



Victim Impact Statements (VIS) before the Mental Health Review Tribunal (MHRT)

Quick Reference Guide

Who can provide a VIS to the MHRT?

- The victim of an unlawful act which was committed or allegedly committed; or
- A close relative of a victim (the victim's spouse and a child, grandchild, parent, sibling, grandparent, aunt or uncle (whether whole or half-blood of the victim or the victim's spouse)).

Copies of VISs provided to the Mental Health Court will also be provided by the Court to the MHRT.

How will my VIS be used by the MHRT?

The MHRT is obliged to have regard to any victim impact statement at each hearing and may place the weight on it that the MHRT considers appropriate.

A VIS can assist the MHRT to understand the direct nature and degree of harm caused to the victim and community, and provide valuable information which may not have otherwise been known. It also provides the victim an opportunity to request specific conditions be imposed onto a person's order.

What should I include in my VIS?

The following list are suggestions for what you may wish to include in your VIS:

- the nature of your relationship with the person
- your knowledge of the person's illness or behaviour
- how the person's behaviour has affected you
- whether you feel at risk of harm from the person
- how you could be at risk
- whether you are concerned about coming into contact with the person, and if so, why and where to do you think that contact may occur
- whether there are any specific conditions that may be put in place to protect your safety, for example:
 - requesting the person not attend your residential suburb to reduce the likelihood of encountering them in public; or
 - requesting the person not contact certain people.
- any other information you consider relevant to the MHRT's decision-making.

Will my VIS expire?

A VIS will not expire and will be considered at each hearing. However, the MHRT might find it appropriate to give it less weight as time goes on.

Victims are not obliged to update, or replace, their VIS and the MHRT acknowledges that, for many victims, revisiting the events of what occurred will be distressing.

Can I submit more than one VIS?

Victims may wish to provide a new VIS:

- to inform the MHRT of any emerging or ongoing issues that are meaningful for the victim;
- if there have been changes in the way in which the offending has impacted the victim; and/or
- if the victim's own circumstances have changed (e.g. they have moved so any restrictions on the person travelling to the victim's residential suburb may need to be changed).

If a new VIS is received, the new VIS only (not any previous VISs) will be provided to the MHRT at the next scheduled hearing and each hearing after that. The exception to this general rule is where the author of the VIS specifically requests that the previous VIS/s continue to be provided to the MHRT.

Will I receive information about the person if I submit a VIS?

No. If a victim wants to receive information about a person, they can apply for an "information notice" from the Chief Psychiatrist, via Queensland Health Victim Support Service (QHVSS).

Will my VIS be kept confidential?

Generally, VISs are kept confidential from the person.

However, the VIS may be provided to the person if:

- the author of the VIS requests it be provided to the person; AND
- the MHRT is satisfied the disclosure of the VIS will not adversely affect the health and wellbeing of the person.

VISs are disclosed to the Attorney-General's representative and may be disclosed to the person's treating team or legal representative.

Further information about QHVSS can be found at [Queensland Health Victim Support Service | Queensland Health](https://www.health.qld.gov.au/queensland-health/victim-support-service). QHVSS can be contacted at victim.support@health.qld.gov.au or phone (free call) 1800 208 005.