

Northern Territory of Australia

Mental Health and Related Services Act

Practice Direction No 7 - Access to Medical Records

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 7 – Access to Medical records.
2. MHS shall produce such of the patient's medical records in the immediate possession of MHS at every Hearing.
3. The Patient's Legal Representative and any adult guardian appointed for the patient may have access to the patient's medical records in accordance with section 132(1A) of the Act after the Tribunal has considered whether any of the orders referred to in section 132(2), (3) and (4) of the Act should be made.
4. Where the Patient's Legal Representative requires access to the patient's medical records for the purposes of a Hearing but prior to the commencement of the Hearing, the Patient's Legal Representative may give Notice to MHS to produce the patient's medical records and, subject to paragraph 5 hereof, MHS shall then give access to such of the patient's medical records in the immediate possession of MHS at the Facility at a mutually agreed time.
5. Where the Patient's Legal Representative requires access to any of the patient's medical records which are not in the immediate possession of MHS, the Patient's Legal Representative may give Notice to MHS requiring the production of those records and MHS shall then produce those records as soon as practicable.
6. Where the Patient's Legal Representative requires access to the patient's medical records immediately prior to the Hearing, the Notice required by paragraph 3 may be given orally to an APP.
7. MHS shall allow access to the patient's medical records whenever requested pursuant to this Practice Direction unless MHS believe there are grounds for an order or direction pursuant to section 132(2), (3) or (4) of the Act and in that case MHS may refuse access to the patient's

medical records until the Tribunal has determined whether an order or direction pursuant to those sections should be made.

Dated this 28th day of April 2009.


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V M Luppino
President,
Mental Health Review Tribunal