

Classified patient information orders and forensic patient information orders

Fact sheet 9

Chapter 7A of the *Mental Health Act 2000* establishes processes relating to:

- ⊙ Classified patient information orders (CPIO) and
- ⊙ Forensic patient information orders (FPIO).

These provisions aim to ensure that victims have continued access to relevant information when a person with mental illness is diverted from the criminal justice system to the mental health system under the *Mental Health Act 2000*.

Classified patient information orders (CPIO)

How is a CPIO made?

The Director of Mental Health determines applications for CPIOs. A CPIO may be made in relation to a classified patient charged with an offence or a classified patient serving a sentence of imprisonment.

Who is eligible to apply for a CPIO?

If the classified patient is charged with an offence, application may be made by:

- ⊙ a direct victim of the alleged offence
- ⊙ the direct victim's parent or guardian, if the direct victim is a minor or has a legal incapacity
- ⊙ an immediate family member of the direct victim, if the direct victim has died as a result of the alleged offence.

If the classified patient is serving a sentence of imprisonment, application may be made by a person who is registered to receive information about a prisoner under the *Corrective Services Act 2006*.

What information can be provided?

Information that can be provided under a CPIO includes notification of:

- ⊙ the patient's detention as a classified patient
- ⊙ the Director's approval or withdrawal of approval for limited community treatment for the patient, and conditions of limited community treatment relevant to the person's safety
- ⊙ the patient's absence without approval or return from absence without approval
- ⊙ the patient's transfer to another authorised mental health service
- ⊙ the cessation of classified patient status, and the reason and date of the cessation.

The Act also prohibits certain information being given under a CPIO. For example, the patient's residential details and information about the patient's treatment and care cannot be given.

Forensic patient information orders (FPIO)

How is a FPIO made?

The Mental Health Review Tribunal determines applications for FPIOs.

Who is eligible to apply for a FPIO?

The following people have an automatic entitlement to apply for a FPIO:

- ⊙ a direct victim of an alleged offence
- ⊙ the direct victim's parent or guardian, if the direct victim is a minor or has a legal incapacity
- ⊙ an immediate family member of the direct victim, if the direct victim has died as a result of the alleged offence.

In addition, a person may apply for an FPIO if the Tribunal is satisfied that the person has sufficient personal interest in being given information about the patient.

What information can be provided?

Information that can be provided under a FPIO includes notification of the following:

- ⊙ that a Tribunal review of the patient's forensic order is to be carried out
- ⊙ the revocation or confirmation of the forensic order for the patient, an order approving or revoking an approval for limited community treatment for the patient, and conditions of limited community treatment relevant to the person's safety
- ⊙ the patient's absence without approval or return from absence without approval
- ⊙ the patient's transfer to another authorised mental health service
- ⊙ the patient's transfer under an interstate agreement or approval to move out of Queensland
- ⊙ the cessation of forensic patient status, and the reason and date of the cessation.

The Act also prohibits certain information being given under a FPIO. For example, the patient's residential details and information about the patient's treatment and care cannot be given.

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Classified and forensic patient information registers

What are the classified patient and forensic patient information registers?

The person for whom a CPIO or FPIO is made is registered on the classified patient or forensic patient information register. The information registers are established in the Mental Health Act Information System.

The Director of Mental Health administers the information registers and is responsible for providing information to registered persons. In practice, information is conveyed to registered persons through the Queensland Health Victim Support Service.

The Queensland Health Victim Support Service is a statewide service that provides information and support to victims of mentally ill offenders.

What are the safeguards to protect patient information?

A person registered to receive information under a CPIO or FPIO must sign an undertaking to not disclose information for public dissemination.

The person is able to discuss information with individuals in their personal support network. However, broad disclosure of information (for example, through the media or internet) constitutes grounds for the order to be revoked.

If an applicant nominates another person to receive information on their behalf, the nominee must also sign the undertaking.

Further information

Queensland Health Victim Support Service

Phone: 1800 208 005

Mental Health Act Liaison Officer

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Queensland Health
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