MENTAL HEALTH REVIEW TRIBUNAL

Practice and Policy Guideline #8

Practice and Policy Guidelines provide general direction and assistance to the members and secretariat of the Review Tribunal. They may be departed from or supplemented by the Review Tribunal as circumstances require. They do not constitute legal opinions.

TELEPHONE CONFERENCE HEARINGS

1. Review Tribunal hearings may be held by telephone conference.

2. It is expected that this will rarely occur, because telephone conferences lack the visual element which is usually necessary in order that reviews can be properly undertaken.

3. Telephone conferencing should not be utilised if that would be contrary to the rights or welfare of patients, or appreciably limit the effectiveness of the hearing process.

4. Many of the considerations applying to hearings by video conference also apply to telephone conferences: see Practice and Policy Guideline #7.

5. Advantages of telephone conferences over video conferences include:

   - Participants can join from multiple locations
   - Participants are not required to travel to video conference facilities
   - Relative inexpensiveness
   - They are relatively focussed and succinct in nature.

6. A hearing by telephone conference might be appropriate where the Review Tribunal has previously met the patient in person on multiple occasions and new evidence is unlikely to emerge. See for example K10/070A[1] and G [2012][2].

7. If a hearing by telephone conference proves to be deficient on that account, it can be adjourned to resume at a later date by a hearing in person or by video conference.

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[1] Available online at http://www.nzlii.org/nz/cases/NZMHRT/2010/70.html
[2] Available online at http://www.nzlii.org/nz/cases/NZMHRT/2012/125.html

8. Initial examinations under clause 1 of Schedule 1 of the Act can be undertaken in the context of teleconferences by those not involved in the examination temporarily exiting the call, or leaving the room where a conference call telephone is located.

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NJ Dunlop

Convener