Speech By

# Hon. Cameron Dick

## MEMBER FOR WOODRIDGE

Record of Proceedings, 28 February 2017

## MINISTERIAL STATEMENT

### Mental Health Review Tribunal

**Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (9.55 am): In December 2016 I was advised that a former member of the Mental Health Review Tribunal, who was appointed as a legal member, was not fully qualified to serve in that role. I subsequently authorised the Department of Health to obtain legal advice from the Queensland Solicitor-General to determine the most appropriate course of action. The department received the advice on 19 January 2017 from the Solicitor-General and the department has been working since that date to develop a legislative response as recommended by the Solicitor-General.

The member was first appointed to the tribunal in 2002. The most recent re-appointment of the member occurred in 2014. The member has not sat on the tribunal since August 2016. The specific issue is that, although the member was awarded a law degree in the mid-1990s, the member had not been admitted to practice law by the Supreme Court of Queensland or equivalent. I am advised that, as a result, decisions made when the tribunal was constituted by that member may be subject to challenge. It is important to point out that the member never made decisions on their own. The individual was always a member of a two- or three-member panel and, accordingly, sat with other validly appointed members. I am advised that, in the member's time on the panel they had an involvement with eight per cent of matters during that period—around 11,000 decisions affecting approximately 5,600 individuals. I am advised that an analysis of those decisions by the Queensland Health Chief Psychiatrist shows no patterns which suggest any defect in decision-making by the tribunal in which the member was involved. Furthermore, around 98 per cent of decisions involved matters which were subsequently reviewed by a properly constituted tribunal or another responsible person under the Mental Health Act.

However, I am advised that the only way that we can ensure certainty is to introduce legislative amendments that retrospectively ensure the validity of those decisions. Later today I intend to introduce amendments to ensure the validity of decisions that involved the member in question during debate on the Mental Health Amendment Bill 2016. The amendments will also provide for a process to enable potentially affected individuals to seek a review of decisions by a special tribunal. The affected individuals will be contacted directly by Queensland Health. I hope to secure the support of all honourable members for these amendments to provide certainty to Queenslanders with mental illness, their families and their treating clinicians. I am disappointed that this problem has existed for a long period, over a number of state governments, and has not been addressed. We owe it to Queenslanders with a mental illness, their families and their treating clinicians to provide certainty, to protect their rights and to ensure that they are not disadvantaged.