

Does the information provided under an order need to remain confidential?

Information provided under the order must not be disclosed for public dissemination. If information is disclosed publicly, the order may be revoked. Approved persons who share information received with family and close friends should ensure these people are aware that the order may be revoked if information is publicly disseminated.

How long does the order last?

An order will remain in effect until the patient's classified status ends. The classified status ends when:

- ◉ the patient is granted bail
- ◉ the patient is returned to custody
- ◉ a decision about the charge/s is made by the Mental Health Court or the Director of Public Prosecutions

The order also ends when:

- ◉ the approved person requests the order be revoked
- ◉ the patient or the approved person dies
- ◉ the Director of Mental Health revokes the order (for example, as a result of public disclosure).

The Director of Mental Health may revoke a classified patient information order however, before revoking the order, the Director must:

- ◉ give the approved person written notice stating the grounds on which the order is proposed to be revoked and
- ◉ give the approved person a reasonable opportunity to make a submission about why the order should not be revoked.

What happens after the application is submitted?

The application is sent to the Director of Mental Health for consideration.

Queensland Health staff may seek further information or clarification from the Office of the Director of Public Prosecutions, the Queensland Police Service, or Queensland Corrective Services. The Director of Mental Health may also ask the QHVSS to contact the applicant if further information is required to support the application.

When a decision is made by the Director of Mental Health, the applicant is contacted by the QHVSS. If the applicant is not satisfied with the Director of Mental Health's decision, the applicant may request a review of the decision. Information about how to request a review is available from the QHVSS.

Further information

Further information about Classified Patient Information Orders can be provided by the QHVSS:

Phone: 1800 208 005

Email: Victim_Support@health.qld.gov.au

Website: www.health.qld.gov.au/qhvss

Information about

Classified Patient Information Order

Mental Health Act 2000
Section 318C

What is a Classified Patient Information Order?

A Classified Patient Information Order enables an approved person to receive information about a classified patient (a patient admitted to an inpatient mental health service from court or custody). Information provided to an approved person is limited to matters authorised in the *Mental Health Act 2000*.

Who can apply?

An application for a Classified Patient Information Order can be made by:

- ◉ the direct victim of an offence for which the classified patient is charged
- ◉ if the direct victim is a minor or has a legal incapacity – the direct victim’s parent or guardian
- ◉ if the direct victim has died as a result of the offence – an immediate family member of the direct victim or
- ◉ a person who, immediately before the patient becoming a classified patient, was an eligible person in relation to the patient under *Corrective Services Act 2006*.

How does someone apply for an information order?

A person who wishes to apply for an order must complete an application form.

Assistance with completing the application can be provided by the Queensland Health Victim Support Service (QHVSS).

Completed applications can be forwarded to the Director of Mental Health.

Who decides the application?

Applications are decided by the Director of Mental Health. In deciding an application, the Director must consider whether disclosing information under an order would cause serious harm to the patient’s health or put the safety of any person at risk.

What is the Queensland Health Victim Support Service?

The QHVSS is a statewide service that provides information and support to victims of mentally ill offenders. The QHVSS operates independently of the Director of Mental Health’s office. Information given under an order is provided by the QHVSS. Preferences for receiving information (for example, face-to-face or by letter) can be discussed with the QHVSS.

What information can be provided?

An approved person can be informed of the following matters:

- ◉ the patient’s admission to an inpatient mental health service as a classified patient
- ◉ an approval, or withdrawal of approval, for limited community treatment for the patient
- ◉ conditions of limited community treatment that are relevant to the safety of:
 - the approved person or
 - if the approved person is a parent or guardian of a direct victim – the direct victim
- ◉ the patient’s absence without permission, or return from absence, if the fact of the absence is relevant to:
 - the approved person or
 - if the approved person is a parent or guardian of a direct victim – the direct victim
- ◉ the patient’s transfer from one mental health service to another, and the date of the transfer
- ◉ the patient has ceased to be a classified patient, and the reason and date the patient ceased to be a classified patient.

Can someone else receive the information on the approved person’s behalf?

Information can be given directly to an approved person or another person nominated by the approved person. An approved person can change their nominee at any time, or decide not to have a nominee.

If another person is nominated, the QHVSS will provide information under the order to the nominee. However, information must be provided directly to the approved person in certain circumstances (for example, if the order is revoked).

Are the applicant’s details securely maintained?

Applications and the applicant’s details are securely held at the Director of Mental Health’s office and at the QHVSS.

Will the classified patient be notified?

The Director of Mental Health is required to inform the patient about an application, and the decision about the application. However, the patient is not informed if the Director believes that this would have adverse effect on the health of either the applicant or the patient, or put the safety of any person at risk.

If an applicant has concerns about information being given to the patient, these concerns should be discussed with the QHVSS.