

Memo

To: All SMHS staff
From: Professor Dinesh Arya, Chief Psychiatrist
Date: 5 September 2024

Subject: TASCAT Mental Health Stream (the Tribunal) hearings

Matters considered at a Tribunal hearing

After a Tribunal hearing, if there is a need to consider the information presented at the hearing, a party to the hearing can request an audio recording of the hearing. Please email TASCAT on mentalhealth@tascat.tas.gov.au and request the recording of the hearing (this can be provided immediately).

If an audio recording does not provide sufficient explanation for a decision, or the decision is an important one that may require consideration of filing an appeal with the Supreme Court, or involves an important legal question, then a request can be made for a Statement of Reasons.

The form for this is available on the TASCAT website [Forms | Mental Health Tribunal \(TASCAT\)](#).

If there is a need to appeal the Tribunal's decision, please contact Legal Services. They can also assist with advice about the legal basis for a decision.

The administration staff at the Tribunal are unable to provide any clarification or opinion.

Hearing schedule

Please be mindful that organising hearings is a complex logistical exercise. Every effort should be made to assist the Tribunal to proceed with hearings as advised.

Attending Tribunal hearings

Whenever practicable the medical practitioner who has completed the application for a Treatment Order and Treatment Plan paperwork should attend the hearing. If this is not possible, the staff member who attends the hearing should be well prepared to assist the Tribunal in understanding how the person fulfils the below criteria for making a Treatment Order and be able to explain the proposed plan for treatment under an Order:

- a) the person has a mental illness; and
- b) without treatment, the mental illness will, or is likely to, seriously harm – (i) the person's health or safety; or (ii) the safety of other persons; and
- c) the treatment will be appropriate and effective in terms of the treatment outcomes; and
- d) the treatment cannot be adequately given except under a treatment order; and
- e) the person does not have decision-making capacity.