

# Pre Mental Health Court Hearing – Role of organisations

## Introduction

In Queensland, accessing support can be a crucial aspect of your journey as a victim of crime. Understanding the roles of the organisations involved in the Mental Health Court (MHC) system can help you to navigate this process more effectively. This information sheet aims to provide practical information about the roles of each organisation and how they can support you.

## Queensland Police Service

Following an offence, the Queensland Police Service are likely to be the first contact you will have. You should look to the police officer who responded to the crime (the arresting officer) as your initial contact for assistance. They may ask you to make a statement and provide them with physical evidence of the offence. If there are concerns that the person charged with a criminal offence may have a mental illness or intellectual disability, the matter may be referred to a special court called the MHC.

You may have ongoing contact with the arresting officer especially if the officer is aware that the matter has been referred to MHC. The arresting officer may offer you support services, such as the Queensland Health Victim Support Service. It can be a good idea to stay in touch with the arresting officer so that you are aware of court updates.

## Mental Health Court Reference

A reference to the MHC may be made by the person charged with the offence, their defence lawyer, or the Chief Psychiatrist or the Director of Public Prosecutions. A reference to MHC may be made at any stage of proceedings including from a criminal justice court.

Under the *Mental Health Act 2016 (Qld)*, the Chief Psychiatrist may direct that a report for a person charged with a serious offence, and who is subject to a Mental Health Act (MHA) authority or order at the time of or any time after the offence be prepared by a public mental health psychiatrist. Once a direction for a psychiatrist report has been given by the Chief Psychiatrist, proceedings against the person charged with a serious offence in the criminal courts are suspended. The Chief Psychiatrist can refer a person charged if:

- the person may have been of unsound mind at the time of the offence, or they may be unfit for trial; and
- having regard to the report and the protection of the community there is a compelling reason in the public interest to refer the matter.

## Psychiatrists and Psychologists

As a victim of crime, you are not likely to hear much while your case waits to be dealt with at MHC. However, behind the scenes, the person charged will be undergoing psychiatric assessments. Assessments are conducted by qualified professionals with considerable experience in the diagnosis of mental illness, particularly for people who have committed criminal offences.

Where the person charged has an intellectual disability the court may also request a specialised professional (such as Forensic Psychologist) to assess and prepare a report.

Assessments may continue over a period of time and may include observations for behaviour consistent with the assessed diagnosis.

Usually, the person charged with the offence will be assessed by several psychiatrists. This can take considerable time and can occur either within the community, or at an authorised mental health service. Sometimes, psychiatrists may seek additional information from family members to assist with their assessments. They may also review police statements and recordings of interviews with the person charged.

## Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) provides information to victims of crime regarding the court process and offer referrals to other support agencies. You may be contacted by Victim Liaison Officers (VLO) by email, letter, or phone. VLO's work closely with the Prosecutors and legal officers who help prepare matters for prosecution through the MHC and criminal justice system.

The lawyer working on the case prepares all the legal material required for court so that it can be presented properly. It often takes considerable time for a matter to be heard in the MHC – this could be up to 2 years and on occasion longer. The ODPP will advise you of the court date. The ODPP may contact you to offer a pre-court conference, particularly in very serious matters, which includes provision of information and support about MHC. The VLO may also provide referrals to relevant support and counselling agencies, such as QHVSS. They will also advise you of the options to prepare a Victim Impact Statement for MHC,

## Queensland Health Victim Support Service

The Queensland Health Victim Support Service (QHVSS) is a free, state-wide service for you or your family if you have been a victim of personal crime by a person with a mental illness or intellectual disability and is referred to the MHC. QHVSS staff are trained to work with people who have experienced trauma, grief and loss and can provide:

- Therapeutic interventions, including counselling
- Support around the Victim Impact Statement (VIS) options and helping complete this if you wish to
- Information about MHC
- Information about your rights under the *Mental Health Act 2016* (Qld), including applying for information in the future if certain types of orders are made by the Court
- Referral to other supports and services.