

## Northern Territory of Australia

### Mental Health and Related Services Act

#### Practice Direction No 6 – Patient Request For Early Review

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 6 - Patient Request For Early Review.
2. The approved form for the purposes of section 127(4) of the Act shall be the form annexed hereto.
3. As soon as practicable after a decision is made to detain a person at a facility, MHS shall advise the patient of the date when that decision will be reviewed by the Tribunal pursuant to the Act and of the right of the patient to request a review of that decision pursuant to section 127 of the Act.
4. Where a patient advises MHS that he wishes to request a review pursuant to section 127 of the Act, MHS shall afford the patient an opportunity to speak to a legal representative by telephone and shall then provide the patient with the approved form and shall assist the patient as far as possible with the due completion of the form.
5. If the patient provides the completed form to MHS, then MHS shall forthwith forward the form to the Tribunal.
6. A Request is deemed to be made only when the approved form is duly completed and signed and lodged with the Tribunal, whether by the patient or by MHS pursuant to paragraph 5 hereof. Forthwith upon the Request being made, the Deputy Registrar shall list the matter for hearing at the time determined in accordance with paragraph 7 or 8 and shall notify all relevant persons of the date and time of the Hearing.
7. With respect to patients detained in the facility in Darwin, where the Request was made before the Closing Time the matter shall be listed for hearing on the first Wednesday after the Request was made and in any other case on the second Wednesday after the Request was made.

8. With respect to patients detained in the facility in Alice Springs, where the Request was made before the Closing Time the matter shall be listed for hearing on the first Friday after the Request was made and in any other case on the second Friday after the Request was made.
9. Upon receipt of a Request, the Tribunal shall provide a copy to the Patient's Legal representative and, except in cases where paragraph 5 applies, shall provide a copy to MHS.
10. MHS shall provide a Report for the Hearing of a review pursuant to the Request complying in all respects with *Practice Direction No 5 – Tribunal Reports* with any necessary modifications, and save that the Report shall be provided no later than 2pm on the day preceding the day appointed for the Hearing.

Dated this 28<sup>th</sup> day of April 2009.

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V M Luppino  
President,  
Mental Health Review Tribunal

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**PART A**

**Re:** .....  
Title                      Given name                      Family name of patient

I, .....  
Title                      Given name                      Family name of applicant

Apply for a review of the decision made under:

- s25(8) to refuse to admit a person as a voluntary patient
- s25(8) to refuse to confirm the admission of a person as a voluntary patient
- s27(2) to refuse to admit a person as a voluntary patient
- s39(3)(a) to detain a person at an approved treatment facility for a further period of up to 14 days
- s42(2) to detain a person at an approved treatment facility for a further period of up to 14 days
- s47(2) not to notify a person's primary carer that an interim community management order has been made for the person
- s88(3) not to allow the giving of information concerning treatment of a person to the person's representative or primary carer
- s89(5) not to allow consultation with, or the giving of information concerning the details of a discharge plan to, a person's representative or primary carer
- s92(4) to refuse an application for access to information in a person's records kept by an approved treatment facility or approved treatment agency
- s98(1) restricting or denying a person's right to:
  - correspond by post (s95)     have telephone access (s96)     receive visitors in reasonable privacy (s97).
- s167(1) to transfer a person to another facility.

I am the person the subject of the order

**OR**

I make this application on behalf of the patient

**as:-**

- the patient's adult guardian
- the patient's representative
- the patient's legal practitioner
- a person with a genuine interest in, or with a real and immediate concern for the health or welfare of, the patient.

The grounds of my application are that

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Signature of applicant: .....

Date    ...../.../...

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**PART B**

**Tribunal Decision**

Following a review in relation to the above application, the Tribunal has decided to:

- Affirm the order
- Vary the conditions of the order as follows:-

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- Set aside the decision or order
- Refer the matter back to the medical practitioner or authorised psychiatric practitioner for further consideration (*NB. Not applicable in the case of an order under section 167(1)*)
- Make the following decision or order in relation to the person

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- Pursuant to section 129(5) the Tribunal adjourns these proceedings until: Date .../.../...

- Pursuant to section 128, the Tribunal orders that no further application for a review of the order the subject of this review be made before the : Date .../.../...

- Other

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Signature of President/Delegate

Date.../.../...

