

Practice Direction:



Provision of material to the Tribunal prior to forensic review hearings

Background

For the Tribunal to conduct a fair and efficient forensic review, the material that is to be considered by the Tribunal must be provided to the Tribunal in sufficient time to allow it to be copied and distributed to its members and other parties, including the patient's legal representative. The patient's legal representative in particular needs time to consider the material and take instructions from the patient prior to the hearing. Others, including the Tribunal's members, also need an opportunity to read and absorb the material and to request any follow up or further information that might be required. This cannot be achieved unless the material is provided to the Tribunal in a timely manner.

If this practice direction is not complied with, matters may need to be re-scheduled. This may be distressing to patients and significantly inconveniences the Tribunal and other clinicians.

Practice Direction

Notice of Intent

1. The treating team should provide the Tribunal with written notice of intent as to the orders that it proposes to seek at least 4 weeks prior the hearing. The Tribunal has developed a pro forma document called a "Notice of Intent" (Attachment A to this practice direction) and encourages the treating team to use this document when notifying the Tribunal.
2. If the patient or a primary carer wishes to seek a change to the Tribunal's orders, they should provide the Tribunal with written notice of the orders that they propose to seek at least 4 weeks prior the hearing.
3. The Tribunal will only abridge the 4 week period where this is warranted due to urgency or other compelling reasons.

Provision of reports and other material to the Tribunal

4. If the patient or the treating team has indicated that a change will be sought to the existing orders in relation to leave or release (including by seeking a conditional release order or an order for unconditional release) any reports or other material must be provided to the Tribunal at least two weeks prior to the hearing.
5. In all other matters, any reports or other material to be considered by the Tribunal must be provided at least one week prior to the hearing.
6. In any particular matter, the Tribunal may make specific directions about the provision of reports or other material.
7. All documents should be either:
 - posted to MHRT, PO Box 2019, Boronia Park, NSW 2111
 - emailed to mhrtforensic@doh.health.nsw.gov.au, or
 - faxed to 9879 6811.
8. Failure to comply with the timeframes set out above may result in the matter being re-scheduled.

This practice direction is issued pursuant to s.160(3) of the Mental Health Act, 2007.

**Professor Dan Howard SC
President, Mental Health Review Tribunal**

12 March 2013