

Role of the Court Liaison Service in the Magistrates Court

The *Mental Health Act 2016* gives powers to the Magistrates Court to dismiss complaints for simple offences, if the court is reasonably satisfied, on the balance of probabilities, that the person charged with the offence was, or appears to have been, of unsound mind when the offence was committed, or is unfit for trial.

The Magistrates Court may also adjourn the hearing of a complaint of a simple offence if the court is reasonably satisfied, on the balance of probabilities, that the person charged with the offence is temporarily unfit for trial.

What is the Court Liaison Service?

The Court Liaison Service is part of Queensland Health. One of its key roles is to see people to assist the Magistrates Court to determine if a person was, or appears to have been, of unsound of mind at the time of committing an alleged offence or is unfit for trial.

When should I see the Court Liaison Service?

If you have been charged with an offence and you have, or may have, a mental illness or intellectual disability, you may see the Court Liaison Service for an assessment.

What happens when I see the Court Liaison Service?

A Court Liaison Officer, who will be a psychologist, psychiatrist, nurse, social worker or occupational therapist, will talk to you about your mental illness or intellectual disability.

The Court Liaison Officer will make an assessment regarding your mental

condition which may include an assessment of your state of mind at the time of allegedly committing an offence and fitness for trial.

What happens after I've been assessed?

The Court Liaison Officer may:

- if you have a mental illness - make a recommendation or referral to a doctor at an Authorised Mental Health Service, Prison Mental Health Service, your General Practitioner or other service to be further assessed or provide treatment and care
- if you have an intellectual disability - make a referral to a service for you to be assessed for any supports or services that may be available to you, and/or
- prepare a report for the Magistrates Court which will provide advice about your mental illness or intellectual disability and may provide advice in relation

to unsoundness of mind and fitness for trial.

How can the Court Liaison Service report be used?

Any report about an assessment, unsoundness of mind or fitness for trial will be provided to you (or to your lawyer if you have one), the prosecutor and the Magistrate.

The report will be used to assist the Court in determining if you were, or appeared to have been, of unsound mind when you allegedly committed the offence or if you are unfit for trial.

Any oral or written statements made by the person in the process of an examination are not admissible in any criminal or civil proceedings, except:

- where the proceedings relate to charges of contempt of court, or an offence relating to the administration of justice (Chapter 16 of the Criminal Code), or
- in a proceeding before the Mental Health Court.

In all other circumstances where a report or oral or written statement is received in evidence, it can only be used with permission from the Court.

The report will be saved to your Queensland Health patient clinical record.

What's an Examination Order?

An Examination Order made by a Magistrate under the *Mental Health Act 2016* authorises an authorised doctor to undertake an examination of a person without their consent.

See the *Frequently Asked Questions for Examination Orders*.

More information Mental Health Act 2016
www.health.qld.gov.au/mental-health-act

Legal Aid Queensland can be contacted on 1300 65 11 88.

www.legalaid.qld.gov.au/Home

Contact your local mental health service 1300 MH CALL (1300 642255)

www.qld.gov.au/health/mental-health/help-lines/services

Resources

Factsheet: [Magistrates Court](#)

Factsheet: [Examinations and assessments](#)

Frequently Asked Questions [Examination Orders](#)