

Northern Territory of Australia

Mental Health and Related Services Act

Practice Direction No 3 – Attendance Of The Public At Hearings

Pursuant to section 129(2A) of the *Mental Health and Related Services Act*, I, Vincent Michael Luppino, President of the Mental Health Review Tribunal make the following Practice Direction.

1. This Practice Direction shall be known as Practice Direction No 3 – Attendance Of The Public At Hearings.
2. Where MHS proposes that a Member of the Public should attend a Hearing, then MHS shall give Notice, with details of the identity of the proposed person and the reason for that person's attendance, to the patient and the Patient's Legal Representative.
3. MHS shall not solicit a patient's consent to the attendance of a Member of the Public.
4. Where the patient makes a request to MHS for a Member of the Public to attend a Hearing then, where that request is made prior to the provision by MHS of the Report and MHS opposes the request, MHS shall set out in an addendum to the Report any reason they consider that the specified Member of the Public should not attend. Where the request is made after MHS have provided the Report and MHS opposes the request, MHS shall give Notice of the request to the Tribunal and to the Patient's Legal Representative and shall set out the grounds of the objection.
5. Except with the leave of the Tribunal, any person given leave to attend a Hearing shall not provide any information or evidence to the Tribunal.
6. Notwithstanding anything to the contrary in the foregoing, the Tribunal may limit the number of Members of the Public who may attend a Hearing in any particular case.

Dated this 28th day of April 2009.

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V M Luppino
President,
Mental Health Review Tribunal