



**Mental Health Act (MHA) 2016**

**Report type:**

- Psychiatrist report made on request (MHA 2016 s91)
- Psychiatrist report made on Chief Psychiatrist's own initiative (MHA 2016 s93)
- Second psychiatrist report (MHA 2016 s100)
- Addendum to previous report

**1. Person's details**

Surname:		Given name(s):	
Residential address:			
Town / Suburb:		State:	Postcode:
Date of birth:	Age: or	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Intersex / Indeterminate <input type="checkbox"/> Not stated / unknown	

**2. Sources of information for preparation of report**

Provide interview date(s) and details of persons present at interview.

- Interview with person

Provide details for each of the following (if applicable).

- Health records

- Brief of evidence

- Other



### 3. Background information

This section should address:

- diagnosis;
- psychiatric history;
- other relevant historical information including forensic history;
- social circumstances;
- current mental state;
- treatment plan.

### 4. Summary of charges and personal account of the alleged offences

Schedule of offences attached

Provide:

- a summary of the alleged offences;
- the person's account of the alleged offences.

### 5. Unsoundness of mind at the time of the alleged offences

This section should:

- provide information that is known about the person's mental state at the time of the offence;
- address whether the person was deprived of one or more capacity, i.e.:
  - the person's capacity to understand what he / she was doing in relation to the offence
  - the person's capacity to control his / her actions in relation to the offence
  - the person's capacity to know that he / she ought not do the act or make the omission constituting the offence
- if the person was deprived of one or more capacity, explain how the symptoms experienced led to the deprivation of capacity.



## 5. Unsoundness of mind at the time of the alleged offences *(continued)*

## 6. Intoxication

If the person was deprived of one or more of the relevant capacities (refer to section 5) this section should address:

- whether the person was intoxicated at the time of the offence?
- what evidence of intoxication is relied on?
- did that intoxication (i.e. at the time of the offence) contribute to the state of mind of the offender at the time of the offending, to any extent?

## 7. Diminished responsibility *(relates to murder charge only)*

This section should:

- describe the abnormality of mind;
- address whether the person was substantially impaired of one or more capacity and if so, specify the capacity / capacities and explain how the symptoms experienced lead to the impairment.



## 8. Substantial dispute

This section should address:

- whether there is a substantial dispute about whether the person committed the offence - having regard to the brief of evidence and the person's account of events;
- if there is a dispute, whether the dispute results from the person's mental condition.

## 9. Fitness for trial

This section should:

- address each of the Presser criteria i.e. does the person:
  - understand the nature of the charge(s)
  - have an ability to plead to the charge(s) and to exercise the right of challenge
  - understand that the nature of the proceedings is an inquiry as to whether he / she did what he / she is charged with
  - have an ability to follow the course of proceedings so as to understand what is happening in court in a general sense - the person does not need to understand all the formalities
  - understand the substantial effect of any evidence that may be given against him / her
  - have an ability to make a defence or answer to the charge(s) - this includes giving the court a basic version of the facts as he / she claims them to be, if necessary through instructing counsel or telling the Court
- if the person is not fit for trial - address whether the unfitness is temporary or permanent and, if temporary, provide an indication of likely duration of unfitness for trial.



## 10. Future management plan

This section should outline the proposed medium to long term clinical needs addressing both psychological needs and biological management of the patient's illness.

## 11. Recommendations

This section should provide:

- advice on whether the matter should be referred to the Mental Health Court having regard to the public interest.

## 12. Other relevant matters

This section should provide:

- an opinion in relation to making a forensic order or treatment support order for the person;
- any other important issues / considerations.

## 13. Providing a report

Will providing the subject of the report with a copy adversely affect the person's health and wellbeing?

Yes  No

If yes, how may the person's health and wellbeing be affected?

NB. The report will be provided to the person subject to the report or a person on their behalf by the Chief Psychiatrist once the Chief Psychiatrist has confirmed that the report addresses all relevant requirements.

Psychiatrist's name:	Signature:	Date:
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