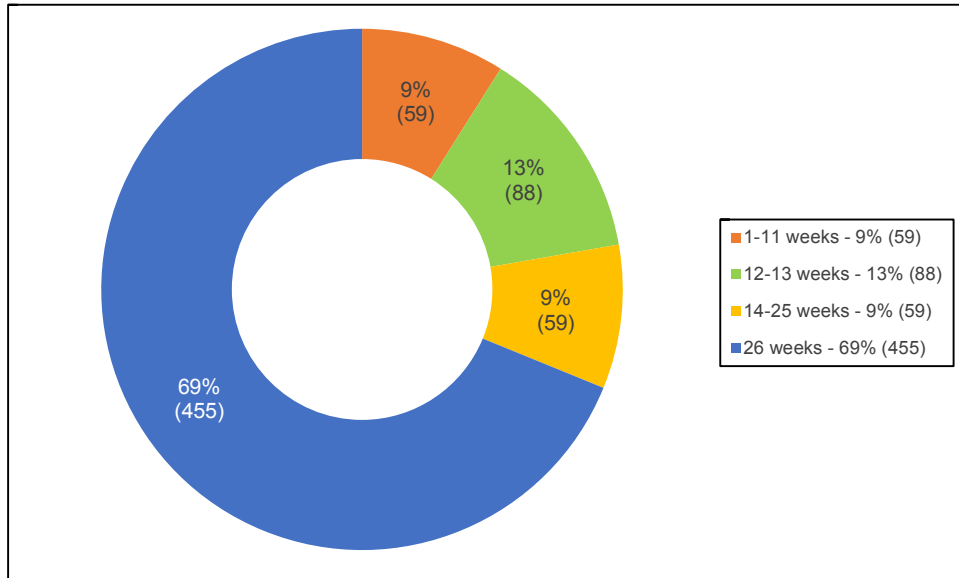


### 2.3.2 Comparison of Community Treatment Orders made

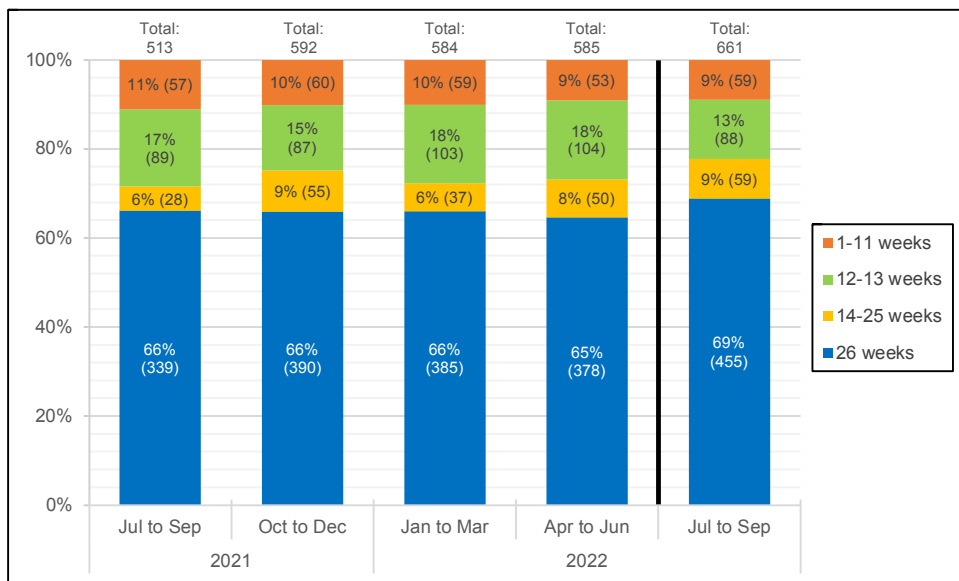


## 2.4 Inpatient Treatment Orders made

### 2.4.1 Duration of Inpatient Treatment Orders made



### 2.4.2 Comparison of Inpatient Treatment Orders made

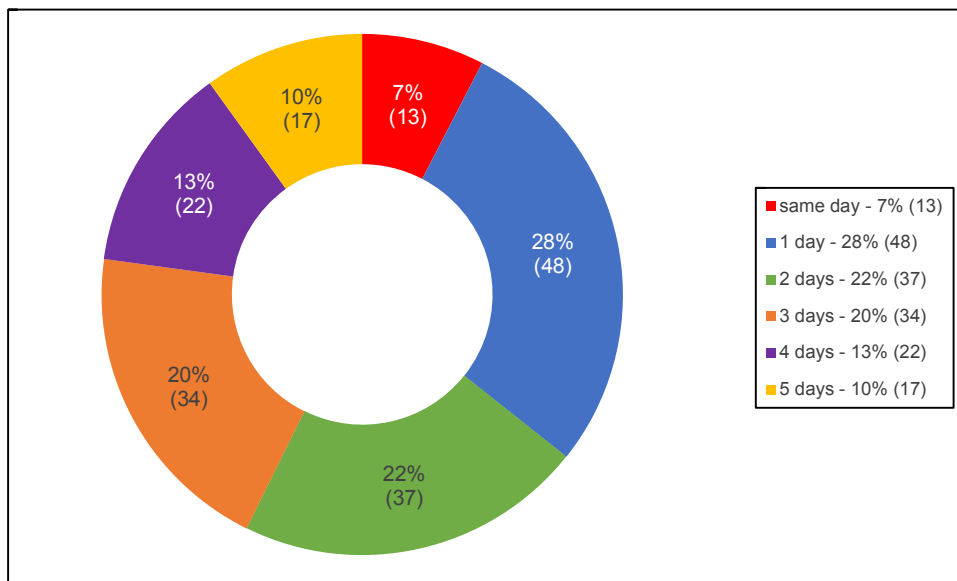


### 3. ECT Orders

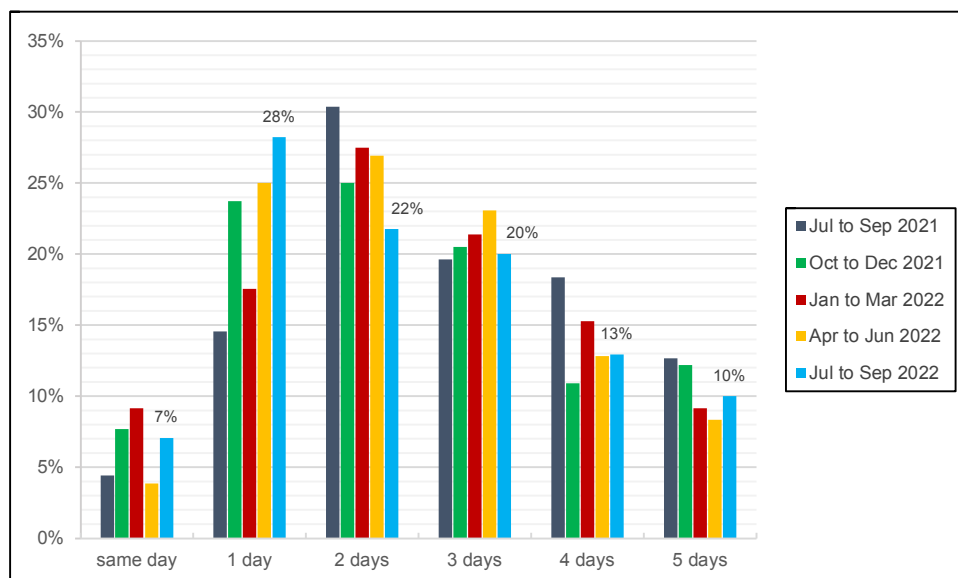
#### 3.1 Elapsed time from receipt of ECT application to hearing

The Tribunal must list and complete the hearing of an application for an ECT Order as soon as practicable and within five business days after receiving the application. The Tribunal Registry seeks to balance considerations of clinical urgency alongside procedural fairness and allowing people reasonable time to prepare for a hearing.

##### 3.1.1 Elapsed time from receipt of application to hearing



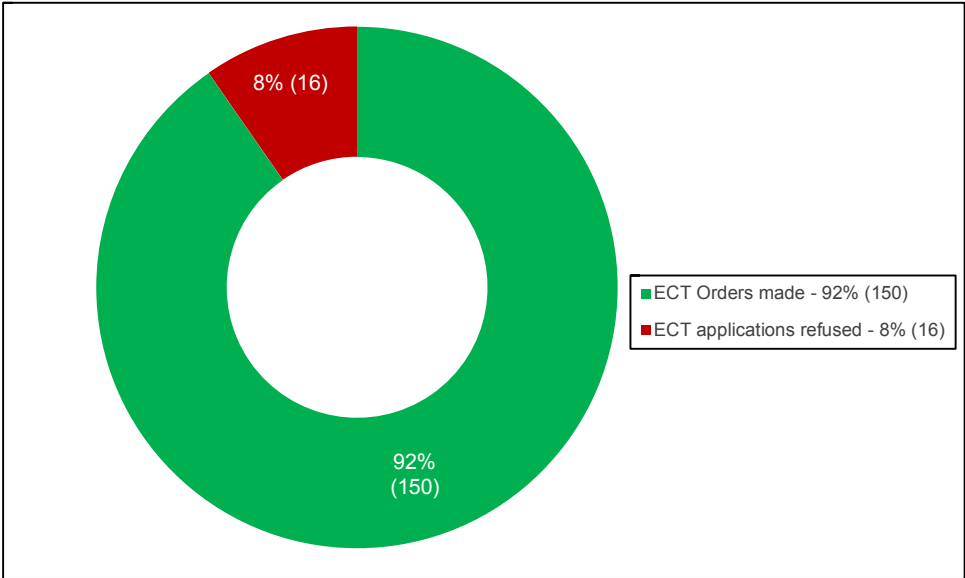
##### 3.1.2 Comparison of elapsed time from receipt of application to hearing



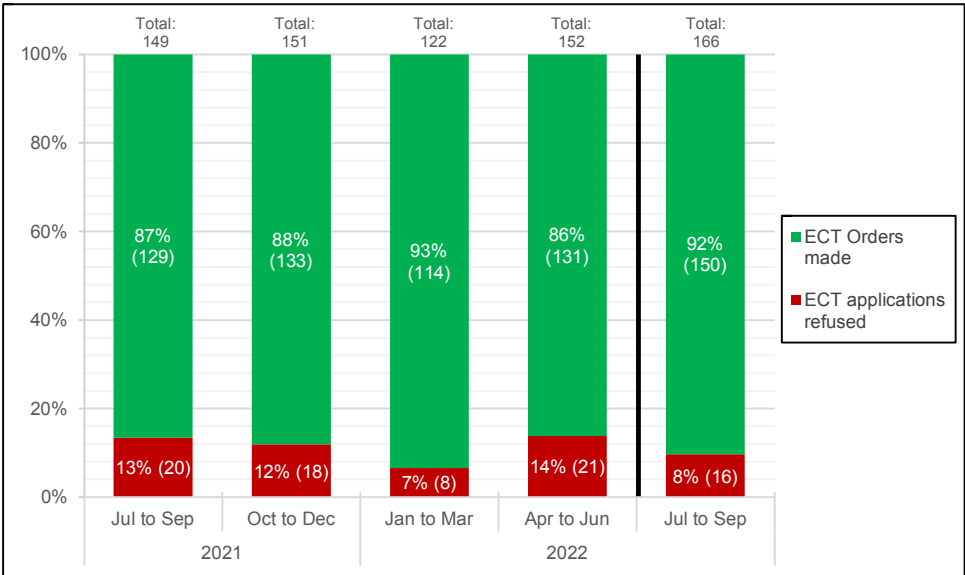
### 3.2 ECT Orders made and applications refused by the Tribunal

The Tribunal heard 166 applications for ECT Orders between July and September 2022. Of those, 150 (92%) ECT Orders were made and 16 (8%) applications were refused.

#### 3.2.1 ECT Orders made and applications refused



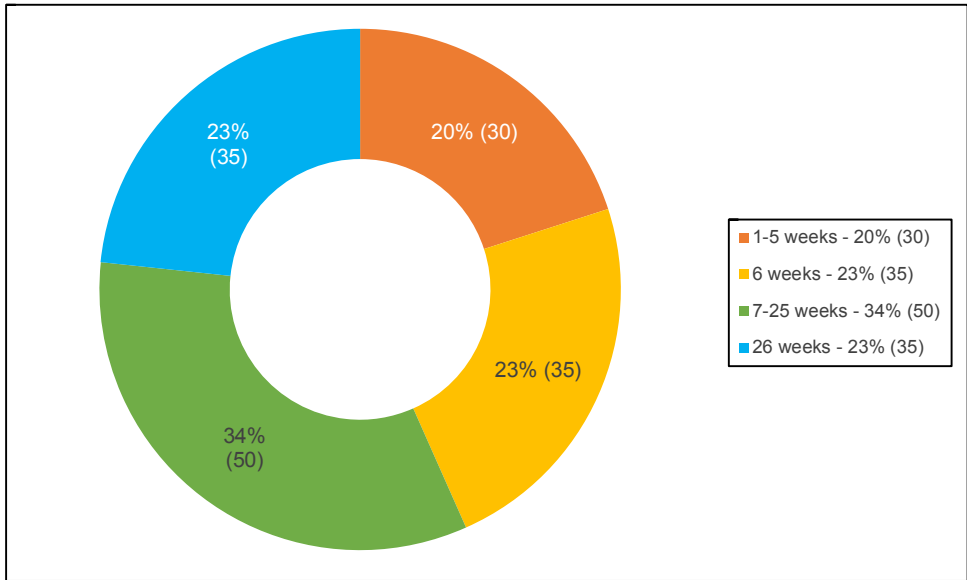
#### 3.2.2 Comparison of ECT Orders made and applications refused



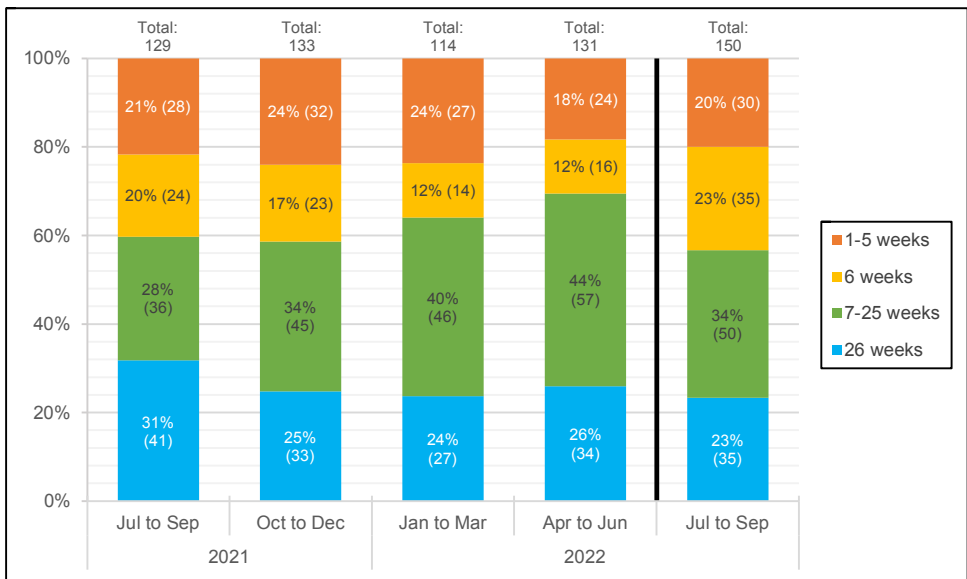
### 3.3 Duration of ECT Orders made

When making an ECT Order, the Tribunal must set the duration of the Order up to a maximum of six months (26 weeks).

#### 3.3.1 Duration of ECT Orders made



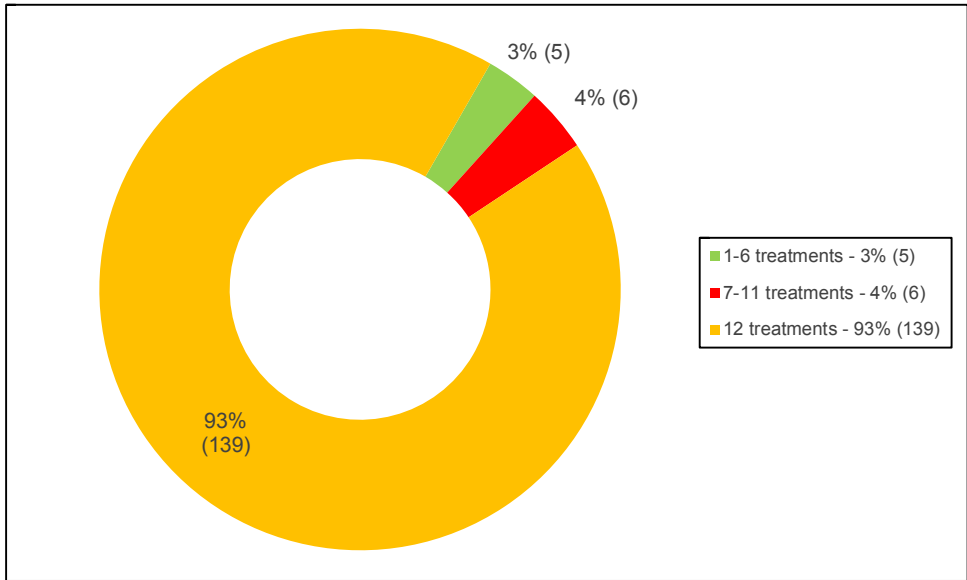
#### 3.3.2 Comparison of ECT Orders made



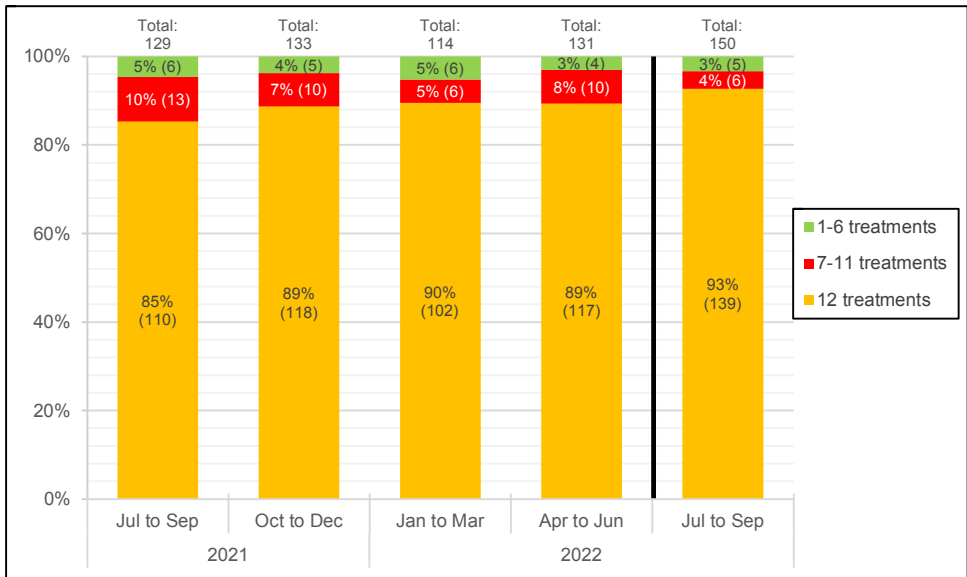
### 3.4 Number of treatments authorised by ECT Orders

When making an ECT Order, the Tribunal must authorise a maximum number of treatments that can be administered up to a maximum of 12.

#### 3.4.1 Number of treatments authorised by ECT Orders

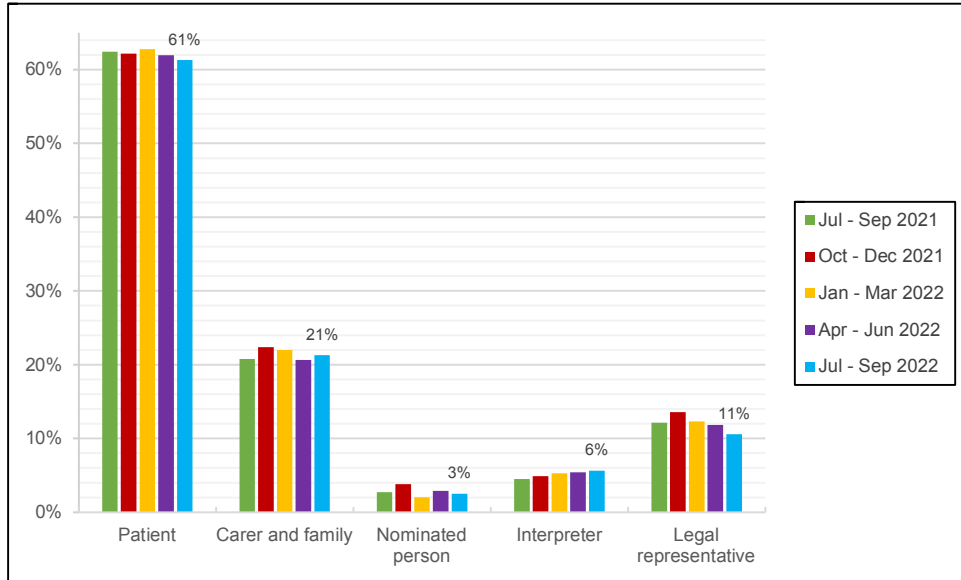


#### 3.4.2 Comparison of treatments authorised by ECT Orders



## 4. Participation at hearings

The Tribunal is committed to promoting and encouraging the participation of patients and the people who support them in hearings. The Tribunal seeks to maximise the notice period as much as possible to allow people to participate.

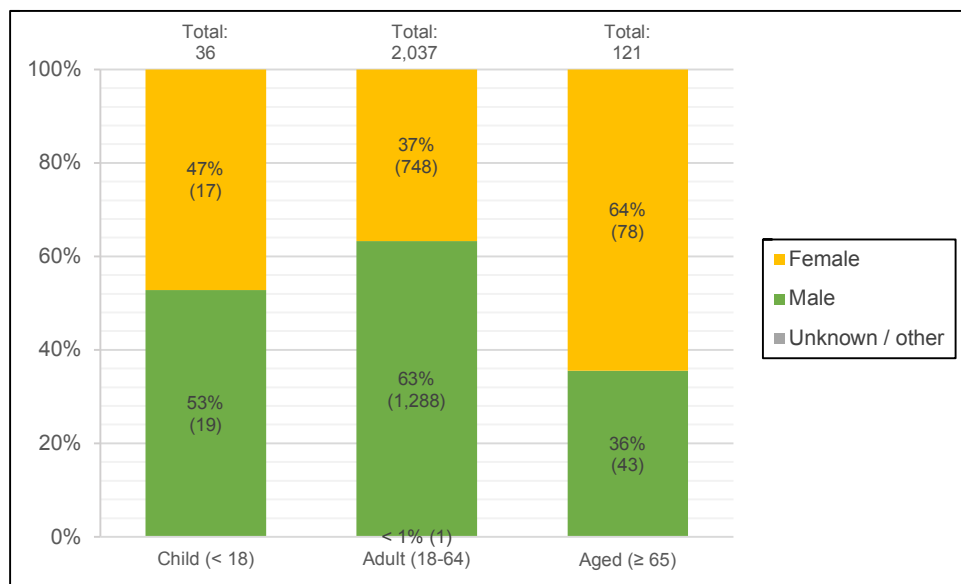


# 5. Patient demographics

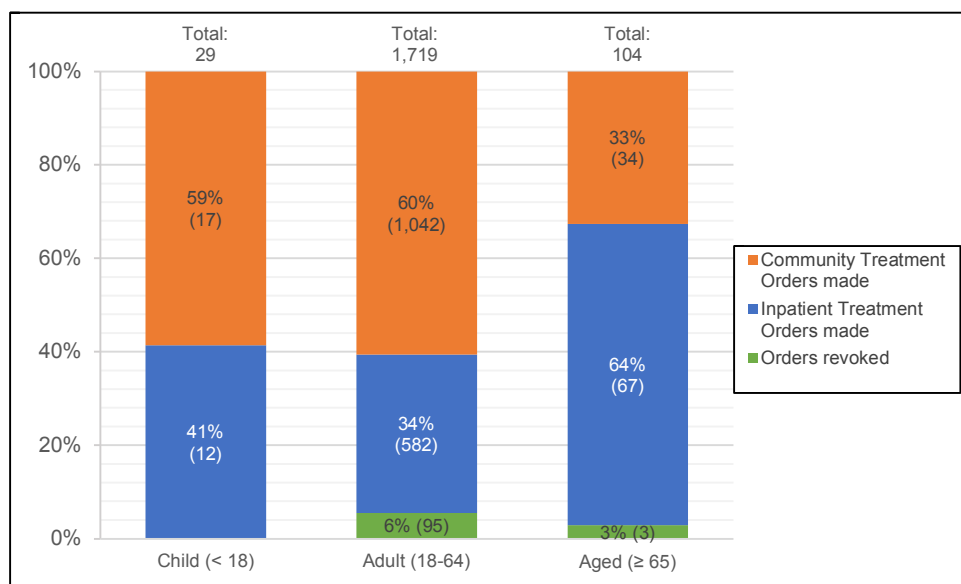
The following information provides patient demographic information for hearings conducted between July and September 2022. The Tribunal receives patient demographic information from the CMI/ODS system which has limited fields for the recording of gender. When the Tribunal becomes aware a patient’s gender identity is different to what is recorded, we make every effort to ensure that our documentation and communications with them reflect their identity, but we are unable to adjust the demographic records

## 5.1 Treatment Order hearings – by age and gender

### 5.1.1 Treatment Order hearings conducted, by age and gender

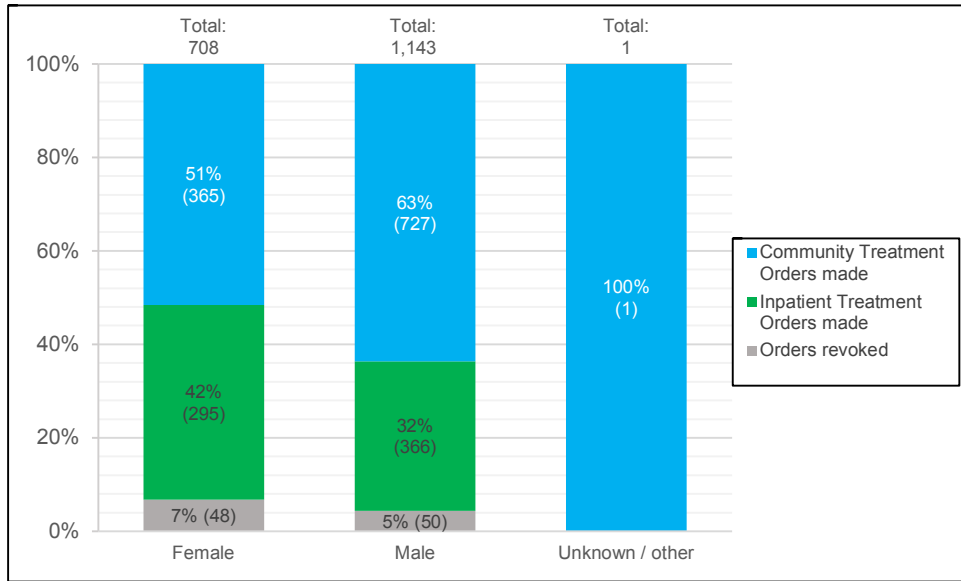


### 5.1.2 Treatment Orders made and revoked, by age



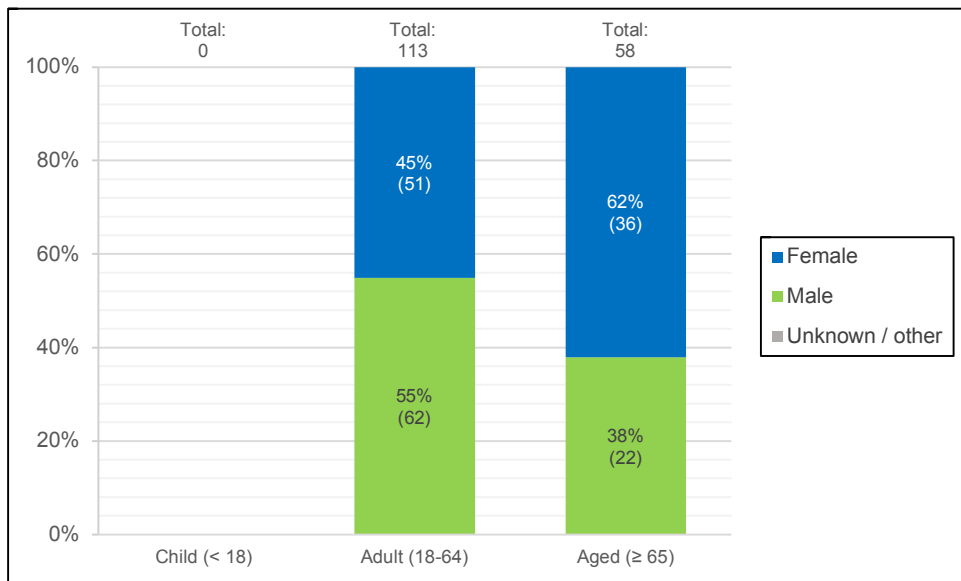


### 5.1.3 Treatment Orders made and revoked, by gender

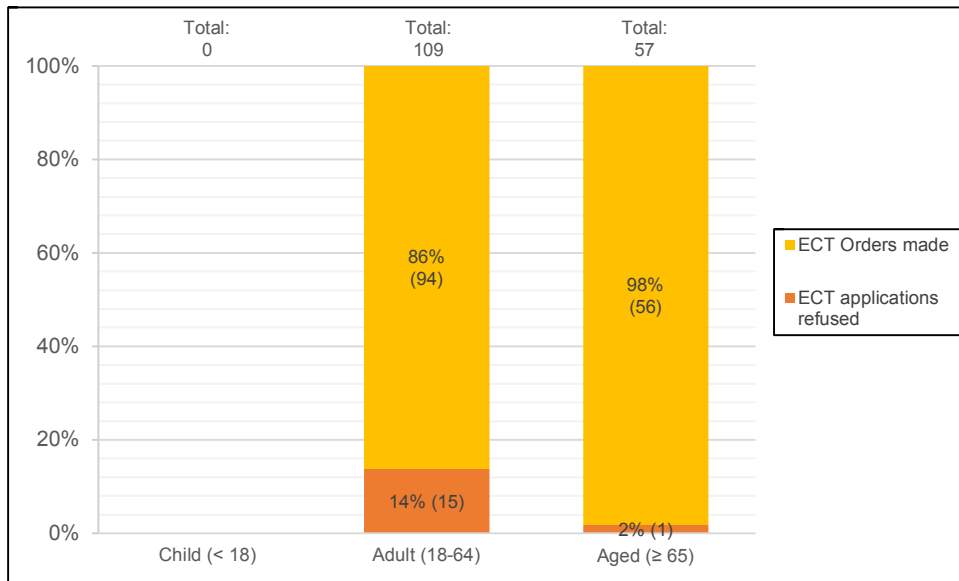


## 5.2 ECT Order hearings – by age and gender

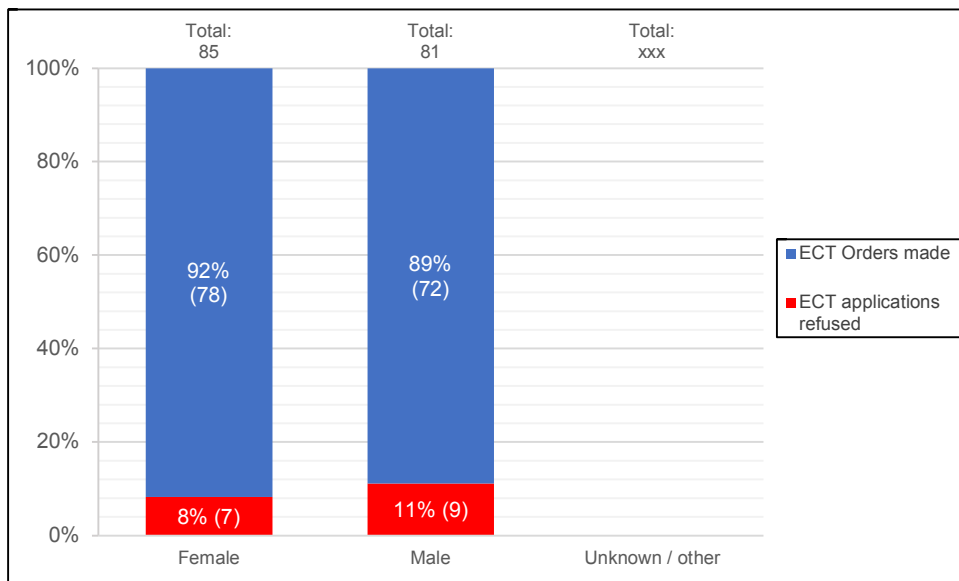
### 5.2.1 ECT Order hearings conducted, by age and gender



### 5.2.2 ECT Orders made and refused, by age



### 5.2.3 ECT Orders made and refused, by gender



## 6. Complaints & feedback

During the quarter, the Tribunal received six complaints<sup>^\*</sup> and five pieces of feedback. These related to –

|   | Complaints | Feedback |
|---|------------|----------|
| Clarification of procedures                     | 1          | 3        |
| Conduct of hearings                             | 4          | 1        |
| Procedural fairness                             | 1          | -        |
| Technical or administrative difficulty or error | 1          | -        |
| Customer service                                | -          | 1        |

<sup>^</sup> Where multiple contacts are received about one hearing or issue these are counted once. Where a complaint is later withdrawn it is not counted.

<sup>\*</sup>The number of complaints and feedback may not match the count of complaint or feedback types as each contact can raise multiple issues concerns.

All of the complaints have been responded to in accordance with the Tribunal's [Complaints and feedback policy](#) which is available on our website.