

Office of the
Director of Public Prosecutions

Can I attend the court hearing?

Yes, you may attend the hearing of a criminal case referred to the Mental Health Court.

However, the Court can still order that a hearing or parts of a hearing are closed to the public. Hearings relating to children under 18 years old are not open to the public.

Importantly, if at a hearing, the Mental Health Court decides that a person is of unsound mind or unfit for trial, you may not publish the details of this decision for 28 days after it is made.

If the Mental Health Court decides that proceedings may continue according to law (that is, returned to a Criminal Court), or the matter is appealed to the Court of Appeal, then you may not publish details of this decision until those criminal or appeal proceedings are finished.

Note that 'publishing' includes any comments or posts on social media (such as Facebook or Twitter), or any other internet websites or forums.

Further information

The Queensland Health Victim Support Service is available to provide you with further information, and can also help you write a statement for the Mental Health Court.

Your victim liaison officer in Brisbane is also able to provide you with other factsheets about the Mental Health Court.

Contact details for victims

Office of the Director of Public Prosecutions

Freecall: 1800 673 428

Phone: (07) 3035 1122

Queensland Health Victim Support Service

Freecall: 1800 208 005

Email: Victim.Support@health.qld.gov.au

Web: www.health.qld.gov.au/qhvss

Making a statement for the Mental Health Court:

Information for victims and their families

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Making a victim impact statement for the Mental Health Court

Information for victims and their families

Victims, close relatives or others are able to provide a victim impact statement to the Mental Health Court in certain circumstances.

This brochure contains information on the process of making and providing a victim impact statement to the Mental Health Court.

Information in this brochure is general in nature.

What is a Victim Impact Statement?

A victim impact statement allows you to explain to the court what effects a violent crime has had on you. A victim impact statement is different to the written and signed statement you give to police. A victim impact statement explains how a violent crime has affected your life, whereas the statement given to police describes the events surrounding the violent crime.

If the Mental Health Court decides that a person was of unsound mind at the time they committed an offence, or is unfit for trial, the court must consider your victim impact statement if you provide one. The court will take your victim impact statement into account when it decides if it will make a forensic order or treatment support order, or what conditions to include in an order.

What information should I include in a victim impact statement?

The court may already have a statement from you, such as a statement you gave to the police. A victim impact statement to the court should not repeat the information you included in your police statement.

The *Mental Health Act 2016* gives some examples of what a victim impact statement may include, such as:

- your view, or the views of a close relative, about the risk that the alleged offender poses to you or another person; and
- a request that the Mental Health Court should order a condition that stops the alleged offender from having contact with you or another person.

The Mental Health Court is able to grant a **non-contact condition** as part of an order. This stops an alleged offender from having any contact with you or another person for as long as the order or the condition says.

If you would like the court to consider making a non-contact condition in your favour, you can include this in your victim impact statement – you can write some basic reasons why you think the court should make the non-contact order.

Remember that any information you include in your victim impact statement must be truthful and accurate.

When you are satisfied with the statement, sign and date it and give it to your victim liaison officer.

What other information should I include?

If you would like the alleged offender to have a copy of your victim impact statement, you can include this in your victim impact statement.

The victim impact statement will not be given to the alleged offender unless you ask. However, the Mental Health Court can still decide not to give your victim impact statement to the alleged offender despite your wishes. The Court will do this if it thinks giving your victim impact statement to the alleged offender could affect their health or wellbeing.

How will the Court get my victim impact statement?

The ODPP will submit your victim impact statement to the court.

You will need to provide our office with your victim impact statement within a certain time. You should discuss the exact time with your victim liaison officer.

Who will see my victim impact statement?

Your statement will be read by certain staff at the ODPP (such as your victim liaison officer), the prosecutor, the judge, the clinicians assisting the judge and the lawyer for the Chief Psychiatrist.

The Court may give your victim impact statement to the alleged offender's lawyers if the Court thinks this is in the alleged offender's best interests. However, the alleged offender's lawyers will not give the statement to the alleged offender, unless you or a close relative requests this.

In some circumstances, the court may make a confidentiality order to stop certain information being given to the alleged offender. Confidentiality orders may be made if giving the information would cause serious harm to the health of the alleged offender or would put someone else's safety at serious risk. If you believe that giving your statement to the alleged offender would have this effect, you should explain why in your statement.

If the court makes a confidentiality order that covers your statement, a copy of your statement will still be given to the alleged offender's lawyers. A person can be fined if they disobey a confidentiality order without a reasonable excuse.

There may be some circumstances where you decide that you do not want to submit the statement if the court decides not to make a confidentiality order. If this is the case you should advise the victim liaison officer in the ODPP. You should also make this very clear in your statement.

A person can be fined if they give out your victim impact statement against the Court's order.