

Specialist Victims Support Service

Fact sheet: Mental Health Review Tribunal hearings for forensic patients

If you are a victim/survivor of a **forensic patient**, this fact sheet can help you understand:

- why and when the Tribunal holds hearings,
- how your privacy is protected in Tribunal hearings,
- where Tribunal hearings are held and how you can attend, and
- who else can attend Tribunal hearings.

► **Note:** “Victim” includes family victim. Although we will be referring to you as a victim in this fact sheet, we (the Specialist Victims Support Service) will ask you for your preferred term (for example, client or survivor), which we will use in future.

Why does the Tribunal hold hearings?

The law requires the Mental Health Review Tribunal (**the Tribunal**) to regularly review forensic patients and make decisions about whether (and where) a forensic patient should be detained. The Tribunal does this by holding **hearings**. A hearing allows the Tribunal to consider aspects of a forensic patient’s detention and care.

► **For example**, if the Tribunal reviews a forensic patient whose condition has improved, and it finds that they do not pose a risk to the community, the Tribunal may make an order for them to be released (with or without conditions).

When will the Tribunal hold hearings?

The Tribunal must review a person when they become a **forensic patient**, which means that a court has found:

- **act proven but not criminally responsible**, or
- **unfit to stand trial** and they have been **detained (before a special hearing)**, or
- **unfit to stand trial** and a **limiting term** has been imposed (**after a special hearing**).

Once a person becomes a forensic patient, the Tribunal must then review them **every six months**. However, the Tribunal can extend this time frame to 12 months if it thinks that this is appropriate.

Who attends Tribunal hearings?

A **forensic patient** will usually attend a hearing with their **lawyer** (if they are legally represented) and their **treating team**. Victims may also attend. Tribunal hearings are open to the public, including the media, which means that anybody can attend.

How is privacy protected in Tribunal hearings?

Although Tribunal hearings are open to the public, it is important for you to know that **the law protects the privacy of all people involved in Tribunal hearings**. If a person attends a hearing, they are not allowed to publish or broadcast the **name, picture or any other information** that identifies:

- the **forensic patient**,
- a **witness** (for example, the name of a treating doctor), or
- a **person who is mentioned or involved** in the proceedings (for example, you or a family member of the forensic patient).

The law also protects the privacy of people involved in Tribunal hearings by preventing the disclosure of information related to the proceedings. For example, **nobody is allowed to share information that was discussed at the hearing** (including your personal information or the forensic patient’s location) with a reporter or any other person.

Protecting the privacy of people involved in Tribunal hearings ensures that everybody involved can talk openly, without having to worry about being identified in the media or by people in the community. It means **your confidentiality is protected** and you will not be disadvantaged.

A person attending a Tribunal hearing is **not allowed to:**

- post the name of a person involved in the hearing on social media (for example, the name of the victim, treating team or forensic patient)
- post photos from the hearing on social media
- provide information that was discussed at the hearing to a reporter
- provide information that was discussed at the hearing to an agency.

The law protecting privacy applies to **anybody who attends a hearing** (including members of the public, victims, family and friends, advocacy and support persons, and the media). It applies **before, during and after** the hearing.

Can the Tribunal hold a closed hearing?

The Tribunal may hear some information in private. This may help in discussing sensitive and personal information, or it may make victims feel safer when providing information to the Tribunal.

In the unlikely event that the Tribunal chooses to close a hearing, please contact the Specialist Victims Support Service (**our team**) for more information.

Where does the Tribunal hold hearings?

The Tribunal can hold hearings at a location where a forensic patient is detained, or at a Tribunal hearing room in Gladesville. The forensic patient may attend the hearing in person, by teleconference or by videolink.

How will I know when a hearing is being held?

If you are a **registered victim**, you have the right to be notified about Tribunal hearings. Our team will ask you what kind of hearings you would like to be notified about (for example, you may want to know about all hearings, or only hearings that relate to leave or release). If you have told us that you would like to know about a certain type of hearing, we will notify you in writing when a hearing is scheduled. We will also call you to explain when a leave or release hearing is coming up (unless you have asked us not to).

► For information about how to become a registered victim, see the *Specialist Victims Register* fact sheet.

How can I attend a Tribunal hearing?

If you would like to attend a hearing, you can discuss this with our team. We have a dedicated hearing room in Parramatta where you can attend a hearing via videolink. A member of our team will be with you to explain what is happening during the hearing and make sure that you are supported throughout the process.

Do I have to attend Tribunal hearings? Will it affect the Tribunal's decision if I do not attend?

Attending a Tribunal hearing is **your choice**. The Tribunal's decision will not depend on you attending the hearing, and you can still make a written submission to the Tribunal in relation to a forensic patient's leave or release if you do not want to attend. Our team can help you prepare a submission and explain the hearing process in more detail, so that you can decide if you want to attend.

Please feel welcome to contact our team at the Specialist Victims Support Service if you have any questions.

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