

Practice Direction

General No.4

Student Observations at Mental Health Review Tribunal Hearings



Mental Health
Review Tribunal

This Practice Direction is issued under s160(3) of the Mental Health Act 2007 (MHA).

1. Purpose

- 1.1. This Practice Direction sets out the Tribunal's policy in relation to requests by universities or other tertiary institutions that students observe Tribunal hearings as part of their course requirements.
- 1.2. The Mental Health Review Tribunal conducts hearings at venues across New South Wales in person and by way of video conference. Section 151(3) of the *Mental Health Act 2007* (MHA) states that hearings are open to the public.
- 1.3. This Practice Direction relates to the attendance of student observers at hearings and does not limit the exercise of the Tribunal's power pursuant to subsection 151(4) to order that a hearing or any part of a hearing be wholly or partly conducted in private, if it is desirable to do so for the welfare of the consumer, or for any other reason.
- 1.4. While hearings are open to the public, the Tribunal must manage requests for hearing observations as hearing rooms generally have limited space; the Tribunal has limited resources to co-ordinate student attendances; and some consumers may feel uncomfortable about people observing the hearing who are not family members, carers or part of the treating team. As hearings are also held by video conference the observation may be by AVL (audio visual link).
- 1.5. Requests to attend hearings should follow the general approach described below.

2. General approach

- 2.1. Requests for student observations are to be made by a university or other tertiary education institution, to the Registrar of the Tribunal, prior to the intended attendances, and where notice is received well in advance this will assist in the Tribunal in being able to accommodate the request for students to observe.
- 2.2. The university or other tertiary education institution is responsible for co-ordinating the attendance of students, however the Registrar will schedule any observations. The university/tertiary education institution should advise students of the confidentiality, non-disclosure and contempt provisions in the MHA.
- 2.3. Students after being given an oral explanation by their university or other tertiary institution about the confidentiality, non-disclosure and contempt provisions in the Act, will be required to sign and date a confidentiality agreement as per Appendix 1.
- 2.4. No more than two students may attend a Tribunal hearing on any one day.

- 2.5. Attendance will be in accordance with a timetable prepared by the Tribunal’s Registrar and may involve attendance by AVL.
- 2.6. The Tribunal reserves the right not to accommodate requests for attendance and observation.
- 2.7. Where the Tribunal has allowed an observer to attend the hearing, the Tribunal panel may request an observer to leave the hearing room/exit the AVL conference facility at any time for any reason it thinks fit.
- 2.8. Only one confidentiality agreement (referred to in paragraph 8) needs to be completed by the student observer, if observing more than one hearing on the same day and at the same hearing venue.
- 2.9. The Tribunal will retain the confidentiality agreement and upload it to the Tribunal’s electronic database.

Magistrate Carolyn Huntsman
President

Dated March 2025

* Formerly called “Practice Direction No. 3 of 2023”

Version:	President:	Date:
1. Practice Direction 3 of 2023 Student Observations at the Mental Health Review Tribunal	Magistrate Huntsman	August 2023
2. General No.4 – Student observations at MHRT Reviewed, renamed and reformatted	Magistrate Huntsman	March 2025
3. Next scheduled review		June 2026