



Criminal Law (Mental Impairment) Act 2023 (WA)

PRACTICE NOTE 3 / 2024 – VICTIM SUBMISSIONS TO ANOTHER PERSON

The Mental Impairment Review Tribunal

Section 195 of the *Criminal Law (Mental Impairment) Act 2023 (WA)* (the Act) provides that the President may from time-to-time issue, amend or revoke practice notes for regulating the practice and procedures of the Mental Impairment Review Tribunal (the Tribunal).

Victim Submissions

Section 147(6) provides that the Tribunal may make a victim's submission available to another person on the conditions it considers appropriate.

And further, section 147(7) provides that, if the Tribunal makes a victim's submission available under subsection (6), it must notify the victim of this as soon as practicable.

Conditions

A request for a copy of a victim's submission made to the Tribunal must be made in writing by the person requesting it and provide reasons as to why the submission is sought.

Upon receipt of a request of this nature, the Tribunal will provide a copy of the request and the submission to the Office of the Commissioner for Victims of Crime to review and consider and contact the victim if appropriate.

If the Office of the Commissioner for Victims of Crime considers it is not in the best interests of the victim for the victim submission to be released to another person, then the Tribunal must refuse the request.

If the Office of the Commissioner for Victims of Crime considers there are no concerns for the victim submission to be released to another person, then the Tribunal may approve the request. The Tribunal may also request the Office of the Commissioner for Victims of Crime notify the victim/s on behalf of the Tribunal. If a victim's submission is released to another party by the Tribunal, the person receiving that information will be required to undertake to keep the information confidential and not distribute it to any other person.

In all other circumstances, a victim's submission will remain in confidence at the Tribunal.

Terms of the Practice Note

This practice notes takes effect on and from the date of signing and shall remain in full force and effect until such time as it is revoked by further instrument in writing signed by the President.

Signed

The Honourable Jeremy Curthoys
PRESIDENT
MENTAL IMPAIRMENT REVIEW TRIBUNAL

2 September 2024