

# INFORMATION SHEET

## Forensic Patients and the Tribunal



### What is the Mental Health Review Tribunal?

The Tribunal holds hearings and makes decisions about people who need mental health treatment and care. This includes forensic patients. The Tribunal is different to the court or the police.

### What does the Tribunal decide?

If you are a forensic patient, the Tribunal will make lots of decisions that will affect your life. For example:

- The Tribunal decides where you live. It could be in a prison, a hospital or in the community.
- If you are in prison or hospital the Tribunal decides if you can go outside on leave.
- If you live in the community the Tribunal will tell you what you have to do and who you have to see.

### Who is on the Tribunal?

The people who make the decision are called Tribunal members. There are always three members at your hearings:

- a lawyer;
- a psychiatrist; and
- a person with mental health experience.

You may see different people at each Tribunal hearing because there are more than 100 people who are Tribunal members.

### Can I have a lawyer?

You have the right to a lawyer. The Mental Health Advocacy Service of Legal Aid NSW has lawyers and they are free. You can contact them through LawAccess on 1300 888 529.

You can also pay for your own lawyer.

## **What information does the Tribunal have?**

Before the hearing, the Tribunal will get reports about what has happened to you since the last hearing. The reports are written by people who know you and look after you, like your case manager and your doctor. Your lawyer will talk to you about the reports before the hearing.

At the hearing the members will ask people to talk about their reports and ask them questions. Your lawyer can ask those people questions for you.

## **What should I tell the Tribunal?**

You can tell the Tribunal anything that you think is important. Sometimes it can be helpful to write yourself a note about the things that you want to tell the Tribunal. Your lawyer can help you to decide what you want to tell the Tribunal. The Tribunal members can also ask you questions.

## **Who else can come to a hearing?**

Your family or a friend may come to a hearing. Family and friends can also listen to the hearing on the phone. Your treating team can tell them when the hearing will be held.

Sometimes victims of your offence want to watch the hearing. They are usually on a video link. They will not be able to see you and you will not be able to see them. Sometimes the victims will ask the Tribunal to make an order that stops you from going to a particular place, or to prevent you from contacting them.

## **How often are Tribunal hearings?**

The Tribunal will usually see you every 6 months. But, the Tribunal can decide to see you more often or less often.

## **Where are Tribunal hearings?**

The Tribunal will see you in hospital, in prison or on a video link with your case manager.

## **How will I know about Tribunal hearings?**

The Tribunal will write and tell you about the next hearing date. The Tribunal will also tell your lawyer and your treating team.

## How do I find out what the Tribunal decided?

At the end of the hearing, the Tribunal will usually tell you what it decides. The Tribunal will send written reasons for the decision to your lawyer later.

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