

# MENTAL HEALTH COURT

## PRACTICE DIRECTION NUMBER 2 of 2019

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### DOCUMENTS FILED IN THE MENTAL HEALTH COURT REGISTRY

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1. This Practice Direction, No 2 of 2019, replaces Practice Direction No 6 of 2002, which is now repealed.
  
2. **FILING A REFERENCE IN THE MENTAL HEALTH COURT REGISTRY**
  - 2.1 A party who wishes to lodge a Reference must file:
    - a) a reference in the approved form;
    - b) a report from a psychiatrist or other clinician which:
      - (i) is relevant to the reference, and
      - (ii) gives the person filing the reference reasonable cause to believe that the person the subject of the reference may have been of unsound mind at the time of committing the offence/s referred, or may be unfit for trial, and
    - c) a copy of the QP9 form for each offence being referred.
  - 2.2 If a person wishes to file a reference, and has no lawyer acting for them, the Registry may accept a reference which is in partial compliance with the requirements of paragraph 2.1 above, but upon doing so, must bring a copy of the material filed to the attention of a member of the Court.
  
3. **FILING AN APPEAL FROM A DECISION OF THE MENTAL HEALTH REVIEW TRIBUNAL**
  - 3.1 The party wishing to appeal must file a notice of appeal in the approved form.
  - 3.2 If a person wishes to file an appeal, and has no lawyer acting for them, the Registry may accept an appeal substantially in the approved form, but upon doing so, must bring a copy of the material filed to the attention of a member of the Court.

**4. FILING MATERIAL (OTHER THAN DPP(Q) MATERIAL) IN THE MENTAL HEALTH COURT REGISTRY**

4.1 Documents in PDF may be filed electronically by email sent to [registrarmhc@health.qld.gov.au](mailto:registrarmhc@health.qld.gov.au).

4.2 Alternatively, documents may be filed by post to:

Registrar  
Mental Health Court Registry  
GPO Box 48  
Brisbane QLD 4001.

4.3 Each document must be filed individually. No cover sheets should be used.

4.4 The email to which documents are attached, or covering letter which encloses documents for filing, must:

- (a) give the Mental Health Court proceeding number and title;
- (b) describe each document sought to be filed;
- (c) give the name, address, telephone number and email address of the person seeking to file the document.

4.5 Any person who files a document must provide a copy of it to each party in the proceeding.

**5. FILING DPP(Q) MATERIAL IN THE MENTAL HEALTH COURT REGISTRY**

5.1 Unless paragraph 5.2 or 5.3 applies, the DPP(Q) must file the entire brief of evidence within 90 days of receiving a copy of a reference which has been filed in the Registry.

5.2 If the DPP(Q) takes the view that some material which would normally be included in the brief of evidence need not, or should not, be filed, a lawyer should file a signed statement explaining the reason for this view and stating with particularity what documents, or categories of documents, have not been filed.

5.3 If the DPP(Q) needs more than 90 days to file the brief of evidence it must ask the Registrar to place the matter on the callover list before the 90 days expires.

5.4 The DPP(Q) must paginate the documents filed and attach an index on a coversheet which lists the documents and gives their page numbers.

5.5 The coversheet must also state:

- a) the Mental Health Court proceeding number and title;
- b) the offence/s that the material relates to;

- c) the details of the relevant DPP(Q) officer including name, telephone number and email.
- 5.6 The coversheet and documentary material must be filed electronically as one PDF document.
- 5.7 If there are electronic documents to be filed which cannot be rendered into PDF, they must be given to the Registry in an electronic format which allows them to be played on equipment in the courtroom.
- 5.8 The DPP(Q) must provide a copy of the material filed, and any statement filed under paragraph 5.2, to each party in the proceeding.
- 5.9 The DPP(Q) must not file victim impact statements before a hearing, but should seek leave to read and file any such statements at the time they become relevant to the hearing, ie., when the Court is considering whether or not to make a Forensic Order.

**6. AFFIDAVITS**

- 6.1 Affidavits are to be prepared in accordance with the UCPR.



**JUSTICE JH DALTON**

**President**

Date: 26 March 2019