

Health and Community Services Committee
Departmental Briefing on the Mental Health Bill 2014
Thursday 11 December 2014
Question on Notice
No. 2

QUESTION:

What are the implications for individual patients in respect of the use of GPS monitoring devices?

ANSWER:

GPS monitoring devices for involuntary patients was previously considered by the Health and Community Services Committee as part of the review of the Queensland Mental Health Commission Act 2013 (the QMHC Act), which amended the *Mental Health Act 2000* to include provision for the Director of Mental Health to apply a monitoring condition to a forensic, classified or s2731(1)(b) order patient for the purposes of limited community treatment.

The Attachment provides a copy of the transcript of the Health and Community Services Committee hearing for the QMHC Act which, at page 9 discuss the monitoring condition provisions of the Act.

The comments made in this hearing remain relevant for the Mental Health Bill 2014 (the Bill) in respect of the implications of using GPS monitoring for improving safety and security for both patients and the community.

However, in terms of the legislative provisions, the Bill provides an enhanced decision-making framework in respect of applying monitoring conditions, particularly where GPS monitoring is being considered. The Bill restricts the category of patient who may have a monitoring condition applied to forensic patients only, and requires the Chief Psychiatrist (replacing the Director of Mental Health) to be satisfied:

- there is a material change in the patient's circumstance, and
- there is a significant risk that the patient would not return as required to the authorised mental health service, and
- there is a significant risk that the patient or someone else is likely to suffer serious harm, and
- a monitoring condition would significantly reduce the risk of serious harm to the
- patient or someone else.

The Bill also requires a mandatory review by the Mental Health Review Tribunal within 21 days if a GPS monitoring device is applied by the Chief Psychiatrist.