

MENTAL HEALTH REVIEW BOARD — HEARING

178. Hon Sally Talbot to the Minister for Mental Health:

- (1) Is the Minister aware that during the hearing of the review in the matter of RD v MHRB (the decision that was reviewed by Parry J in *Rd v MHRB* 201s WASAT 80) the Mental Health Review Board (MHRB) adjourned the review and received evidence about the qualifications of Dr S from Dr P in private (i.e. the evidence did not appear on the transcript) without affording RD his right to hear the evidence and cross-examine the evidence pursuant to the general rules of procedural fairness and RD's statutory rights under clause 2 of Schedule 2 of the *Mental Health Act 1996*?
- (2) Further, is the Minister aware that members of the MHRB then returned to the review and advised RD that the MHRB was satisfied that Dr S was a psychiatrist at the time he signed the order which was the subject of the review?
- (3) If yes to (1) and (2) above, what is the Minister's advice about whether the MHRB's actions comply with the rules of procedural fairness in the MHRB's review?

Hon Helen Morton replied:

- (1)–(2) Yes.
- (3) I am advised the Board did not comply with the rules of procedural fairness.
In accordance with section 148A of the Mental Health Act 1996, a person in respect of whom the Board makes a decision or order who is dissatisfied with the decision or order may apply to the State Administrative Tribunal for a review of the decision or order.