

PRACTICE DIRECTION

AMENDMENT 14 JULY 2021



Covid-19 Pandemic - Tribunal Hearing Arrangements

This Interim Practice Direction updates the Tribunal's change of practice in relation to mental health inquiries as follows:

Covid-19 and mental health inquiries

Due to the resurgence of the Covid-19 pandemic in NSW and associated lockdown orders, many mental health inquiries will now have to be conducted by audio-visual link from the Tribunal's hearing rooms at Gladesville. As there is limited capacity to conduct hearings in the usual time frames, as of Monday, 19 July 2021, consumers will be brought before the Tribunal between 14 and 28 days instead of the current time frame of 7 to 21 days.

Accordingly, assessable persons who have been admitted for 14 days should be presented for a mental health inquiry at the next rostered Tribunal day.

The Tribunal will continue to attend mental health inquiries in person, at facilities that are able to accommodate a Covid safe environment. There is currently no legislative power for the Tribunal to conduct telephone hearings and all 'remote' mental health inquiries must be conducted by audio visual link. The time frame for the conduct of mental health inquiries applies to both remote and in person hearings.

Detained persons, including assessable persons, may request discharge at any time, and if refused, may appeal to the Tribunal for discharge. An appeal hearing must be listed at the earliest opportunity, at which time, the mental health inquiry is to be brought forward and listed at the same time as the appeal.

The Tribunal will review this change of practice and return to in person hearings at affected mental health facilities as soon as that can occur.

A handwritten signature in black ink, appearing to be "PL", written over a horizontal line.

His Honour Judge Paul Lakatos SC
President

Dated: 14 July 2021