



7 May 2020

Kristy Bourne  
Department of Justice  
Office of the Secretary  
GPO Box 825  
Hobart TAS 7001

By email to: [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)

Dear Ms Bourne

**Re: Tasmanian Civil and Administrative Tribunal Bill 2020**

The Tasmanian Branch of the Royal Australian and New Zealand College of Psychiatrists ('the Branch') thanks the Attorney General and the Department of Justice for the opportunity to comment on the proposed establishment of the Tasmanian Civil and Administrative Tribunal (TCAT).

The Branch understands that the current Mental Health Tribunal will become part of this new structure as a stream within the Protective Division. This proposal is supported by the Branch for the many reasons that have been advanced during the extensive consultation process for TCAT.

However, the Branch wishes to offer the following comments for consideration by the Attorney and Department regarding the Mental Health stream.

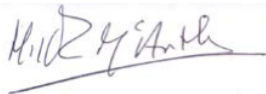
The Branch wishes to stress the statutory requirement already in place for experienced, senior consultant psychiatrists to sit on hearings for determining treatment orders, their variation, requests for Electroconvulsive Therapy (ECT) and forensic matters. Experience of the current Mental Health Tribunal hearing processes has shown the vital and necessary role psychiatric members play in helping determine matters under the Statute. The Branch would be happy to provide further input of the psychiatrist role and contribution should this be requested.

The Branch would fully support within any proposal for TCAT's structure the appointment of a dedicated Deputy President to the stream for Mental Health and associated ancillary staff. The President of the Mental Health Tribunal and staff, whilst statutorily independent from mental health services and administration, nonetheless on a daily basis provide crucial assistance in ensuring that patients are properly managed under the Mental Health Act, their rights are protected, and clinicians can function efficiently and correctly under the Act. These many responsibilities operate seven days a week, twenty-four hours per day. Such functions are onerous, very skilled and specialised and are duties which the Branch feels are a unique feature requiring such seniority to ensure proper discharge of the Mental Health Act's provisions.

The Branch would again be happy to comment further on this matter if so desired please don't hesitate to contact me via Amelia Rhodes, Policy Manager at [amelia.rhodes@ranzcp.org](mailto:amelia.rhodes@ranzcp.org) or on (03) 9601 4921.

We wish to extend our best wishes to all concerned in developing and implementing TCAT.

Yours sincerely



Dr Milford McArthur  
Chair, RANZCP Tasmanian Branch Committee