

CERTIFICATE OF TRIBUNAL REVIEW OF CONDITION OF PATIENT SUBJECT TO COMPULSORY TREATMENT

To: *Location*
The Director of
Area Mental Health Services, at:

The Review Tribunal has reviewed the condition of:

Patient's full Name:

Patient's
date of birth:

Address
Patient's Address:

Who is subject to a compulsory treatment order that:

Was made under
Section and Act under which compulsory order was made

And commenced on and is in force until
Commencement date of the compulsory order in force *Expiry date of compulsory order in force*

The review of the patient's condition was conducted by the Review Tribunal: *(*Delete those not applicable)*

* of its own motion

or * on the application of (name)

In reviewing the patient's condition, the Review Tribunal has complied with the provisions of the First Schedule to the Mental Health (Compulsory Assessment and Treatment) Act 1992.

The review of the patient's condition was conducted by the Review Tribunal: *(*Delete those not applicable)*

* the patient is fit to be released from compulsory status

or * the patient is not fit to be released from compulsory status

Copies of Certificate: Where the Review Tribunal is of the opinion that the patient is not fit to be released from compulsory status, the Convener of the Review Tribunal will send a copy of this certificate to each of the following: *(tick those applicable)*

the Director of Mental Health the responsible clinician

the patient any welfare guardian of the patient

the patient's family, whānau or principal caregiver a district inspector

the primary health care provider who usually attended the patient immediately before the patient was required to undergo assessment and treatment under Part 1 of the Mental Health (Compulsory Assessment and Treatment) Act 1992

The Convener of the Review Tribunal will enclose with each copy of the certificate a statement of:

- a) The legal consequences of the Review Tribunal's decision; and
- b) The right of – (i) the patient; or (ii) any welfare guardian of the patient; or (iii) the patient's family, whānau or principal caregiver; or (iv) the mental health practitioner who attended the patient immediately before the patient was required to undergo assessment and treatment under Part 1 of the Mental Health (Compulsory Assessment and Treatment) Act 1992, to appeal to a District Court against the decision.

Signature of Convener
of Review Tribunal

Date

Section 79(7) – Tribunal reviews of persons subject to compulsory treatment orders

Statement of legal consequences of decision of Review Tribunal that patient is not fit to be released from compulsory status and Statement of right to appeal to a District Court

Legal consequences

Where, on a review under section 79 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of the condition of a patient, the Review Tribunal finds that **the patient is not fit to be released from compulsory status**, that patient will be required to continue to undergo treatment under that Act.

Right to appeal to a District Court

There is however a further step that may be taken.

Each of the following persons, namely,—

- a) the patient:
- b) any welfare guardian of the patient:
- c) the patient's principal caregiver:
- d) the primary health care provider who usually attended the patient immediately before the patient was required to undergo assessment and treatment under Part 1 of the Mental Health (Compulsory Assessment and Treatment) Act 1992,—

may, within 1 month after the date of the Review Tribunal's decision, appeal to a District Court against that decision.

If any such person wishes to appeal to a District Court against the decision, that person may seek help from—

- a) a district inspector:
- b) an official visitor:
- c) his or her lawyer:
- d) the patient's responsible clinician:
- e) the staff of the nearest District Court.

Steps to be taken by district inspector

The district inspector who receives a copy of this certificate (or an official visitor acting under an arrangement with that district inspector), must, after talking to the patient and ascertaining the patient's wishes in the matter, consider whether or not an appeal should be made to a District Court against the Review Tribunal's decision.

If the district inspector or any such official visitor considers that such an appeal should be made, that district inspector or that official visitor shall take whatever steps he or she thinks necessary to encourage or assist the patient, or any of the other persons entitled to appeal, to make such an appeal.

If that district inspector or any such official visitor considers that an appeal against the Review Tribunal's decision should be made, but neither the patient nor any other person intends to make such an appeal, the district inspector or any such official visitor may report the matter to a District Court; and, in such a case, a District Court Judge may, of his or her own motion, review the patient's condition as if an appropriate appeal had been made to the District Court.

Determination of District Court

On any such appeal, the District Court shall review the patient's condition to determine whether or not the patient is fit to be released from compulsory status.

Further information

For further information about the review of a patient's condition on an appeal, see sections 16 and 83 of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Schedule 1 form 5: amended, on 31 January 2018, by regulation 4 of the Mental Health (Forms) Amendment Regulations 2017 (LI 2017/306).