

# Victim Information: Information Notices

## What is an Information Notice?

An Information Notice allows the Chief Psychiatrist to provide specific information about a patient on a forensic order or a treatment support order, to a victim or other person affected by an unlawful act.

## Can I apply for an Information Notice?

You can apply for an Information Notice if you are:

- the direct victim of the unlawful act(s)
- a close relative of the direct victim including:
  - the victim's spouse; or
  - a child, grandchild, parent, brother, sister, grandparent, aunt or uncle of the victim or the victim's spouse.
- a person who has suffered harm as a result of the unlawful act(s) and has sufficient personal interest in receiving information about the relevant patient.

## How do I apply for an information notice?

You must complete an *Application for Information Notice* form available on the Queensland Health Mental Health Act website. If you require assistance with completing the application, please contact the Queensland Health Victim Support Service (QHVSS).

Send your completed application and all required documentation to the Chief Psychiatrist, as per the instructions on the form.

## What happens after my application is submitted?

The Chief Psychiatrist will make a decision on your *Application for Information Notice* within 14 days of receiving the application (if you are the direct victim or close relative of the direct victim) or within 28 days of receiving the application (if you are a person with sufficient personal interest).

In deciding your application, the Chief Psychiatrist must confirm that you meet the eligibility criteria set out in the Act, and consider whether disclosing information under the Information Notice would cause serious harm to the patient's health or put the safety of any person at risk.

Once a decision is made by the Chief Psychiatrist, notification of the decision will be provided to you via the QHVSS.

If you do not agree with the Chief Psychiatrist's decision, you may appeal to the Mental Health Review Tribunal (Tribunal) against the decision within 28 days of receiving the decision (refer to information about appeals below).

## What is the Queensland Health Victim Support Service?

The QHVSS is a state-wide service that provides information and support to victims of mentally ill offenders. The QHVSS operates independently of the Office of the Chief Psychiatrist. The Chief Psychiatrist provides all information under an Information Notice via the QHVSS. Preferences for how you would like to receive information (for example, face-to-face or by letter) can be discussed directly with the QHVSS.

More information is available on the QHVSS website at [www.health.qld.gov.au/qhvss](http://www.health.qld.gov.au/qhvss).

## What information will I receive?

Information provided under an Information Notice includes:

- when a review of the patient's treatment order and/or fitness for trial is going to be carried out by the Tribunal
- the Tribunal's decision on review to confirm (continue) or revoke (cancel) the patient's forensic order or treatment support order
- the Tribunal's decision on review of the patient's fitness for trial
- whether approval has been given for the patient to have some or all of their mental health treatment outside the hospital (i.e. in the community)
- if the Tribunal decides to increase the level of the patient's mental health treatment in the community, the Tribunal will provide reasons for this decision
- any conditions made by the Tribunal in relation to the order (if relevant to the safety and welfare of the approved person i.e. victim or other person)
- if an appeal has been made to the Mental Health Court for a decision made by the Tribunal including the nature of the appeal
- when an appeal hearing is due to take place and notification of the Mental Health Court's decision on the appeal
- if the patient has been transferred from one mental health service to another or to the forensic disability service
- that the patient is required to return to a stated mental health service
- that the patient has returned to the mental health service
- when a hearing is scheduled for a patient's application to transfer to an interstate mental health service
- that the patient's order has ended because the patient has transferred to an interstate mental health service
- that the Tribunal has revoked the patient's order and the reason for the revocation.

## Can someone else receive the information on my behalf?

All information provided by the Chief Psychiatrist under an Information Notice is communicated via the QHVSS. You may nominate another person to receive information on your behalf. Your nominee is entitled to receive the information only for the purpose of providing the information to you as the approved person under the Information Notice.

You may nominate a person to receive the information when you apply for an Information Notice by completing the relevant section on the *Application for Information Notice* form. You can also request a nominee at any time after the Notice is made via the *Amendment of Notice to Change Applicant's Nominee* form.

You may nominate one person at a time to receive information on your behalf. You can change your nominee at any time by submitting the *Amendment of Notice to Change Nominee* form. If you already have a person registered to receive information under the Notice, the new nomination will supersede any previous nomination. You may also decide at any time that you no longer wish your nominee to receive the information on your behalf via written request to the QHVSS.

If you decide to nominate a person to receive information on your behalf, the QHVSS will provide all information under the Notice to your nominee. However, in certain circumstances, information must be provided directly to you. For example, if the Notice is revoked (cancelled), the Chief Psychiatrist must provide written notice to you and your nominee.

## Will the patient be told about my application?

The Chief Psychiatrist must NOT tell the relevant patient that the Information Notice has been made. However, you may request that the relevant patient is told that an Information Notice has been made with or without identifying you. If you request that the patient is notified of the Notice, the Chief Psychiatrist must first decide whether telling the patient is appropriate.

## Do I need to keep the information provided to me confidential?

All information provided to you or your nominee under the Information Notice must remain confidential. If information is shared with the public (e.g. published on social media) the Information Notice may be cancelled and a fine may be issued.

## How long does the Information Notice last?

The Chief Psychiatrist must cancel the Information Notice in the following circumstances:

- the patient's forensic order or treatment support order ends
- the approved person requests that the Notice be cancelled
- disclosure of information under the notice is likely to result in serious harm to the patient's health or welfare or put the safety of the patient or someone else at serious risk
- the patient has been transferred to an interstate mental health service
- the patient or the approved person dies.

It is important that you keep your contact details up to date. If the QHVSS, after making reasonable efforts, is unable to contact you, the Chief Psychiatrist may decide to revoke the Information Notice.

The Chief Psychiatrist may also decide to cancel the Information Notice if information under the Notice has been disclosed to the public. In this case, the Chief Psychiatrist will provide a reasonable opportunity for a submission to be made about why the Notice should not be cancelled. Information on how to make a submission is available from the QHVSS.

## What happens after the Information Notice ends?

When an Information Notice is cancelled, the Chief Psychiatrist must provide a written notice of the decision within 7 days of the decision being made, including reasons why the Notice has ended.

If you do not agree with the Chief Psychiatrist's decision, you may appeal to the Tribunal against the decision within 28 days (refer to information about appeals below).

While you are no longer able to receive patient information, you may wish to remain in contact with the QHVSS for general information about the mental health legal system and other support services.

## How do I appeal a Chief Psychiatrist decision?

An appeal is started by filing a *Notice of Appeal* with the Tribunal within 28 days of receiving the written decision from the Chief Psychiatrist. The appeal must be in the approved form and state in full the reasons for which the appeal is made. The appeal may be lodged by mail or emailed to the Tribunal.

Mail: PO Box 15818, City East Brisbane QLD 4002

Email: [enquiry@mhrt.qld.gov.au](mailto:enquiry@mhrt.qld.gov.au)

Website: [www.mhrt.qld.gov.au](http://www.mhrt.qld.gov.au)

Phone: 3235 9059 or free call 1800 00 6478 (1800 00 MHRT)

Further information on how to make an appeal is available from the QHVSS.

## What if the alleged offender has an intellectual disability?

Persons with intellectual disability or mental illness can be treated and cared for under the *Mental Health Act 2016*. However a small number of people with intellectual disability residing in the Forensic Disability Service are cared for under the *Forensic Disability Act 2011*. Decisions about release of information to victims for these people are made by the Director of Forensic Disability, not the Chief Psychiatrist.

Further information about making an *Application for Information Notice – Forensic Disability Service* to the Director of Forensic Disability is available from the QHVSS.

## Further information

Further information about Information Notices can be provided by the QHVSS.

Phone: 1800 208 005

Email: [Victim.Support@health.qld.gov.au](mailto:Victim.Support@health.qld.gov.au)

Website: [www.health.qld.gov.au/qhvss](http://www.health.qld.gov.au/qhvss)

## Glossary of Terms

AMHS	Authorised Mental Health Service
Act	<i>Mental Health Act 2016</i>
QHVSS	Queensland Health Victim Support Service
Tribunal	Mental Health Review Tribunal

## Referenced Forms, Clinical Notes and Templates

<a href="#">Application for Information Notice form</a>
Application for Information Notice – Forensic Disability Service ( <i>pending</i> )
Amendment of Notice to Change Nominee form ( <i>pending</i> )
Notice of Appeal form – available from <a href="#">MHRT Website</a>

## Referenced Documents & Sources

<a href="#">Fact Sheet: Support for Victims</a>
<a href="#">Fact Sheet: Forensic Orders</a>
<a href="#">Fact Sheet: Persons with an Intellectual Disability</a>
<a href="#">Fact Sheet: Mental Health Court</a>
<a href="#">Queensland Health Mental Health Act website</a>
<a href="#">Queensland Health Victim Support Service (QHVSS) website</a>
<a href="#">Mental Health Court website</a>
<a href="#">Mental Health Review Tribunal website</a>
<a href="#">Mental Health Act 2016</a>
<a href="#">Forensic Disability Act 2011</a>