

MENTAL HEALTH COURT

PRACTICE DIRECTION NUMBER 3 OF 2019

PUBLICATION OF TRANSCRIPTS AND REPORTS

1. Practice Direction 1 of 2019 is repealed.
2. Unless the Mental Health Court otherwise orders:
 - (a) the transcript of proceedings before it, including any decision, and any expert report filed in the Court, are to be provided by the Registrar to:
 - (i) the parties;
 - (ii) the practitioners treating the person the subject of the proceeding; and
 - (iii) the Mental Health Review Tribunal and the Attorney-General, in proceedings where a Forensic Order, Treatment Support Order, Involuntary Treatment Order, Treatment Authority, or a finding of temporarily unfitness for trial is made, altered or revoked, or in proceedings where the Mental Health Court is hearing an appeal from the Mental Health Review Tribunal;
 - (b) where a transcript is provided to the Attorney-General, the Office of the Chief Psychiatrist, the Director of Forensic Disability or the Mental Health Review Tribunal, the transcript may be used for administrative purposes, as well as purposes pertaining to the person who is the subject of the proceeding;
 - (c) where an Order of the Mental Health Court is that one or more of the charges brought against a person referred to the Court should continue according to law, any transcript of the Mental Health Court proceedings, and any expert report filed in the Mental Health Court, may be used (subject to s 157 of the *Mental Health Act 2016*) by the Director of Public Prosecutions and the person referred to the Mental Health Court, on any trial of those charges; and
 - (d) the Registrar may provide a copy of the expert reports filed in the Court, together with any decision of the Court to the Parole Board Queensland if a lawyer employed by, or on behalf of, that Board signs a written request to the Registrar for that material, and provides the Registrar with an authority signed by the prisoner who is the subject of those reports and that decision.

3. If the Chief Psychiatrist becomes aware that a person on a Forensic Order or a Treatment Support Order is in prison, the Chief Psychiatrist must provide the Director of Prison Mental Health Services with the material referred to in paragraph 2(a) above.



JUSTICE JH DALTON

President

Date: 8 April 2019