

This factsheet is part of a series from Legal Aid NSW that aims to help answer your questions about COVID-19 and everyday law.

You may be worried or confused about how COVID-19 will affect you and your everyday life. Sometimes a crisis can make legal problems worse or new problems might develop. Legal Aid NSW understands that there will be a lot of questions about money worries, fines, police, housing, Centrelink, employment, guardianship and mental health. This series of fact sheets will give you helpful information and contacts to assist you to manage all the changes that are happening in our community.

How will I get help?

The Mental Health Advocacy Service can give you advice about:

- Your stay in a hospital.
- A community treatment order.
- How the COVID-19 changes affect you.

You can still get help from a lawyer. This will happen by audio-visual link or telephone. Tribunals and lawyers will not visit you in hospital.

For free legal help contact the Mental Health Advocacy Service at Legal Aid NSW on 9745 4277.

How will decisions be made about what happens to me during the COVID-19 period?

The Guardianship Division of NSW Civil and Administrative Tribunal (NCAT) and the Mental Health Review Tribunal are still holding hearings and making decisions about:

- Detention in hospital.
- Community treatment orders.
- Financial management and guardianship.

But the laws have changed and the Tribunals are working in a different way.

What is happening at the Mental Health Review Tribunal?

If you are detained in a hospital under the Mental Health Act, you will be offered free access to a lawyer. A lawyer will contact you by phone before your hearing and represent you at the hearing by phone or audio-visual link and in person at some hospitals when you have your first hearing. The Tribunal:

- Will hold a hearing between 21 and 35 days after your admission to hospital, rather than the usual 10 to 14 days.
- Will hold another hearing within 3 months if the doctors want to continue your detention in hospital.
- Usually does not conduct any further hearings if the doctors want to continue your detention in hospital.

Doctors must discharge you from hospital if they believe you are well enough, and you have a safe place to go.

If you need treatment for your mental illness but can be discharged from hospital or remain in the community, the Tribunal can:

- Make a community treatment order.
- Extend an existing community treatment order for 3 months after it has expired without holding a hearing.

What is happening at the Guardianship Division of NCAT?

- Some hearings will be postponed until the COVID-19 period has passed.
- Most hearings will happen by telephone.
- If a lawyer has been helping you, they will contact you by phone before your hearing.

How can I get help?

For free legal help call 1300 888 529 or [call your local Legal Aid NSW office](#).

You can contact the Mental Health Advocacy Service at Legal Aid NSW on 9745 4277.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.