

MENTAL HEALTH COURT
PRACTICE DIRECTION NUMBER 4 of 2015

**APPEALS FROM DECISIONS OF
MENTAL HEALTH REVIEW TRIBUNAL**

1. In any appeal to the Mental Health Court from a decision of the Mental Health Review Tribunal in which the appellant and the respondent are represented by lawyers:
 - (a) the appellant must file, and serve on all other parties, a written outline of argument, within 14 days of filing the notice of the appeal;
 - (b) within 14 days of receipt of an outline of argument, mentioned in paragraph (a) above, any respondent must file and serve on all other parties an outline of argument in response.
2. If a party is not represented by a lawyer, so that paragraphs (a) or (b) above are not applicable to them, and that party subsequently obtains legal representation, the legal representative must file and serve on all other parties an outline of argument as soon as practicable.
3. An outline of argument is not to exceed three pages, and must provide a concise summary of the argument to be made on behalf of the party, identifying any relevant legislative provisions and case authorities.
4. At least two business days prior to the hearing of the appeal, the Director of Mental Health is to file and serve on all parties a report as to the mental status of, and any care and treatment currently being provided by any authorised Mental Health Service to, the patient the subject of the appeal.
5. Upon compliance with paragraph 4, no oral evidence from the patient's treating psychiatrist will be received on the hearing of the appeal, unless leave is obtained from the Mental Health Court.



JUSTICE BODDICE
President

Date: 27 October 2015