

FORENSIC PATIENT VICTIMS REGISTER



Registration Information

The Mental Health Review Tribunal (the Tribunal) is established under the *Mental Health Act 2007*. It has a wide range of responsibilities and can make orders about the treatment, care and detention of adult and adolescent forensic patients.

A forensic patient is a person who the Court has found:

- unfit to be tried for an offence and ordered to be detained in a correctional centre, mental health facility or other place
- not guilty by reason of mental illness and ordered to be detained in a prison, hospital or other place
- not guilty by reason of mental illness and conditionally released into the community.

The Tribunal generally reviews forensic patients at least once every six months and may issue orders in relation to the forensic patient's care, treatment, detention, leave or release.

The Forensic Patient Victim Register

The *Mental Health Act 2007* provides for the establishment and use of a victims register by the Tribunal, and for the notification of registered victims of Tribunal proceedings and determinations in relation to forensic patients.

A person who is a victim of an act of violence or a member of the victim's immediate family is eligible to register on the Forensic Patient Victim Register.

Family members able to register are:

- the victim's spouse
- de facto partner (including of the same sex) who has cohabited with the victim for at least 2 years
- parent, guardian, or step parent of the victim
- child or step child of the victim or some other child of whom the victim is the guardian
- brother, sister, half brother, half sister, step brother or step sister of the victim

You will stop being a registered victim when the:

- forensic patient has been unconditionally released; or
- forensic patient's Limiting Term has expired (whichever comes first).

Your rights as a Registered Victim

The Charter of Victims Rights under the *Victims Rights Act 1996* sets out the rights of a victim. In particular, 6.15 of the charter states that:

A victim will, on request, be kept informed of the offender's impending release or escape from custody, or of any change in security classification that results in the offender being eligible for unescorted absence from custody.

The *Mental Health (Forensic Provisions) Act 1990* provides that registered victims can apply to the Tribunal for a non association and/or geographical restriction to be attached to an order granting a forensic patient leave or release.

If you are on the Forensic Patient Victims Register maintained by the Mental Health Review Tribunal you can elect to be notified about:

- All Tribunal hearings for the patient
- Tribunal hearings where leave or release is being applied for
- Tribunal determinations relating to an application for leave or release
- A forensic patient's escape from custody
- When the person's status as a forensic patient ends.

A request for a non-association or place restriction condition can be made at any time. Written submissions received by the Tribunal will be considered at any future application for the grant of leave or release to the forensic patient. A copy of the written submission will be provided to the forensic patient's legal representative and may also be given to the patient's treating team.

Registered victims can also request to have non-association or place restriction conditions varied as their circumstances change.

Tribunal Hearings

Attendance at Tribunal hearings is not compulsory. The Tribunal will consider any written submissions requesting a non-association or place restriction condition to be attached to any grant of leave or release of a forensic patient and will inform the registered victim(s) in writing of the Tribunal's determination.

Where a registered victim(s) chooses to attend a hearing at which an application is being made for the forensic patient to be granted leave or release, the registered victim(s) must contact the Tribunal at least seven days before the hearing to advise and confirm arrangements for attendance.

Under the Mental Health Act, your right to participate in a hearing is limited to outlining any request for a non-association or place restriction condition. Registered victims do not have a right to legal representation before the Tribunal and cannot cross-examine any other person appearing before the Tribunal.

Registered victims generally participate in hearings by video-link or telephone as most hearings are held in high-secure facilities with limited public access. Every effort is made to set up hearing rooms and video equipment so that the registered victim and forensic patient cannot see each other, but this is not always possible

Further information

The Tribunal cannot provide legal advice, change a Court's ruling in relation to the forensic patient, or provide details about the forensic patient (such as medical details or the forensic patient's address).

The Tribunal can provide general information about the various stages of a forensic patient's pathway.

For more information about:

- The role of the Mental Health Review Tribunal
- The types of orders the Tribunal can make
- Frequently Asked Questions about the rights of a registered victim

please go to www.mhrt.nsw.gov.au or contact the Tribunal on (02) 9816 5955 and ask to speak to a Principal Forensic Officer or the Forensic Team Leader.

To register please complete the attached form and return it to the Tribunal.

FORENSIC PATIENT VICTIMS REGISTER

Registration Form



Your Name: _____

Address: _____

Telephone: _____ Hm: _____ Wk: _____

_____ Mob: _____

Fax: _____

Email: _____

Victim's Name: _____

Your relationship to the Victim: _____

Forensic Patient's name: _____

Your relationship to the forensic patient (if any): _____

I wish to receive notification about:

- All Tribunal hearings for the patient
- Tribunal hearings where leave or release is being applied for
- Tribunal determinations relating to an application for leave or release
- A forensic patient's escape from custody or failure to return from leave resulting in the Tribunal issuing an order for the patient's apprehension
- When the person's status as a forensic patient ends.

I wish to place on record an application for:

- A non-association condition to be attached to any leave or release
- A place restriction condition to be attached to any leave or release

PLEASE RETURN COMPLETED FORMS TO:

EMAIL: mhrforensic@doh.health.nsw.gov.au

POST: Forensic Unit, Mental Health Review Tribunal

PO BOX 2019

BORONIA PARK NSW 2111

FAX: (02) 9879 6811