



MAGISTRATES COURT
OF THE
AUSTRALIAN CAPITAL TERRITORY

NOTICE TO PRACTITIONERS

Arrangements for referral of defendants to ACAT on mental health grounds

From 14 September 2026, updated arrangements will apply in the ACT Magistrates Court and the ACT Civil and Administrative Tribunal (**ACAT**) in relation to the referral of defendants in criminal matters to ACAT for the purpose of investigations and/or orders under the *Mental Health Act 2015*.

The updated arrangements will apply to orders for referral to ACAT of defendants pursuant to Part 13 of the *Crimes Act 1900* (ACT) or s 20BQ of the *Crimes Act 1914* (Cth), except where the Court remands the defendant in custody for review by ACAT (see below).

Information to be provided for purposes of referral to ACAT

To facilitate the timely and effective referral of subject persons to ACAT, and their “surrender to the jurisdiction” of ACAT (see below), practitioners representing a person applying for an order of referral are required to provide the Court with a completed and signed version of Annexure A, including:

- the subject person’s accurate, up-to-date contact information (preferably postal address, mobile number and email details);
- details of any ongoing legal representation of the subject person; and
- (where applicable) details of any guardian or other support person who the subject person wishes to be kept informed about the ACAT proceedings.

(See further **Annexure A**).

At the time an order of referral is made, the subject person will be advised of the date on which their first directions hearing before ACAT will take place (see below) and will be given an information sheet setting out details of the process (see **Annexure B**).

First directions hearing at ACAT

Where the Court refers a person to ACAT for the purpose of investigations and/or orders under the *Mental Health Act 2015*, the Court will also formally order that the person is required to “surrender to the jurisdiction of ACAT”.

To facilitate this process, ACAT will list a first directions hearing for each person referred to it **on the morning of the next Tuesday which is at least one clear week after the final Magistrates Court mention**. The listing will usually be at 10.00am but where there is more than one order of referral in

a particular week the directions hearings will be listed at fifteen-minutes intervals. ACAT will send the person a listing notice which confirms the date and time of the first directions hearing.

The first directions hearing will be short (about 15 minutes), and the subject person will be permitted to attend either in person or by AVL. At the first directions hearing the subject person will be informed by ACAT of the likely next steps.

ACAT will inform the Magistrates Court if a person fails to attend the first directions hearing.

New arrangements do not apply to review by ACAT of custody of defendant

The arrangements set out in this Notice will not apply where the Court, having found an alleged offender not guilty by reason of mental impairment, remands the person in custody for immediate review by ACAT (see *Crimes Act 1900*, ss 328, 329). ACAT is required to review matters of this type within 7 days, and existing arrangements will continue to apply.

No change to usual directions for hearing of s 334 applications

This Notice to Practitioners is to be read with the Practice Direction for Adult Criminal Matters, and the usual directions for hearing of an application under s 334 of the *Crimes Act 1900* which continues in operation.



Helen Banks
Registrar
ACT Magistrates Court

8 September 2026

ANNEXURE A

INFORMATION FOR PROPOSED REFERRAL OF DEFENDANT TO ACAT

DEFENDANT'S DETAILS FOR FUTURE CONTACT BY ACAT	POSTAL ADDRESS	
	PHONE NUMBER:	
	EMAIL ADDRESS:	
	(if applicable) LAWYER NAME & CONTACT DETAILS	
GUARDIAN DETAILS	NAME	
	PHONE NUMBER:	
	EMAIL ADDRESS:	
SUPPORT PERSON (PLEASE COMPLETE "CONSENT TO SHARE INFORMATION" AS APPROPRIATE)	NAME	
	PHONE NUMBER:	
	EMAIL ADDRESS:	

Signature of defendant/defendant's
legal representative

Date

Consent to share information

I, (full name) _____ give consent to ACAT to tell the following person(s) about the Court referral or hearings or orders it makes because of the referral (for example, ACAT may tell the person/s about the date or time of a hearing about me or an appointment with a psychiatrist that I am ordered to attend):

Person 1

Full name	
Email address	
Postal address	
Relationship to me	

Person 2

Full name	
Email address	
Postal address	
Relationship to me	

My signature

Date



Referral to ACAT Information Sheet

Next Steps

The Court has referred your matter to ACAT.

The Court will have advised you of a date that that your matter is likely to be listed at ACAT. This will usually be on a Tuesday morning.

Once ACAT receives the referral from the Court, ACAT will contact you to provide you with a formal listing notice confirming the date and time of a first directions hearing.

The directions hearing will be a short listing (usually about 15 minutes). If you prefer you can attend the directions hearing remotely (<https://www.acat.act.gov.au/remote>).

The purposes of the directions hearing are:

- for you to submit to the jurisdiction of ACAT (as required under the *Crimes Act 1990*);
- to confirm your contact details; and
- to explain the ACAT process and advise you of the next steps.

It is very important that you attend the directions hearing (either in person or remotely). You should check your mail regularly to ensure you don't miss details confirming when the directions hearing is to take place.

What if I haven't heard anything about my referral?

If you haven't heard from ACAT within 1 week of being referred, please contact the ACAT by:

- email at acatmentalhealth@act.gov.au;
- phone on 6207 1740; or
- in person at 15 Constitution Avenue, Canberra ACT 2601.

More information about ACAT can be found at <https://www.acat.act.gov.au>.

Date of my directions hearing: