



Information Sheet – Records of Hearings

What is a record?

As far as possible, the Mental Health Review Tribunal (Tribunal) will audio record its hearings by electronic means. These records are known as audio records or recordings.

In limited circumstances and in accordance with Tribunal policy, hearings may be recorded by written means (including typed or handwritten records). These records are known as written records.

The Tribunal panel conducting the hearing are the only hearing attendees permitted to make either type of record.

It is important to note that the record is not the statement of reasons from the hearing. The statement of reasons is a separate document and must be requested separately to the record of hearing.

Who can request a record?

Records of hearings may be made available to:

- a judicial person as defined in section 4 of the *Recording of Evidence Act 1962*
- the chief psychiatrist performing a function or exercising a power under the *Mental Health Act 2016* (MHA)
- an entitled person, to the extent making the copy available would not contravene a confidentiality order or section 743 of the MHA
- the registrar of the Mental Health Court
- an inspector mentioned in section 555(1) or (2) of the MHA performing a function or exercising a power under that Act

An entitled person is a person entitled under the MHA to be given written notice of a decision of a Tribunal hearing, and may include:

- a patient
- the chief psychiatrist
- the administrator of an authorised mental health service
- the director of forensic disability
- a legal representative
- the Attorney-General
- the administrator of the forensic disability service
- a nominated support person and others

For the purposes of the MHA, an adjournment is not considered a decision and as such, a request for a record of an adjourned matter cannot be provided to an entitled person as listed above.

How can a record of the hearing be requested?

All requests for a record should be submitted using the *Request for Record of Hearing Form* located on the Tribunal's website. Requests that are not made using this form may not be accepted.

In most cases, the Tribunal will provide a copy of the audio recording. Where the hearing was not audio recorded, a written record will be provided. Transcripts of the audio recording will only be provided in limited circumstances in accordance with Tribunal policy.

There is no cost to obtain a record of hearings.



How is the record sent?

The Tribunal generally uses a secure file transfer service called *Kiteworks* to send records and transcripts. This service is free of charge. In order to receive a file via this service, a Kiteworks account must be created. Instructions on how to create a Kiteworks account and retrieve the file can be located on the Tribunal's website.

Confidentiality

Tribunal records are bound by the confidentiality provisions of the MHA. In particular:

- a) section 778 limiting the use or disclosure of personal information;
- b) section 790 prohibiting the publication of reports of a proceeding of the Tribunal without leave of the Tribunal; and
- c) section 791 prohibiting the publication of information that identifies, or is likely to lead to the identification of, a person who is or has been a party to a Tribunal proceeding. The Tribunal may grant leave in certain circumstances.

Further information

Should assistance be required to complete the *Request for Record of Hearing Form* or any further information is required, please contact the Tribunal office on telephone (07) 3338 8300 or at MHRT.Recordings@mhrt.qld.gov.au .



Scan here to visit the MHRT's website.



Do you need an interpreter?

If you require an interpreter, please call the Translating and Interpreting Service (TIS National) on 131 450 for immediate phone interpreting.