Application to deny access to documents

under section 373 of the *Mental Health and Wellbeing Act 2022*

Pursuant to section 373(1) of the *Mental Health and Wellbeing Act 2022*, a designated mental health service must give a person who is the subject of a proceeding (“the patient”) access to any documents in its possession in connection with the hearing at least **2 business days** before the hearing. Under section 373(2), an **authorised psychiatrist** may apply to the Tribunal for access to any documents referred to by section 373(1) to be denied to the patient if the psychiatrist is of the opinion that the disclosure of information in such a document may cause serious harm to the patient or to another person.

The requirements with respect to a patient’s right to access documents and applications to deny access to documents are contained in Practice Note 4 – Access to Documents in Mental Health Tribunal Hearings and Applications to Deny Access to Documents. This Practice Note and related resources are available on the Tribunal’s website.

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| --- | --- |
| **Patient name:** |       |
| **Date of hearing:** |       |
| **Mental Health Service:** |       |
| **Name of applicant:** |       |

I, the above named applicant, make an application to deny access by the above patient to the documents listed below that will be presented to the Tribunal as evidence *(list the documents; include dates, authors and the title of each document)*: [Attach additional pages if needed]

|  |  |
| --- | --- |
| 1. |       |
| 2. |       |
| 3. |       |
| 4. |       |

I base my application on the following grounds. Disclosure of information in the above document(s) may:

[ ]  cause serious harm to the patient; and/ or

[ ]  cause serious harm to another person.

|  |  |  |  |
| --- | --- | --- | --- |
| Signed by authorised psychiatrist or delegate |  | Dated: |       |

The completed application form must be returned to the Tribunal’s registry via email to **registry@mht.vic.gov.au** at least two business days before the hearing.