

Written Notices and Documents for Patients

The *Mental Health Act 2016* requires persons, such as authorised doctors, administrators of authorised mental health services (AMHS) and the chief psychiatrist to give written notices and other documents to patients or other persons who are subject to the Act in specific circumstances.

Which written notices and documents are required to be provided?

Notices or documents related to the following matters are required:

- examination authorities
- recommendations for assessment
- treatment authorities
- classified patients
- psychiatrist reports
- Mental Health Court
- Mental Health Review Tribunal
- treatment in the community
- suspension of treatment in the community
- advance Health Directives
- Enduring Powers of Attorney
- nominated Support Persons
- Statement of Rights
- transfers
- discontinuance of proceedings
- suspension of proceedings

When do notices or documents need to be provided to support persons?

If the patient has a *nominated support person*, the notice must be given to the nominated support person, and need not be given to the patient if the patient may not understand or benefit from receiving the notice.

If the person giving the written notice is aware the patient has a *personal guardian or attorney*, the notice must be given to the guardian or attorney, and need not be given to the patient if the patient may not understand or benefit from receiving the notice.

If the patient does not have a nominated support person, or a personal guardian or attorney, the person giving the written notice may give the notice *to one or more of the patient's family, carers or other support persons* as well as, or instead of, to the patient if the patient may not understand or benefit from receiving the notice, it appears to be in the patient's best interests, and the patient has not asked that the communication not take place.

If the patient is a minor, the person giving the notice may give the notice to one or more of the minor's *parents* as well as, or instead of, to the minor if the minor may not understand or benefit from receiving the notice and it appears to be in the minor's best interests.

When are notices or documents required to be given?

Outlined below are details of the written notices and documents that must be provided. The first column describes the circumstances where the document must be given to the patient or other person subject to the Act. The second column describes when the notice is to be given to support persons.

Who is required to give notice	Written notice or other document to patient or other person subject to Act	Written notice or other document to support persons	Section of Act
Examinations and Assessments			
Doctor or authorised mental health practitioner	A copy of an examination authority, if requested. Not required if it may affect the actioning of the authority	Copy of an examination authority, if requested, to nominated support person/s, personal guardian or attorney	35
Doctor or authorised mental health practitioner	A copy of a recommendation for assessment, if requested. Not required if it may affect adversely affect person's health and wellbeing	Copy of a recommendation for assessment, if requested, to nominated support person/s, personal guardian or attorney	40
Treatment authorities			
Administrator	A copy of a treatment authority if it is made by an authorised doctor who is a psychiatrist.	Copy of a treatment authority, if requested, to nominated support person/s, personal guardian or attorney	55
Administrator	A copy of a treatment authority, if requested, if it is made by an authorised doctor who is <u>not</u> a psychiatrist	Copy of a treatment authority, if requested, to nominated support person/s, personal guardian or attorney	55
Authorised doctor	Written notice to attend for a review of making of a treatment authority by an authorised psychiatrist	Written notice provisions apply	56
Administrator	A copy of a treatment authority, on the review of making of a treatment authority by an authorised psychiatrist	Copy of a treatment authority, if requested, to nominated support person/s, personal guardian or attorney	58
Administrator	Written notice of the revocation of a treatment authority	Written notice provisions apply	206
Classified patients			
Doctor or authorised mental health practitioner	A copy of a transfer recommendation, if requested. Not required if it may affect adversely affect the health and wellbeing of the person	Copy of a transfer recommendation, if requested, to nominated support person/s, personal guardian or attorney	68
Authorised doctor	Written recommendation that a person remain in an authorised mental health service as a classified patient. Not required if it may affect adversely affect the health and wellbeing of the person	Written notice provisions apply	74
Administrator	-	Written notice provisions apply for the notice given to the chief psychiatrist when a person becomes a classified patient	76

Who is required to give notice	Written notice or other document to patient or other person subject to Act	Written notice or other document to support persons	Section of Act
Psychiatrist Reports			
Chief psychiatrist	Written statement of the reasons for not giving a direction to prepare a psychiatrist report	Written notice provisions apply	91
Chief psychiatrist	Written notice of giving a direction to prepare a psychiatrist report on the chief psychiatrist's own initiative	Written notice provisions apply	94
Administrator	Written notice of the proposed revocation of a direction to prepare a psychiatrist report	Written notice provisions apply	98
Administrator	Written notice of the revocation of a direction to prepare a psychiatrist report	Written notice provisions apply	98
Chief psychiatrist	Written notice to attend for an examination for the purpose of a psychiatrist report on the chief psychiatrist's own initiative, if the person is not an inpatient	Written notice provisions apply	99
Chief psychiatrist	A copy of a psychiatrist report or second psychiatrist report. Not required if it may affect adversely affect the health and wellbeing of the person	If not given to the person, a copy of a psychiatrist report may instead be given to a person who has sufficient personal interest in the person's health and wellbeing, such as a nominated support person/s, lawyer or personal guardian	102
Mental Health Court			
Mental Health Court Registrar	Written notice of a reference to the Mental Health Court	If known, written notice of a reference to a nominated support person, personal guardian or attorney	113
Mental Health Court Registrar	Written notice of a Mental Health Court hearing	-	115
Mental Health Court Registrar	Written notice of a Mental Health Court hearing to withdraw a reference	-	127
Mental Health Court Registrar	Written notice of the decision and orders of the Mental Health Court	If known, written notice of the decisions and orders to a nominated support person, personal guardian or attorney	155
Mental Health Court Registrar	Written notice of a Mental Health Court hearing into a review of detention	-	674
Mental Health Court	Notice of hearing of appeal	-	543

Who is required to give notice	Written notice or other document to patient or other person subject to Act	Written notice or other document to support persons	Section of Act
Registrar			
Treatment in the community			
Authorised doctor	Written notice of a patient's treatment and care in the community, and the patient's obligations while receiving treatment and care in the community	Written notice provisions apply	220
AHD, EPOA and Nominated Support Persons			
Administrator	Written notice that the administrator has recorded an advance health directive, an Enduring Power of Attorney, or the appointment of a nominated support person	Written notice provisions apply	226
Statement of Rights			
Administrator	A copy of the Statement of Rights, if requested	Copy of Statement of Rights if requested, to nominated support person/s, family, carers or other support persons	278
Suspension of treatment in the community			
Chief psychiatrist	A copy of an order to suspend limited community treatment or community category	Written notice provisions apply	314
Chief psychiatrist	Written notice of an extension of an order to suspend limited community treatment or community category	Written notice provisions apply	315
Transfers			
Administrator	-	Written notice provisions apply for the notice that is given to the Tribunal when a patient is transferred	358
Mental Health Review Tribunal Proceedings			
Mental Health Review Tribunal	Notice of hearing of reviews and applications	Written notice provisions apply	418, 439, 460, 471, 487, 500, 508, 511, 516 & 524

Who is required to give notice	Written notice or other document to patient or other person subject to Act	Written notice or other document to support persons	Section of Act
Treating practitioner	A copy of a report for a Tribunal hearing. Not required if treating practitioner intends to apply for a confidentiality order for the report.	-	723
Party to Tribunal hearing	A copy of a document that a party intends to rely on in a hearing. Not required if party intends to apply for a confidentiality order, but must be given to a lawyer or other person representing the person.	-	738
Mental Health Review Tribunal	Notice of decision	Written notice provisions apply	755
Mental Health Review Tribunal	Written reasons for decision, if requested	-	756
Mental Health Review Tribunal	Notice of hearing of appeal	Written notice provisions apply	535
Discontinuance of proceedings			
Director of Public Prosecutions	Discontinuance of proceeding	-	492
Suspension of proceedings			
Chief psychiatrist	Written notice of the end of suspension of proceedings	Written notice provisions apply	619