



Information Sheet – for Patients

Confidentiality Orders

This information is to assist you if there is a request for a Confidentiality Order over some information or documents to be considered by the Mental Health Review Tribunal (the Tribunal) at a hearing.

What is a Confidentiality Order?

The *Mental Health Act 2016* entitles a patient to access information and documents the Tribunal has received UNLESS there is a Confidentiality Order that prohibits or restricts a patient from having access.

A Confidentiality Order may be made in relation to:

- a) information given before the Tribunal;
- b) matters contained in documents filed with, or received by, the Tribunal;
- c) the reasons for the Tribunal's decision on a proceeding.

What happens when the Tribunal receives a Request for a Confidentiality Order?

When the Tribunal receives a Request for a Confidentiality Order, a lawyer will be appointed to represent you to protect your interests. This lawyer is at no cost to you. The request for a Confidentiality Order and the information/document that is the subject of the request will be provided to your lawyer. The information/document will not be provided to you.

What happens at the hearing of the request for a Confidentiality Order?

The hearing in relation to the request for a Confidentiality Order will take place prior to your hearing to review your Order or Authority.

Your lawyer will attend the Confidentiality Order part of your hearing on your behalf as you will be unable to attend while the making of the Confidentiality Order is decided. You and your lawyer may then attend the review part of your hearing once the decision in relation to a Confidentiality Order has been made.



What decisions can the Tribunal make in relation to a Request for a Confidentiality Order?

The Tribunal will decide whether to make the Confidentiality Order or to refuse to make the Confidentiality Order.

The Tribunal may make a Confidentiality Order if satisfied the disclosure of the information/document would:

- (a) Cause serious harm to the health of the patient; or
- (b) Put the safety of someone else at serious risk.

The Tribunal may also make a Confidentiality Order in relation to any statement of reasons arising from the hearing.

If a Confidentiality Order is made, the information/document that is the subject of the Confidentiality Order is not given to you or discussed at your review hearing. You will always be unable to access this information.

If a Confidentiality Order is not made, there may be an adjournment of the review hearing to allow you the opportunity to access the information/document and respond to it. Alternatively, the person who requested the Confidentiality Order may withdraw the information/document so it is not to be considered by the Tribunal.

Where can I get more information about Confidentiality Orders?

Further information about Confidentiality Orders can be found at www.mhrt.qld.gov.au or you can contact the Tribunal on telephone 07 3338 8300, or via email enquiry@mhrt.qld.gov.au .