

## Victim information – Classified patients

Under the *Mental Health Act 2016* the Chief Psychiatrist may disclose particular information to a victim or other person affected by an unlawful act relating to a person admitted to an authorised mental health service from a court or place of custody (classified patient).

### Who is a victim?

The *Mental Health Act 2016* (the Act) defines a victim, of an unlawful act, as a person against whom an unlawful act was committed or allegedly committed.

### How does the Act recognise victims?

The Act establishes a set of principles which a person performing a function under the Act must have regard to.

The principles include:

- the physical, psychological and emotional harm caused to the victim by the unlawful act must be recognised with compassion
- the benefits of counselling, advice on the nature of proceedings under the Act and other support services to the recovery of the victim from the harm caused by the unlawful act must be recognised, and
- the benefits to the victim of being advised in a timely way of proceedings under the Act against a person in relation to the unlawful act must be recognised.

### Who can apply for classified patient information?

An application for classified patient information may be made by:

- a victim of an unlawful act committed by a person who is a classified patient
- a close relative of the victim, and
- another person who has suffered harm because of the unlawful act.

The Chief Psychiatrist may provide the applicant with particular information about the relevant patient while they remain admitted as a classified patient in an authorised mental health service.

*An Application for Classified Patient Information* must be submitted via the Queensland Health Victim Support Service.



## What is the Queensland Health Victim Support Service (QHVSS)?

The QHVSS is a free statewide service that provides specialised counselling, support and information to victims of crime when the offender has been assessed as having a mental illness or intellectual disability.

Information provided by the Chief Psychiatrist is given to approved applicants via 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 happens after an application is submitted?

The Chief Psychiatrist will make a decision on an *Application for Classified Patient Information* as soon as possible after receiving the application.

In deciding the application, the following is considered:

- that the applicant meets the eligibility criteria set out in the Act, and
- whether disclosing information would cause serious harm to the patient's health or put the safety of any person at risk.

Once a decision is made, notification of the decision will be provided to the applicant via the QHVSS.

## What information is provided?

Information provided while the person remains a classified patient includes:

- that the person has been admitted to an authorised mental health service as a classified patient
- if the person has been transferred from one authorised mental health service to another
- that the person is required to return to an authorised mental health service (if relevant to the approved applicant's safety and welfare)
- that the person has returned to the authorised mental health service (if the notice of the absence was given)
- that the person is no longer a classified patient and the reasons why the classified status ended.

## Can someone else receive the information on behalf of an eligible person?

An eligible person may nominate someone else to receive information on their behalf. The nominee is entitled to receive the information only for the purpose of providing it to the approved applicant.

An eligible person may nominate someone else to receive the information at the time they make the application or at any time after the approval is given (until the patient is no longer a classified patient).

The approved applicant may cancel the nominee at any time via written request to the QHVSS if they no longer want them to receive information on their behalf.

The QHVSS will provide all information to the nominee. However, in certain circumstances, information must be provided directly to the approved applicant.

For example, if the Chief Psychiatrist determines information can no longer be provided, a written notice must be provided to the approved applicant and their nominee.

### **What confidentiality provisions apply?**

The Chief Psychiatrist (or other person performing a function under the Act) will not disclose any details about a victim's application for information to the classified patient.

In addition, the person receiving the information must undertake to preserve the confidentiality of the information provided to them.

If information is shared with the public (e.g. published on social media) the Chief Psychiatrist will stop providing information and a fine may be issued.

### **When does information stop being provided?**

The Chief Psychiatrist must stop providing information about the classified patient in the following circumstances:

- the patient's admission as a classified patient ends
- the approved person requests that they no longer receive the information
- disclosure of information 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 risk
- the patient or the approved person dies

The Chief Psychiatrist may also decide to stop providing the information if the approved applicant has contravened the confidentiality obligations under the Act i.e. information has been disclosed to the public.

A 'show cause' process applies to these revocations which means the person will be provided a reasonable opportunity for a submission to be made about why the information should continue to be provided.

If the QHVSS, after making reasonable efforts, is unable to contact the approved applicant, they may notify the Chief Psychiatrist that information is no longer able to be provided.

If the Chief Psychiatrist decides to stop providing information about a classified patient, a written notice is provided within 7 days of the decision being made, including reasons for the decision.

While no longer able to receive patient information, the person may wish to remain in contact with the QHVSS for counselling, information about the mental health and legal systems and other support services.

### **Useful Links**

#### **Mental Health Act 2016**

[www.health.qld.gov.au/mental-health-act](http://www.health.qld.gov.au/mental-health-act)

#### **Queensland Health Victim Support Service**

Phone: 1800 208 005

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

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

### **Resources**

Form: [Application for Classified Patient Information](#)

Factsheet: [Support for Victims](#)

Factsheet: [Classified patients](#)