

INFORMATION SHEET

Forensic Order Reviews

This information is to assist you if you have been ordered to receive treatment and care under a Forensic Order (FO).

If you are under a FO (inpatient category), you will be receiving your treatment and care in hospital. If you are under a FO (community category), you will be receiving your treatment and care as an outpatient.

The Tribunal must review your FO:

- a) within 6 months of the order being made; and
- b) at intervals of not more than 6 months after the review under a) above.

You can also apply to have your order reviewed at any time. If you would like, someone else can apply on your behalf.

How will I know when my Tribunal hearing is?

The Tribunal will provide you with a written notice advising when and where your hearing will be held. Hearings are generally held at your local mental health service. Your hearing may be held in person, via the telephone or via videoconference facilities.

What happens before my hearing?

The Tribunal's notice of hearing will include a 'self report' form. You may wish to complete this report prior to the hearing to help you express your views to the Tribunal.

You may also wish to speak with your nominated support person/s or other people in your support network about attending the hearing with you.

You can also organise legal representation if you wish. However, if the Attorney-General is going to be represented at your hearing, the Tribunal will appoint a lawyer for you, at no cost to you. The lawyer will contact you before the hearing to discuss your matter.

At least 7 days before the hearing, your treating team will also give you a copy of a clinical report which will be discussed at the hearing. You should take the time to read this report and if you have any questions about the report, you can speak to your treating team (eg your case manager or doctor).

What happens at hearing?

The Tribunal usually consists of three members – a legal member, a medical member and a community member (a person who is not a lawyer or a doctor but has the necessary skills and experience in exercising the Tribunal's jurisdiction), but there may be more members in some cases.

A member/s of your treating team will attend the hearing and they will be asked to give their opinion about your illness and your progress/recovery.

A lawyer for the Attorney-General may also be in attendance at your hearing to represent the public interest.

You will also have the opportunity to ask questions and give your opinion about your matter. The Tribunal may also ask you some questions.



You may also be represented at your hearing by a nominated support person, a lawyer or another person and these people may speak on your behalf. You can also be accompanied by one member of your support network, or more, if the Tribunal allows.

What decisions can the Tribunal make?

After reading the clinical report and listening to all the information at the hearing, the Tribunal will make a decision whether to confirm (continue) your FO or revoke (stop) your FO. The Tribunal may also make orders about what category your FO should be, what conditions should be placed on your order, whether you should have limited community treatment (leave from the hospital) and any other orders the Tribunal considers appropriate. This includes revoking the FO and making a Treatment Support Order (TSO) or a Treatment Authority (TA) in certain circumstances.

When making their decision, the Tribunal must have regard to:

- a) your relevant circumstances. This includes mental state and psychiatric history, any intellectual disability, social circumstances, response to treatment and care and willingness to receive appropriate treatment and care, and any response to previous treatment in the community;
- b) the nature of the unlawful act/s which is/are the subject of the FO and the period of time that has passed since the act happened;
- c) any victim impact statement; and
- d) your willingness to participate in any intervention program/s recommended by the Mental Health Court.

Having regard to these factors, the Tribunal must confirm the FO if the Tribunal considers the FO is necessary, because of your mental condition, to protect the safety of the community from the risk of serious harm to other persons or property.

What happens after my hearing?

In most cases, the Tribunal will tell you what their decision is at the hearing.

In all cases, you will receive a written notice advising of the Tribunal's decision.

If you would like to know the reasons for the Tribunal's decision, you can request a written statement of reasons. Details of how to request reasons are on the back of the written notice of decision or you can contact the Tribunal for further information.

You may also wish to appeal the Tribunal's decision to the Mental Health Court. Further information regarding appeals can be obtained by contacting the Court Registry (details below)

Where can I get more information?

If you would like further information about your treatment and care, you should speak with your treating team.

If you need further information about your hearing, you can contact the Tribunal on telephone 07 3338 8300, at enquiry@mhrt.qld.gov.au or at www.mhrt.qld.gov.au

If you would like further information about appeals, the Mental Health Court Registry can be contacted on telephone 07 3082 0554, email RegistrarMHC@health.qld.gov.au or at <http://www.courts.qld.gov.au/courts/mental-health-court>

Further information regarding your rights as a patient can be found at <https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/clinical-staff/mental-health/act/topics/patient-rights>