

## **Northern Territory of Australia**

### **Mental Health and Related Services Act**

#### **Practice Direction No 4 – Interpreters**

Pursuant to section 129(2A) of the Mental Health & 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 4 – Interpreters.
2. MHS will arrange for the attendance of an interpreter whenever an interpreter is necessary to assist the patient at a Hearing and, whenever MHS have utilised the services of an interpreter in assessing a patient, whether accredited or otherwise, an interpreter is deemed to be necessary for the purposes of this paragraph.
3. Whenever English is not the first language of a patient and MHS's assessment is that it is not necessary that an interpreter attends a Hearing, MHS shall give Notice setting out the grounds of that assessment.
4. The Notice required by paragraph 3 hereof shall be given together with the Report.
5. Whenever the Patient's Legal Representative or any adult guardian appointed for the patient considers that, notwithstanding the assessment of MHS, the attendance of an interpreter is desirable, then the Patient's Legal Representative or the adult guardian may arrange the attendance of an interpreter at the Hearing.
6. Subject always to the provisions of section 134 of the Act, in any particular case, the Tribunal may proceed in the absence of an interpreter where the Tribunal considers it appropriate to do so.
7. Wherever possible, only accredited interpreters shall be utilised at a Hearing.
8. A telephone interpreter is only be used as a last resort or in exceptional circumstances.

9. Close family members of the patient shall not be utilised as an interpreter except with leave of the Tribunal. In determining whether leave should be granted the Tribunal shall have regard to the nature and proximity of the relationship between the patient and the proposed interpreter, whether the proposed interpreter can maintain objectivity and impartiality, whether the proposed interpreter is competent to act as an interpreter, the extent that the proposed interpreter has contributed information to MHS which MHS have relied upon either in the Report or for the purposes of assessment of the patient, and any other relevant circumstance.

Dated this 20<sup>th</sup> day of April 2009.

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V M Luppino  
President,  
Mental Health Review Tribunal

