

Practice Direction



No.3 of 2024 – Work place Safety and Security at the Gladesville Hospital Premises of the Mental Health Review Tribunal: Interim Arrangements

1. Context

- 1.1. The Tribunal premises at Gladesville Hospital present numerous workplace safety issues given the age and disrepair of the premises.
- 1.2. The Gladesville premises also present numerous security challenges which cannot be remedied in the short to medium term. The security issues relate directly to the safety of MHRT staff, Members and parties attending hearings at those premises.
- 1.3. The Registrar of the Tribunal has determined that it is no longer appropriate to offer in-person attendance at hearings at Gladesville for these reasons.
- 1.4. The Tribunal is negotiating options for more secure premises however this will take some time.
- 1.5. This Practice Direction sets out the arrangements for hearings at the Gladesville premises during the period until secure premises are procured.
- 1.6. Section 160 of the *Mental Health Act 2007* provides that the conduct of business at “any meeting” of the Tribunal is to be determined by the Tribunal and also that practice directions may be issued by the President with respect to the practice and procedure of the Tribunal.

2. When this Practice Direction will apply

- 2.1. This Practice Direction will apply where any of the following circumstances are present:
 - 2.1.1. Where a consumer wishes to attend in-person;
 - 2.1.2. Where a victim wishes to attend in-person;
 - 2.1.3. Where a carer wishes to attend in-person;
 - 2.1.4. Where lawyers, witnesses/participants or clinicians wish to attend in-person;
 - 2.1.5. Where a scheduled review/hearing presents difficulties in terms of hosting the review/hearing within a particular hearing room;¹ or
 - 2.1.6. Where a potential or actual material security risk is identified.

3. Conduct of hearings by AVL

- 3.1. The default position for hearings at the Gladesville Hospital MHRT premises is that all parties and participants including legal representatives attend by Audio visual link (AVL).
- 3.2. Where a consumer or carer should be supported during the hearing, arrangements should be made for their attendance at the health care facility or other appropriate venue for provision of support, and attendance at the hearing will proceed by AVL from that location.

¹ For example, where the number of parties exceeds the reasonable capacity of the room.

4. Application for in-person attendance at a hearing at the Gladesville Hospital MHRT premises

4.1. Where a consumer, carer or victim, or any other party or participant wishes to attend a review/hearing being held at the Gladesville Hospital MHRT premises in-person they, or their representative, should make application prior to the hearing for in-person attendance using the following form:

<https://www.mhrt.nsw.gov.au/files/mhrt/TribunalDocuments/MHRTApplication-InPersonAttendance-CONSUMERS.pdf>

Where a legal representative or clinician is applying for an in-person hearing the following form should be completed:

<https://www.mhrt.nsw.gov.au/files/mhrt/TribunalDocuments/MHRTApplication-InPersonAttendance-OTHERPARTIES.pdf>

5. Assessment of in-person attendance application

5.1. The Registrar will consider any application for in-person attendance made pursuant to paragraph (4.1) of this Practice Direction and assess the risk profile.

5.2. On completion of the assessment and upon making a determination on the application, the Registrar will advise the applicant as to whether in-person attendance has been approved or whether the attendance must be by way of audiovisual appearance.

6. Assessment of other security risks

6.1. The Registrar will assess the circumstances described in paragraph (2.1.5) and (2.1.6) of this Practice Direction either on her/his own motion, on the application of any interested party, on the application of any member of the Tribunal’s Executive, or at the request of a forensic or civil team leader.

6.2. Where a material security risk is identified, including on the date or at the time of the hearing, the Registrar may make any of the following directions with respect to the conduct of the proceedings:

- 6.2.1. that the review/hearing be conducted at another location;
- 6.2.2. that the review/hearing be referred to the President or Deputy President for consideration of an adjournment;
- 6.2.3. that one or more parties attend by audiovisual link only;
- 6.2.4. that a security officer be contracted to attend the scheduled review/hearing; or
- 6.2.5. that the issue be referred to a Deputy President or President for pre-hearing directions.

7. Saving provision

7.1. Nothing in Practice Direction operates so as to fetter the discretion of properly constituted panels hearing matters or to restrict the Tribunal from exercising its discretionary powers pursuant to the *Mental Health Act 2007* (MHA) and the *Mental Health and Cognitive Impairment Forensic Provisions Act 2021* (MHCIFPA) including, but not limited to s147(1) MHCIFPA and s160 MHA.

8. Review

8.1. This Practice Direction will be reviewed on or before 30 June 2025.

Magistrate Carolyn Huntsman
President

Version:	President:	Review Date:
1. Practice Direction 3 of 2024 Work place Safety and Security MHRT Gladesville Hospital	Magistrate Huntsman	May 2024
2. Practice Direction 3 of 2024 Work place Safety and Security MHRT Gladesville Hospital	Magistrate Huntsman	June 2025