

Complex Case Management Procedure

A GUIDE FOR PATIENTS, DMHS AND LEGAL REPRESENTATIVES ON COMPLEX CASES

Purpose

To establish a procedure for the timely identification and management of complex cases; and to ensure that hearings proceed within legislative timeframes.

Background

The time allocated for a standard MHT hearing is up to 1 hour. This covers preparation, conduct and finalisation of the hearing. Where a hearing is expected to take longer than 1 hour due to the complexity of the legal or clinical issues involved, or some other matter, the Registry is to be advised of the nature of the complexity, expected length of hearing and any relevant case management issues.

Where the Registry is advised of a complex case in accordance with this procedure consideration will be given to allowing extra hearing time or alternatively to arrange a special fixture, depending on the urgency of the application.

What complex case advice to provide to the Registry

Where a patient, patient representative or the treating service believes that a case is complex and will require longer than the time allocated to a standard hearing, they are to provide the Principal Registrar with the following information:

- A written outline of the relevant issues;
- If the complexity relates to legal issues that will be raised by a legal representative of the patient, that representative must provide written submissions outlining the legal arguments that will be raised;
- Estimated length of time required for the hearing;
- The names of all individuals who intend to attend the hearing and their relationship to the patient;
- If the matter is regarded as urgent, the reason for the urgency;
- Availability dates of hearing participants for a possible special fixture;
- Any other relevant information which would meaningfully inform the date that the matter will be listed and the amount of hearing time to be allocated.

Last Updated: 8 July 2014

When to provide complex case advice to the Registry

Where a case has already been listed for hearing, the above details should be provided as soon as practicable, preferably not less than five (5) working days before the scheduled hearing date. Where 5 days' notice cannot be provided, the Registry may not be able to allocate extra time on the scheduled hearing date.

Where a case has yet to be listed for hearing or has been adjourned by the Tribunal, advice is to be provided as soon as practicable and in accordance with any directions given by the Tribunal.

If the relevant hearing involves an application for revocation or any other application by or on behalf of a patient, complex case advice should be provided at the time such application is filed, or as soon as practicable thereafter if this is not known at the time of filing.

How to provide complex case advice to the Registry

Any advice regarding complex cases should be provided to the Registry in writing by email to mht@mht.vic.gov.au or by facsimile on (03) 9023 3223.

Last Updated: 8 July 2014