

Mental Health Inquiries Procedural Flowchart (updated 31 August 2015)

STEP ONE: Inquiries List

- **One week prior to date of the mental health inquiry** – Fax or email to the Tribunal a list of all assessable persons requiring a mental health inquiry, who will be in their 2nd or 3rd week of detention at the time of the mental health inquiry (**Fax No: (02) 9817 7032 or (02) 9879 0214 , or via email at: MHRtmhinquiries@doh.health.nsw.gov.au**).
- Receipt of the list should be confirmed by telephoning the mental health inquiries team on **(02) 8876 6307**.
- A copy of the list should also be provided to the Mental Health Advocacy Service or Legal Aid Solicitor.
- Arrangements should be made for interpreters if required.

STEP TWO: Notification of Mental Health Inquiries

- The authorised medical officer must give notice of the mental health inquiry to the assessable person and all reasonably practical steps are to be taken to notify any designated carers or principal care provider in the prescribed forms. (See section 76 of the *Mental Health Act 2007*). Confirmation of this and that the patient has been given a copy of the written statement of rights as required by s.74 will be required at the mental health inquiry.

STEP THREE: Amendments to inquiries list

- **Two days prior to the date of the mental health inquiry** – The mental health facility must confirm the inquiries list and advise the Tribunal of any changes. If there are changes then an amended list should be faxed to Tribunal and provided to the Mental Health Advocacy Service or Legal Aid Solicitor.
- Documentation required for the hearing, as set out below, should be faxed or emailed to the Tribunal. **(Video hearings only)**.

STEP FOUR: Documentation required for Mental Health Inquiry

- If detained under s.19 - Medical Certificate as to examination or observation of the person (Schedule 1 of the *Mental Health Act 2007*).
- Medical reports as to mental state of detained person (2 or 3 completed Form 1 Sch 1 Mental Health Regulations 2007).
- Written reports from treating team: Psychiatrist; Registrar; social worker or other involved therapist.
- Recent and representative samples of progress notes from the mental health facility file.
- Confirmation that the patient has been issued a copy of the written statement of rights as required by s.74 and notice has been given in accordance with s.76 or that, all such things, as are reasonably practicable, have been done to give the statement and notice.
- If requesting an involuntary patient order:
 - Written reports as to the person's capacity to manage his or her financial affairs.
- If requesting a community treatment order:
 - Confirmation of service of notice;
 - Treatment Plan prepared by community mental health facility.

STEP FIVE: On the Day of the Mental Health Inquiry

- Ensure room is set up for Inquiries.
- If the inquiry is to be conducted by video ensure the equipment is turned on, is in working order and that a person is present who can operate the system and deal with any technical difficulties.
- Ensure all parties are ready to proceed on time. e.g: patient, legal representative, interpreters, doctors, nurses, social workers, family members or other participants.

STEP SIX: After the Mental Health Inquiry

- If the inquiry was conducted by video the Tribunal will fax a copy of all determinations at the conclusion of the hearing day.
- Please ensure that the patient and their legal representative are provided with a copy.