



Mental Health
Review Tribunal

2007-8

Annual Report

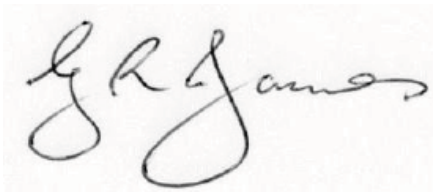


The Hon John Della Bosca MP
Minister for Health
Minister for the Central Coast
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister

I enclose the Annual Report of the Mental Health Review Tribunal, for the period from 1 January 2007 to 30 June 2008, as required by section 147 of the Mental Health Act 2007.

Yours sincerely



The Hon Greg James QC
President

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MENTAL HEALTH REVIEW TRIBUNAL ANNUAL REPORT 2007-8

The MENTAL HEALTH REVIEW TRIBUNAL is a quasi-judicial body constituted under the Mental Health Act 2007.

The Tribunal has some 35 heads of jurisdiction, considering the disposition and release of persons acquitted of crimes by reason of mental illness; determining matters concerning persons found unfit to be tried, and prisoners transferred to a mental health facility for treatment; reviewing the cases of detained patients (both civil and forensic), and long-term voluntary psychiatric patients; hearing appeals against a medical superintendent's refusal to discharge a patient; making, varying and revoking community treatment and community counselling orders; determining applications for certain treatments and surgery; and making orders for financial management where people are unable to make competent decisions for themselves because of psychiatric disability.

In performing its role the Tribunal actively seeks to pursue the objectives of the Mental Health Act, including delivery of the best possible kind of care to each patient in the least restrictive environment; and the requirements of the United Nations principles for the protection of persons with mental illness and the improvement of mental health care, including the requirement that "the treatment and care of every patient shall be based on an individually prescribed plan, discussed with the patient, reviewed regularly, revised as necessary and provided by qualified professional staff".

1. PRESIDENT'S REPORT - 1 January 2007 - 30 June 2008

MENTAL HEALTH ACT 2007

This Report

On 16 November 2007 the Mental Health Act 2007 (the Act) was proclaimed to take effect, replacing the Mental Health Act 1990. The Act now requires the Tribunal to lodge its Annual Report on a financial year basis rather than as previously done on a calendar year basis. This change brings the Tribunal's reporting into line with other Departments and Tribunals. Because of the change in reporting requirements this Annual report covers the 18 month period from 1 January 2007 to 30 June 2008. The Registrar's report outlines the impact of the reporting changes on the content of this report.

Significant Change

The new Act is the culmination of a major reform process which the Government commenced in 2003. The format and language of the Act have been substantially revamped in ways too detailed to be set out here but they should make the Act clearer and easier to use. The Act has also introduced some significant reforms to the law governing the care of mentally ill persons and these are worthy of particular mention.

Perhaps the most significant change is that Community Treatment Orders can now be made for a person experiencing mental illness in the community without the person first having to deteriorate to such an extent that they require actual admission to hospital. In addition where CTOs were previously limited to a maximum of six months the Act now provides in suitable cases for 12 month orders. Of the 9517 hearings conducted by the Tribunal in 2007/8 4995 were for CTOs.

The Temporary Patient category has been abolished and the Tribunal is now required to review involuntary patients at least every 3 months during the first year of detention. The Act also provides for increased rights for patients, the necessity for treating teams to prepare and plan for patient discharge and a requirement for information to be provided to patients and primary carers, who are for the first time specifically defined under the Act. It makes particular provision for the principle of least restrictive option consistent with safe and effective treatment to underlie the orders that the Tribunal might make and the determinations to which it might come.

The objectives of the New South Wales public health system are enacted in Section 105. They, and the objects of the Act, which are set out in section 3, and the principles for care and treatment, set out in section 68, are designed to provide an effective legal foundation for a regime providing patients with competent and humane care in designated mental health facilities and in the community.

A new provision assists the Tribunal to deal more efficiently with formal and procedural matters by allowing the Tribunal to be constituted by a single member nominated by the President. Such sittings are limited by the regulations and so far have been confined to considering adjournment applications and setting Tribunal procedures such as issues concerning the transcription of the recording of a hearing.

The content of the new Act was determined by Government after a lengthy consultation process to which many agencies and individuals generously contributed. They can be assured that the Tribunal is doing all it can to implement the Act as effectively and efficiently as possible. The Tribunal has revised its publications and provides face-to-face, telephone and web based assistance to health personnel, clinicians and others concerning the Act's requirements, in an attempt to ensure that all care is in accord with the principles of the Act.

MENTAL HEALTH (FORENSIC PROVISIONS) BILL 2008

Following my appointment, as I have reported previously, I was required to undertake a review of the forensic provisions of the mental health legislation and an administrative review of the operations of the Tribunal. I

conducted a lengthy consultation process with interested persons and organisations, chaired a task force of some 25 stakeholders and received some 50 formal submissions. I concluded those reviews and provided to the Government my report on the forensic provisions of the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990, and my report on the administrative review of the operations of the Tribunal and its operations with other agencies. Both reports were provided to the then Minister in August 2007.

The Government undertook a legislative program throughout 2007 and 2008 which has seen the Mental Health (Forensic Provisions) Bill 2008, which embodies provisions reflecting most of the recommendations I made, pass through all Parliamentary stages without opposition; indeed, with the support of all speakers. At the time of writing this report, the Mental Health Amendment (Forensic Provisions) Act 2008 has just received Royal assent. It is presently expected to commence at the end of February 2009 when it is expected the new Forensic Hospital will come fully on line.

The most important feature of the new legislation is the transfer of the power to determine the care, detention and release of forensic patients, from the Minister or the Governor on the advice of the Executive Council to a special Forensic Panel of the Mental Health Review Tribunal, which will be presided over by a judge or former judge when considering release. A number of persons who meet the criteria of the legislation to sit as presiding members of the Tribunal are already members of the Tribunal and the Government has already taken steps to appoint others so that the Forensic Panel will be able to commence its operation immediately the Act comes into effect

In addition, the new legislation mandates that risk assessment by an independent forensic psychiatrist, as well as an assessment by the treating team, will be provided in respect of patients the Tribunal is considering for release. The necessary protocols in respect of these matters and the many other reforms the legislation will effect, including the introduction of Community Treatment Orders for those in the corrective system, are presently being negotiated with the relevant agencies.

EDUCATIONAL ACTIVITY

The Tribunal has undertaken extensive educational work in relation to the new Act for its own staff and others. I have spoken about the new legislation to numerous bodies on numerous occasions. More formally, the Tribunal has made the Deputy Presidents and staff available to the Institute of Psychiatry and the Department of Health to conduct a number of education sessions for Health, hospital and community agencies on the operation of the new Act. All of this work has been done by the members and staff over and above attending to the core-business of the Tribunal.

A similar education exercise will be required for the new forensic legislation and the Tribunal will discuss with the Department how this can best be achieved.

Professional Development Evenings have been conducted for the members during the year and updates have been provided to the Civil Hearing Kit and the Members' Manual. The Hearing Kit is readily available on the website, and the Tribunal has consistently urged the various agencies and hospitals to make use of it.

ADMINISTRATION

The administrative processes of the Tribunal have been continuously revised as experience is gained in implementing the Mental Health Act 2007. Further, in the Administrative Review I not only had regard to the impact of the Mental Health Act 2007, but also to the possible impact as it could best be seen as at August 2007 of the reforms to the forensic Legislation. In consequence, it has been possible, during the period since the last report, to monitor continuously the effects of the Mental Health Act 2007 and to consider and

revise projections concerning the impact of the forensic legislation.

The Tribunal is actively engaging with the Department of Health, Justice Health, Community Mental Health Agencies and other agencies to ensure that the necessary structures and procedures are in place when the forensic legislation commences in early 2009. This has included a review of the Forensic Executive Support Unit in Justice Health and a devolution of some of the functions of that Unit on the Tribunal as noted in the Registrar's report.

The increased work load and vastly increased responsibilities under the new Act have been met by the Tribunal but at last the Tribunal has received, albeit on a temporary basis, some four additional staff appointments which were recommended in the Administrative Report. These appointments are referred to in some greater detail in the Registrar's report.

In his report, the Registrar refers to the change in the number of hearings. It can be seen that, arising from the Tribunal's policy to minimise adjournments and with the hard work and close attention of the staff to listing practices the hearing load has to some considerable degree stabilised.

MEMBERS

During this reporting period, following submission from the Tribunal the Minister determined that member appointments were to be for an initial term of 4 years with the prospect of a further term of 4 years after a favourable performance review by the President. Those members, who had been appointed in 2005 by the recruitment process then held, underwent such a performance review. Other members were able to re-apply and were considered with the many new applicants that also applied, in a 2008 recruitment process.

During the recruitment process the Tribunal conducted an extensive and intensive examination of the merits of all candidates. In the result, in addition to those persons recruited under the 2005 process to which I referred in the Tribunal's previous Annual Report, the Tribunal has recruited the following new members who have already taken up duty or whose term will commence in the second half of 2008 and to whom I extend welcome:

Dr Stephen Allnutt, Ms Lyn Anthony, Dr Jenny Bergen, Ms Christine Bishop, Mr Peter Braine, The Hon John Dowd Q.C., Mr John Feneley, Mr Phillip French, Dr Michael Giuffrida, Ms Yvonne Grant, Dr David Greenberg, Ms Eraine Grotte, Ms Catherine Henry, Mr Dan Howard SC, Ms Julie Hughes, Ms Carolyn Huntsman, Mr Dean Letcher QC, Mr Lloyd McDermott, Mr Yega Muthu, Dr Richard Normington, Ms Elizabeth Olsson, Ms Tracy Sheedy, Judge Ken Taylor QC RFD, Ms Bernadette Townsend, Mr Charles Vandervord, Hon Frank Walker QC and Dr Rosalie Wilcox.

The terms of the following members expired during this reporting period or will expire on 31 October 2008 and on behalf of the Tribunal and those it serves, I thank them for their service and commitment:

Dr Andrew Bennett, Ms Helen Boyton, Ms Helen Brennan, Dr Greg de Moore; Dr John Ellard, Mr Arthur Glass, Ms Robin Gurr, Mr Ken Hale, Ms Danae Harvey, Dr John Hookey, Ms Hilary Kramer, Mr Peter Krebs, Mr Michael McDaniel, Mr Mark Ragg, Ms Anne Rees, Ms Kim Ross and Ms Margaret White.

Special thanks should go to those members who each served for over a decade: Dr Andrew Bennett, Ms Helen Boyton, Ms Helen Brennan, Dr John Ellard, Mr Ken Hale, Dr John Hookey, Ms Kim Ross and Ms Anne Rees.

Dr John Ellard, who has been a member since September 1990, has advised the Tribunal that he will be unable to serve as a member beyond the expiry of his present term on 31st October 2008 but he has however agreed to still be available as a consultant to the Tribunal at need.

Presidential Arrangements

The Presidential staff of the Tribunal, as foreshadowed in the last report, has been increased by some additional appointments as Deputy Presidents (in particular in readiness for the requirements of the new legislation); the Hon John Dowd QC, Judge Ken Taylor QC RFD, Charles Vandervord and the Hon Frank Walker QC have joined the Hon Terry Christie QC and Richard Gulley as part time Deputies. As a full time Deputy President I welcome John Feneley who was formerly an Assistant Director General, Legal Services with the NSW Attorney General's Department. At Attorney General's John had been involved in policy issues touching on mental health and the justice system and he had undertaken a review of the Mental Health Advocacy Service for the Legal Aid Commission. He also assisted me with the administrative and forensic legislation reviews. Other appointments of judges or former judges may be made to the Forensic Panel as make necessary to implement the new Forensic legislation.

Arrangements have been made for a more structured administration within the Tribunal. That structure provides for full-time Deputy President Maria Bisogni to take primary responsibility for the Civil area, and for full-time Deputy President John Feneley to take primary responsibility for the Forensic area, including shouldering the major burden for the administration and monitoring of the legislative changes.

The new Presidential appointments, and lengthy recruitment process which was conducted during the year, in accordance with the procedure determined by the Minister, imposed considerable burdens on the staff and the members of the interviewing panels, but have provided a Tribunal calculated to be able to meet the requirements both of the Mental Health Act 2007 and the new Forensic Legislation for the term necessary to consolidate the operation of the legislation and to establish the Tribunal's expanded responsibilities.

CONCLUSION

The past 18 months has been a most challenging time at the legislative, ministerial, and professional and inter agency level. It has only been possible for the Tribunal to have done as much as it has, so successfully, by being able to depend on such diligent and skilful staff, and conscientious and committed members. I thank them all.

Hon Greg James QC
President

2. REGISTRAR'S REPORT - Review of Operations

REPORT CONTENT AND PERIOD

As noted in the President's report on 16 November 2007 the Mental Health Act 2007 (the Act) was proclaimed to take effect, replacing the Mental Health Act 1990. Under Section 147 of the Act, the Tribunal is required to report to the Minister, as to the exercise by the Tribunal of its functions as soon as practicable after 1 September but before 1 December in each year.

The change in reporting period means that for the future, the Tribunal reports on a financial year basis rather than for a calendar year as with previous reports. But on this occasion The Tribunal will report on the matters occurring during the whole of the period since the last report until 30th June 2008 and to supplement the statutory essentials where appropriate will refer to other matters occurring up to the date of writing so as to provide the necessary context to the next report.

These changes as well as the other changes made by the Mental Health Act 2007 has led the Tribunal to re-evaluate the format formerly used and to determine to introduce a new approach. In the past a standard tabular format has been used from year to year to allow on-going comparison of caseload and other statistical information. The tables were accompanied by discussions by the President and the Registrar. Having regard to the statutory criteria for content and the new period it is no longer possible for this same format to be used to cover the past 18 months. Much of the material provided in previous reporting periods does not provide a valid basis for comparison with that now set out here, particularly with some significant change to the new Mental Health Act 2007 occurring mid way through the period.

The President's and Registrar's reports refer to events of the past 18 months and those other matters necessary to provide continuity between the old regime and the new. In summary, this Annual Report is a "bridging" report from the old report period and format to a new report period and format which will be used for 2008/09. The present report includes fewer tables of statistics than has previously been the case and these differ in some respects from those previously provided. There is still sufficient to enable the identification of trends so that the effectiveness of the Tribunal in performing its statutory new functions can be assessed, at least generally, against the background provided in the tables and discussion in previous reports

The matters set out in s147 of the Act which are to be included in the report are:

- a) The number of persons taken to mental health facilities and the provisions of the Act under which they were so taken,
- b) The number of persons detained as mentally ill persons or mentally disordered persons,
- c) The number of persons in respect of whom a mental health inquiry was held,
- d) The number of persons detained as involuntary patients for three months or less and the number of persons otherwise detained as involuntary patients,
- e) Any matter which the Minister may direct or which is prescribed by the Regulations.

So far, the Regulations make no provision for additional matters to be included. Each of those matters, subject to a statutory requirement, is dealt with in Appendix 1 of this Report.

OPERATIONS

Caseload

In 2007 and 2007/08 the Tribunal conducted 9615 and 9517 hearings respectively. This was almost 1000 less hearings than it conducted in 2006 (approximately an 8.5% decrease). As mentioned in the President's Report this decrease was largely attributable to the change in the Tribunal's adjournment policy in early 2007 and a close attention to listing practices by staff which reduced the number of hearings held to adjourn

matters.

The true impact of the changes in the Mental Health Act 2007, particularly in relation to the option of Community Treatment Orders (CTO) being made for up to 12 months (as opposed to the previous maximum term of 6 months) will be felt in 2008/09 and ensuing years. It is inevitable that the number of hearings for Community Treatment Orders will decrease as 12 months orders are made, however the extent of this is not clear. Since the introduction of the new Mental Health Act, 2007, 12 month CTOs are being made in approximately 12% of cases when a CTO is made. In 2007/08 the Tribunal made 4691 CTOs, if this trend continues it could mean up to 550 fewer hearings on a full year basis. However, this reduction in hearings could be offset by increases in the number of hearings in other areas of the Tribunal's jurisdiction.

Table A shows the number of hearings conducted each year since the Tribunal's first full year of operation in 1991 when it conducted a total of 2232 hearings.

Table A					
Total number of hearings 1991 - 2007 and 2007/8					
	<i>Civil Patient Case Reviews</i>	<i>Protected Estates Act Reviews</i>	<i>Forensic Patient Case Reviews</i>	<i>Totals per year</i>	<i>% Increase over previous year</i>
1991	1986	61	185	2232	%
1992	2252	104	239	2595	+16.26%
1993	2447	119	278	2844	+9.60%
1994	2872	131	307	3310	+16.39%
1995	3495	129	282	3906	+18.01%
1996	4461	161	294	4916	+25.86%
1997	5484	183	346	6013	+22.31%
1998	4657	250	364	5271	-12.34%
1999	5187	254	390	5831	+10.62%
2000	5396	219	422	6037	+3.48%
2001	6151	304	481	6936	+14.8%
2002	6857	272	484	7613	+9.8%
2003	7787	309	523	8619	+13.2%
2004	8344	331	514	9189	+6.6%
2005	8594	293	502	9389	+2.2%
2006	9522	361	622	10505	+11.9%
2007	8529	363	723	9615	-8.5%
2007-8	8440	313	764	9517	N/A
17 Year Total (1991-2007 only)	94021	3844	6956	104821	

In 2007 and 2007/08 the Tribunal conducted:

	2007	2007/08
Civil Patient hearings (for details see Table 3)	8529	8440
Protected Estates Act hearings (for details see Tables 16 and 17)	363	313
Forensic Patient reviews (for details see Tables 18 - 27)	723	764

Details for each area of jurisdiction of the Tribunal are provided in the various statistical Tables contained in this report. The Tribunal has a regular roster for both its civil and forensic hearing panels and in addition to the hearings held at the Tribunal's premises in Gladesville hearings were conducted at 41 venues across New South Wales in 2007, 2007/08. Extra panels are convened on a needs basis to hear additional matters.

Although the Tribunal has a strong preference for conducting its hearings in person at a mental health facility or other venue convenient to the patient and other parties, this is not always practical or possible. The Tribunal has continued its use of telephone and video-conference hearings where necessary. In 2007, 4532 hearings were conducted in person (47%), 2456 by video (26%) and 2627 by telephone (27%). The numbers and percentages varied slightly in 2007/08, when 4585 hearings were conducted in person (48%), 2541 by video (27%) and 2391 by telephone (25%).

Data Collection – Involuntary Referral to Mental Health Facilities and Magistrate's Inquiries

The Tribunal is required under the Act to collect information concerning the number of involuntary referrals, the provisions of the Act under which they were taken to hospital and admitted and the number of Magistrate's inquiries.

The Regulations to the Mental Health Acts of 1990 and 2007 stipulate that these details are collected by means of two forms which all in patient mental health facilities are required to forward to the Tribunal with respect to each involuntary referral and Magistrates inquiry.

The collection and data entry of these returns from all in patient mental health facilities remains a huge workload for the Tribunal. Unfortunately, there are also compliance issues with some facilities being unreliable with submitting their returns. This could, in turn, have some affect on the reliability of the statistical data taken from these returns.

The Tribunal is currently developing a system that will allow for the electronic lodgement of these Forms by mental health facilities. This will hopefully streamline the process for mental health facilities submitting the required information as well as reduce the associated workload of the Tribunal.

Information from this data is contained in Tables 4, 5 and 12 as well as in Appendix 1.

Official Visitor Program Relocation

In mid 2007 the Tribunal was approached by the Department of Health to consider the physical and administrative relocation of the Official Visitor Program to the Tribunal. The Official Visitor's Program is an independent statutory program under the Mental Health Act reporting to the Minister for Health and the Minister Assisting the Minister for Health (Mental Health). The Program is heading by the Principal Official Visitor, Ms Jan Roberts and supported by 2 staff positions.

The Program was previously located at the Department's Head Office in North Sydney and received administrative support from the Mental Health Drug and Alcohol Office. It was agreed that the independent role of the Program could be better supported if it was located outside the Department itself.

Following recruitment of new staff and the carryout of necessary building renovations the Program relocated to its new office space at the Tribunal's premises at Gladesville in March 2008. Administrative responsibility for the Program has been gradually transferred to the Tribunal's Registrar from this time.

Although the Program is now administratively supported by the Registrar and staff of the Tribunal, it remains completely independent of the Tribunal in terms of its statutory role. Official Visitors and the Principal Official

Visitor continue to report directly to the Minister.

The Tribunal was very pleased to welcome the Program and the Official Visitors to Gladesville. However as this is a new relationship the administrative arrangements will continue to be refined over ensuing months. The Tribunal and staff of the Program are very appreciative of the support that continues to be provided to the Program through the Mental Health Drug and Alcohol Office.

FESU Review

In 2007 an independent review of the operations of the Forensic Executive Support Unit (FESU) was commissioned by Justice Health. As part of the implementation of the recommendations of this review it was agreed that a number of the functions then carried out by FESU would be transferred to the Tribunal along with the resources necessary to perform them. These functions included the management of the Forensic Patient Victims Register, management of the processing of Tribunal recommendations and related correspondence for the Minister, management of non compliance and breeches of conditions of leave or release and the apprehension of interstate forensic patients.

Negotiations continued in 2008 between the Tribunal, Justice Health and the Department of Health about the handover of these roles. The changes represent a significant increase in workload and responsibility for the Tribunal's forensic unit and have been incorporated into the planning for the new Forensic Division when the Forensic Provisions Act comes into effect in early 2009.

Premises

The Tribunal continues to conduct its business from our premises in the grounds of Gladesville Hospital. These premises include three modern hearing rooms all fitted with audio recording equipment and video-conferencing facilities. The video-conference equipment in all 3 hearing rooms was updated during 2007/08.

There are 2 separate waiting areas for use by people attending hearings and rooms available for advocates and representatives to meet with their clients prior to hearings.

Renovations were carried out to the Tribunal's premises to allow for accommodation to be made available for the Official Visitor Program and also to cater for new staffing positions in the Forensic Division.

One of the Tribunal's hearing rooms continues to be made available for use by the Northern Territory Mental Health Review Tribunal 2-3 times per week for the conduct of their hearings by video conference using psychiatrist members located in New South Wales.

Video Conference Equipment

The Tribunal has strongly advocated for the instillation and availability of video-conferencing equipment at all in patient and community mental health facilities. While most non-metropolitan facilities seem to have access to video-conferencing equipment, this has not been the case for metropolitan sites. This has required the Tribunal to conduct many hearings by telephone as this was the only available option. This unsatisfactory situation was identified in the Administrative Review, particularly in the case of hearings relating to the administration of ECT.

The Tribunal was very pleased in April 2008 to receive funding from the Mental Health Drug and Alcohol Office to facilitate the purchase of ten video-conference units at identified mental health facilities. The facilities identified were mainly those venues where the Tribunal has been required to conduct ECT hearing by telephone or where it was impracticable for the Tribunal to continue to hold in person hearings due to the small number of hearings required. The new video conference facilities were delivered in late June 2008 and will come into operation in the following months.

Venues

Regular liaison with hearing venues is essential for the smooth running of the Tribunal's hearings. Venue coordinators or Tribunal Liaison clerks at each site provide invaluable assistance in the scheduling of matters; collation of evidence and other relevant information for the panels; contacting family members and advocates for the hearing; and supporting the work of the Tribunal on the day. Nevertheless the Tribunal is frequently constrained by the limited resources and facilities available at mental health facilities and prisons. Most venues do not have an appropriate waiting area for family members and patients prior to their hearing. There are safety and security concerns at a number of venues, with panels utilising hearing rooms without adequate points of access or ventilation. Essential resources such as telephones with speaker capacity are sometimes unavailable in prisons, and even some in patient venues. The Tribunal plans to carry out an audit of at each venue visited for hearings with a view to improving the facilities provided for Tribunal hearings.

Information Technology

In late 2002 the Tribunal implemented a new Client Management System (CMS) to record all its client, hearing and member information. The CMS is a system that was adapted for the Tribunal by its developers Strategic Business Consulting (SBC). The CMS has continued to be further developed to meet the evolving needs of the Tribunal.

In April 2003 the Tribunal entered into a Service Level Agreement (SLA) with the Department of Health for the provision of IT support. This agreement has continued and has allowed the Tribunal to join the Department's IT network and have full access to its Intranet and Help Desk facilities.

The Tribunal's telephone system was updated in early 2008 following damage to the previous system in a lightning strike in October 2007. The new system is much more modern and user friendly and provides more options and flexibility.

Community Education and Liaison

During 2007 the Tribunal conducted a number of community education sessions to in patient and community staff. These sessions were used to explain the role and jurisdictions of the Tribunal and the application of the Mental Health Act. The Tribunal was also involved in training for psychiatric registrars through the Institute of Psychiatry. As mentioned in the President's Report the Tribunal was also involved in the training carried out by the Institute of Psychiatry on the new Mental Health Act, 2007.

Staff and full time members of the Tribunal also attended and participated in a number of external conferences and events. In October 2007 the President and Registrar of the Tribunal attended the annual meeting of the heads of Mental Health Review Board's and Tribunal's. This meeting was held in Perth and was attended by representatives of the relevant Boards or Tribunal's in Victoria, Queensland, Tasmania, South Australia, Western Australia, the Australian Capital Territory and Northern Territory. The meeting discussed key issues common to all mental health jurisdictions around the country.

OUR STAFF AND TRIBUNAL MEMBERS

Staff

Although the number of hearings conducted by the Tribunal has increased more than fourfold since the Tribunal's first full year of operation in 1991 staffing levels have until recently remained relatively the same. In recent years the increased workload has been absorbed through internal efficiencies and the increased use of information technology. However, it would not have been possible for the operations of the Tribunal to continue without the hard work and dedication of our staff.

In recognition of the increased workload the Tribunal was assisted by appointments to two temporary positions during 2006. These positions have continued.

In May 2008 the Tribunal was advised that funding had been approved for 4.4 additional staffing positions. The need for these positions was identified as part of the Administrative Review to assist with the Tribunal's increased workload and to make provision for the additional responsibilities from the planned new Forensic legislation and Forensic Division. Recruitment for these additional positions is underway and will be completed in the second half of 2008.

The Tribunal's organisational structure and the grading of certain positions will be reviewed in 2008/09 with particular regard to the new Forensic Division and consequent changes to the roles and responsibilities of positions. Appendix 4 shows the organisational structure and staffing of the Tribunal as at 30 June 2008.

Tribunal Members

Appendix 3 provides a list of the members of the Tribunal as at 30 June 2008 and notes those members whose terms expired in 2007 and 2007/08.

The Tribunal's membership as at 30 June 2008 reflects a sound gender balance with 44 female part time members and 59 male. There are a number of members who have indigenous or culturally diverse backgrounds. A number of our part time members bring a valuable consumer focus to the Tribunal's hearings and general operations. These members sit on a roster of hearings drawn up to reflect members' availability, preferences and the need for hearings. Most members sit between 2 and 4 times per month at regular venues.

As mentioned in the President's Report an extensive recruitment process was carried out in 2008. A large number of current members have been reappointed for a further 4 year term and that there has also been a considerable injection of new members to commence sitting late in 2008 or at the beginning of 2009.

The experience, expertise and dedication of these members is enormous. They are often required to attend and conduct hearings in very stressful circumstances at hospitals, community centres, correctional facilities and other venues.

In 2007 and 2007/08 the Tribunal continued its programme of regular professional development sessions for its members. These sessions are conducted out of hours and no payment is made for members' attendance. The Tribunal is encouraged and appreciative of the high rate of attendance by members at these sessions. Topics covered in this period included Community Treatment Orders; ECT; alcohol and other drugs - mental health issues; smoking and mental health; CTOs and recovery; the meaning of continuing condition; financial and personal decision making; the Guardianship Act and its interface with the Mental Health Act 2007. Sessions also included consultation and training about the Mental Health Act, 2007.

FINANCIAL REPORT

The Tribunal has recorded a budget surplus for both the 2006/07 and the 2007/08 financial years. See Appendix 5.

2006/07

Although the number of hearings held increased slightly from 9988 in 2005/06 to 10151 in the 2006/07 financial year (a 1.63% increase), the Tribunal underspent its budget of \$3,859,206 by \$35,561. This was due to a variety of factors including a change in the Tribunal's policy in relation to the adjournment of matters, the vacancy of one of the full time Deputy President's position for much of the year and other savings in

salaries and wages.

An allocation of \$102,000 was provided by the Department of Health to fund the Administrative and Forensic Reviews carried out by the President of the Tribunal. These funds covered the employment of project staff to assist the President as well as printing of the final reports and other associated administrative costs. \$78,111 of these funds was expended in 2006/07.

2007/08

A budget surplus of \$52,568 was recorded for 2007/08. This underspend was largely attributable to some savings associated with the “one off” supplementation of \$799,000 provided by the Department of Health in May 2008. This supplementation was to cover back pay for Tribunal member’s pay increase and associated increased hearing costs; building modifications and refurbishment for the new Forensic Division; Information Technology infrastructure requirements and enhancement and the purchase of video-conference equipment for ten identified hearing venues.

The Tribunal is most appreciative of the support provided by the Minister and the Department of Health to ensure the Tribunal is able to meet the obligations of its core business in the statutory review of patients under the Mental Health Act.

THANK YOU

I take this opportunity to thank the staff and members of the Tribunal for their continued flexibility, dedication and enthusiasm for the very important work that we do. The introduction of the Mental Health Act 2007 along with the other changes experienced over the last 18 months has made this a particularly challenging period for the Tribunal. The Tribunal’s staff and members have met these challenges with good humour and extraordinary commitment.

Rodney Brabin
Registrar

3. STATISTICAL REVIEW

3.1 CIVIL JURISDICTION

Table 1								
Summary of statistics relating to the Tribunal's civil jurisdiction under the Mental Health Act 1990 for the period January to 15 November 2007								
<i>Section of Act</i>	<i>Description of Review</i>	<i>Reviews (Including Adjudgments)</i>			<i>% Reviewed by Sex</i>		<i>Number Legally Represented</i>	<i>% Legally Represented</i>
		<i>M</i>	<i>F</i>	<i>Total</i>	<i>M</i>	<i>F</i>		
s56	Review prior to expiry of magistrate's order for temporary patient status	532	389	921	57.8	42.2	820	89.0
s58	Review prior to expiry of Tribunal order for temporary patient status	167	110	277	60.3	39.7	233	84.1
S62	Continued treatment patient	474	264	738	64.2	35.8	233	84.1
s63	Informal Patient	29	20	49	59.2	40.8	0	-
s69	Appeal against refusal to discharge by medical superintendent	74	54	128	57.8	42.2	108	84.4
s118	Community counselling order	39	25	64	60.9	39.1	1	1.6
s131	Community treatment order	2844	1646	4490	63.3	36.7	74	1.6
s143A	Detained person under CTO	5	1	6	83.3	16.7	3	50.0
s148	Variation or revocation of a CCO or CTO	164	84	248	66.1	33.9	1	0.4
s151(2)	Appeal against magistrate's CCO or CTO	1	5	6	16.7	83.3	2	33.3
s185	ECT applications - Information patient	4	0	4	100	0	0	-
s188	ECT application - involuntary patient	217	365	582	37.3	62.7	52	8.9
s203*	Notice to Tribunal of performance of surgical operation	1	4	5	20	80	-	-
s205(i)	Application and Determination for surgical operation	7	17	24	29.2	70.8	3	12.5
s205(ii)	Application and Determination for special medical treatment	-	1	1	0	100	0	-
Totals 2007		4558	2985	7543	60.4	39.6	1330	17.6

* THESE ARE SURGICAL OPERATIONS PERFORMED AS CASES OF EMERGENCY ON THE CONSENT OF A PRESCRIBED PERSON. NO TRIBUNAL HEARING WAS CONDUCTED FOR THESE MATTERS.

Table 2**Summary of statistics relating to the Tribunal's civil jurisdiction under the Mental Health Act 2007 for the period 16 November 2007 to 30 June 2008**

Section of Act	Description of Review	Reviews (Including Adjudgments)			% Reviewed by Sex		Number Legally Represented	% Legally Represented
		M	F	Total	M	F		
s9	Review of voluntary patients	21	12	33	63.6	36.4	0	0
s37(1)(a)	Initial review of involuntary patients prior to expiry of magistrate's order	358	292	650	55.1	44.9	519	79.8
s37(1)(b)	3 monthly review of involuntary patients after initial 12 month period	230	145	375	61.3	38.9	77	15.7
s37(1)(c)	Continued review of involuntary patients after initial 12 month period	300	191	491	61.1	38.9	77	15.7
s44	Appeal against medical superintendent's refusal to discharge	66	36	102	64.7	35.3	71	69.6
s51	Community treatment orders	1917	1014	2931	65.4	34.6	268	9.1
s63	Review of affected persons detained under a community treatment order	4	1	5	80	20	4	80.0
s65	Variation or revocation of a community treatment order	85	44	129	65.9	34.1	1	0.8
s67	Appeal against a Magistrate's community treatment order	1	-	1	100	0	0	0
s96(1)	Review of voluntary patient's capacity to give informed consent to ECT	-	1	1	0	100	0	0
s96(2)	Application to administer ECT to an involuntary patient with or without consent	123	266	389	31.6	68.4	52	13.4
s99	Review report of emergency surgery involuntary patient	-	-	-	-	-	-	-
s101	Application to perform a surgical operation	3	7	10	30	70	3	30
s103	Application to carry out special medical treatment	-	1	1	0	100	1	100
TOTAL		3108	2010	5118	60.7	39.3	1297	25.3

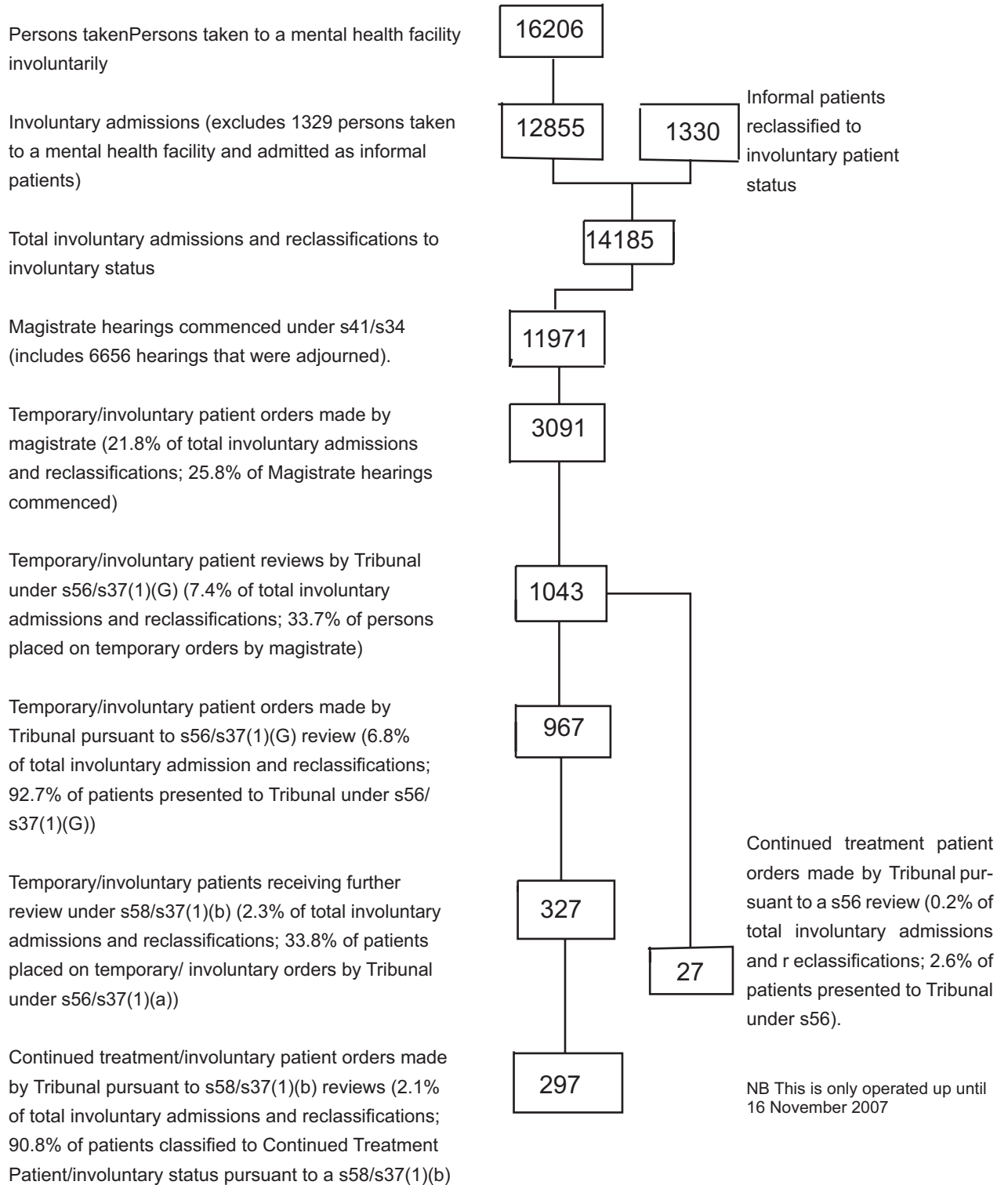
Table 3

Summary of statistics relating to the Tribunal's civil jurisdiction under the Mental Health Act 1990/Mental Health Act 2007 for the periods January to December 2006, January to December 2007, and July 2007 to June 2008

	2006	2007	2007/8
Reviews of persons detained in a mental health facility for involuntary treatment (s56, s58, s62/s37)	2565	2221	2315
Appeal against medical superintendent's refusal to discharge (s69/44)	164	149	157
Applications for orders for involuntary treatment in a community setting (s131, 118/s51)	5858	5148	4995
Variation and Revocation of Community Treatment Orders (s148/s65)	276	260	218
Review of those persons detained in a mental health facility following a breach of the Community Treatment Order (s143/s63)	6	7	6
Appeal against a Magistrate's Community Treatment Order (s151/s67)	7	6	3
Review of those in a mental health facility receiving voluntary treatment who have been in the facility for more than twelve months (s63/s9)	61	52	52
Notice of Emergency Surgery (s203/s99)	15	5	2
Consent to Surgical Operation (s205(i)/s101)	26	26	17
Consent to Special Medical Treatment (s205(ii)/s103)	-	1	1
Review voluntary patient's capacity to consent to ECT (s185/s96(1))	2	4	3
Application to administer ECT to an involuntary patient	557	655	660
TOTALS	9537	8534	8429

Table 4

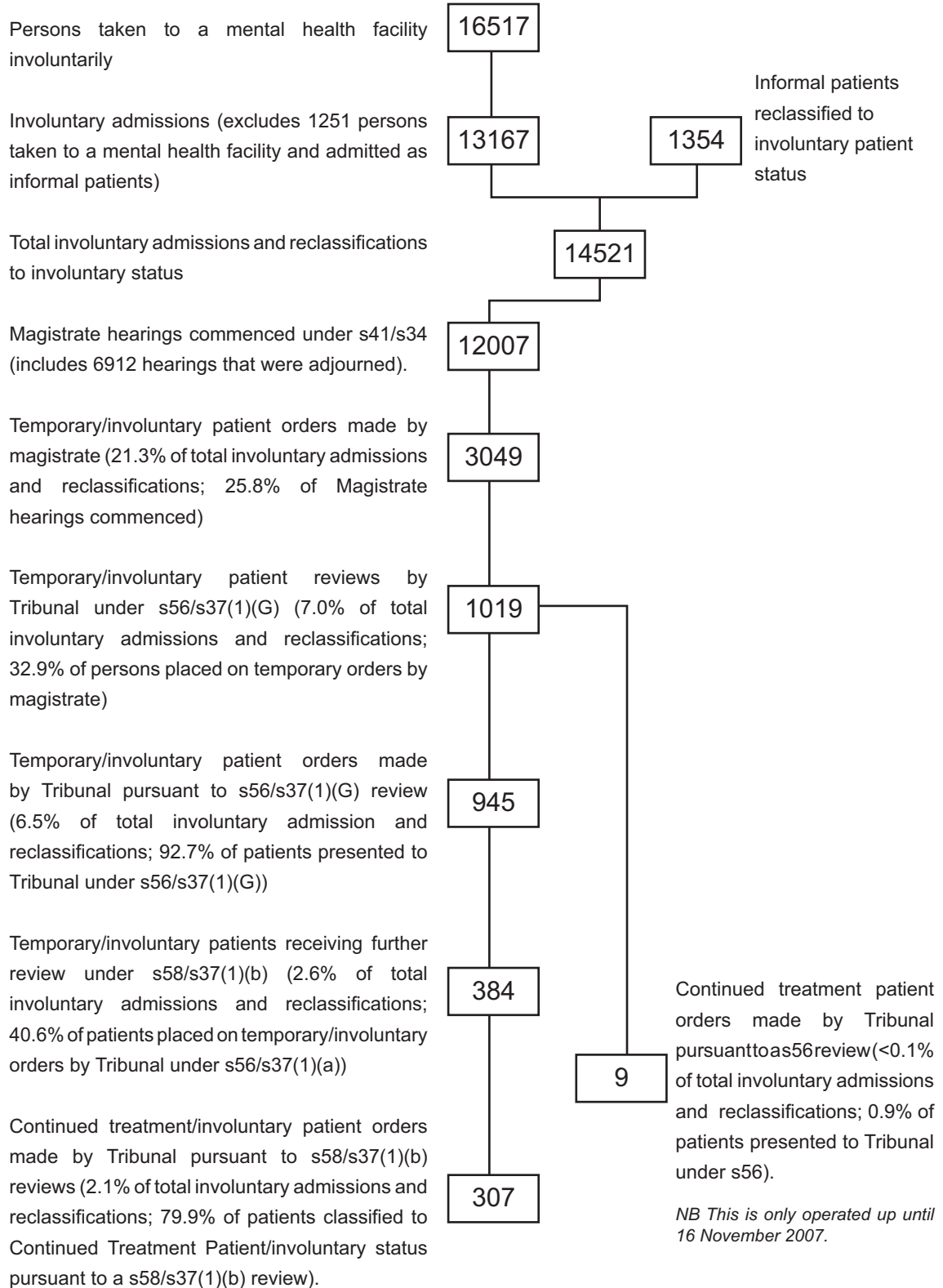
Flow Chart showing progress of involuntary patients admitted during the period January to December 2007



Note: Continued treatment patients were subject to six monthly periodic reviews by the Tribunal under s.62 of the Mental Health Act 1990. Under the Mental Health Act 2007, involuntary patients are reviewed under s37(1)(b) every 3 months for the first 12 months. Thereafter they are reviewed under s37(1)(c) at least once every six months. For consistency in comparison, only the first review under s37(1)(b) has been combined with s58 hearings.

Table 5

Flow chart showing progress of involuntary patients admitted during the period July 2007 to June 2008



Note: Continued treatment patients were subject to six monthly periodic reviews by the Tribunal under s.62 of the Mental Health Act 1990. Under the Mental Health Act 2007, involuntary patients are reviewed under s37(1)(b) every 3 months for the first 12 months. Thereafter they are reviewed under s37(1)(c) at least once every six months. For consistency in comparisons, only the first review under s37(1)(b) has been combined with s58 hearings.

Table 6										
Involuntary Patients reviewed by the Tribunal under the Mental Health Act 1990 for the period 1 January 2007 to 15 November 2007										
		<i>M</i>	<i>F</i>	<i>T</i>	<i>Adjourn</i>	<i>Dis-charge/voluntary</i>	<i>Dis-charge CTO/CCO</i>	<i>Extend Magist. Temp. Order</i>	<i>Reclas-sify to Contin-ued Treat-ment Patient</i>	<i>With-drawn No Jurisdic-tion</i>
s56	Review prior to expiry of magistrate's order for temporary patient status	532	389	921	26	3	2	854	27	9
s58	Review prior to expiry of Tribunal order for temporary patient status	167	110	277	10	3	-	-	259	5
s62	Continued treatment patient	474	264	738	14	1	-	-	720	3

Table 7									
Involuntary Patients reviewed by the Tribunal under the Mental Health Act 2007 for the period 16 November 2007 to 30 June 2008									
		<i>M</i>	<i>F</i>	<i>T</i>	<i>Adjourn</i>	<i>Discharge/voluntary</i>	<i>Discharge on CTO/CCO</i>	<i>Continued detention as Involuntary patient</i>	
s37(1)(a)	Review prior to expiry magistrates order for detention as a result of a mental health enquiry	358	292	650	49	3	6	592	
s37(1)(b)	Review at least once every 3 months during first 12 months person is an involuntary patient	230	145	375	34	8	4	324	
s37(1)(c)	Review at least once every 6 months while person is an involuntary patient after first 12 months	300	191	491	21	3	1	466	

Table 8								
Combined Summary Outcomes of reviews of involuntary patients for 2007								
	<i>M</i>	<i>F</i>	<i>T</i>	<i>Adjourn</i>	<i>Discharge/voluntary</i>	<i>Discharge on CTO/CCO</i>	<i>Continued detention as Involuntary patient</i>	<i>Withdrawn No Jurisdiction</i>
First Review after Magistrate order (s56/37(1)(a))	601	442	1043	34	3	2	995	9
Review during first 12 months detention for involuntary patient (s58/s37(1)(b))	202	132	334	18	6	-	305	5
Review every 6 months for involuntary patient after first 12 months (s62/s37(1)(c))	537	307	844	19	1	-	821	3

Table 9								
Combined Summary Outcomes of reviews of involuntary patients for 2007/8								
	<i>M</i>	<i>F</i>	<i>T</i>	<i>Adjourn</i>	<i>Discharge/voluntary</i>	<i>Discharge on CTO/CCO</i>	<i>Continued detention as Involuntary patient</i>	<i>Withdrawn No Jurisdiction</i>
First Review after Magistrate order (s56/37(1)(a))	574	445	1019	53	4	7	954	1
Review during first 12 months detention for involuntary patient (s58/s37(1)(b))	305	191	495	34	9	4	448	1
Review every 6 months for involuntary patient after first 12 months (s62/s37(1)(c))	444	301	800	27	3	1	768	1

Table 10								
Summary outcome of appeals by patients against a medical superintendent's refusal of or failure to determine a request for discharge (s69/s44) during the periods 2007 and 2007/8								
Major Mental Health Facilities	<i>Tribunal Reviews under s69</i>			<i>Determination by Tribunal</i>				
	<i>M</i>	<i>F</i>	<i>T</i>	<i>Adjourned</i>	<i>Withdrawn no jurisdiction</i>	<i>Appeal Dismissed</i>	<i>Discharged</i>	<i>Dismissed and no further Appeal to be heard prior to next scheduled review</i>
Jan-Dec 2007	89	60	149	15	10	1	117	6
Jul 07- Jun 08	104	53	157	20	9	3	116	9
Total 2006	87	77	164	23	-	-	119	22

Table 11

Community treatment orders for gazetted health care agencies made by the Tribunal for the two calendar years 2006 and 2007 and financial year 2007/8

<i>Health Care Agency</i>	<i>2006 Total CTOs</i>	<i>2007 Total CTOs</i>	<i>2007/8 Total CTOs</i>	<i>Health Care Agency</i>	<i>2006 Total CTOs</i>	<i>2007 Total CTOs</i>	<i>2007/8 Total CTOs</i>
Albury CMHS	29	28	26	Kempsey CMHS	24	21	16
Armidale MHS	10	-	-	Lake Illawarra Sector MHS	67	92	87
Ashfield CMHS	3	2	-	Lake Macquarie MHS	73	70	75
Auburn CHC	35	40	36	Leeton/Narrandera CHC	8	7	8
Bankstown-Lidcombe MHS	138	161	152	Lismore MHOPS	57	61	51
Barwon MHS	3	-	-	Lithgow MHS	19	20	11
Batemans Bay DHC & MHS	40	3	-	Liverpool MHS	19	20	115
Bega Valley Counselling & MHS	11	11	10	Macquarie Area MHS	30	29	36
Blacktown	160	185	180	Manly Hospital & CMHS	96	102	114
Blue Mountains MHS	75	88	86	Maroubra CMH	165	205	220
Bondi Junction CHC	12	17	15	Marrickville CMHS	177	192	182
Bowral CMHS	45	28	14	Merrylands CHC	98	91	91
Campbelltown MHS	138	158	161	Mid Western CMHS	38	39	33
Camperdown	97	92	91	Mudgee MHS	5	8	6
Canterbury CMHS	130	91	88	Newcastle MHS	82	85	89
Catherine Mahoney Aged Care P.U	-	-	-	Northern Illawarra MHS	103	84	89
Central Coast AMHS	200	250	246	Nyngan	-	-	-
Clarence District HS	38	39	35	Orange CHC	21	17	11
Coffs Harbour MHOPS	96	99	100	Orange C Res/Rehab Service	15	12	18
Cooma MHS	9	11	15	Parramatta CHS	52	60	52
Cootamundra MHS	9	12	12	Penrith MHS	124	118	101
Croydon	122	136	123	Penrith/Hawkesbury MHS	5	-	-
Deniliquin District MHS	6	10	8	Port Macquarie CMHS	80	87	84
Dundas CHC	58	61	57	Queanbeyan MHS	23	31	32
Eurobodalla CMHS	-	39	39	Redfern/Newtown CMHS	54	70	76
Fairfield MHS	131	132	138	Royal North Shore H & CMHS	150	155	149
Far West MHS	24	38	38	Ryde Hospital & CMHS	96	134	126
Glebe CMHS	2	5	1	Shoalhaven MHS	44	43	44
Glen Innes	9	-	-	St George Div of Psychiatry & MH	205	215	217
Goulburn CMHS	47	48	47	St Josephs Hospital CMACPU	1	1	1
Griffith (Murrumbidgee) MHS	13	8	9	Sutherland C Adult & Fam MHS	112	113	113
Hawkesbury MHS	19	19	15	Tamworth CMHS	36	-	-
Hills CMHC	28	40	48	Taree CMHS	105	97	71
Hornsby Ku-ring-gai Hospital & CMHS	122	114	126	Tumut	5	5	11
Hunter	88	103	103	Tweed Heads	68	67	61
Hunter NE Mehi/McIntyre	4	14	21	Upper Hunter	-	-	-
Hunter NE Peel	5	47	47	Wagga Wagga CMHS	65	63	63
Hunter NE Tablelands	11	30	28	Young MHS	16	18	14
Hunter Valley HCA & Psy Rehav Serv.	57	46	38				
Illawarra Psychiatric Services	14	5	1				
Inverell	7	-	-				
Inner City MHS	99	103	9				
James Fletcher Hospital	1	-	-				

Total Number of Community Treatment Orders 2006 4611
Total Number of Community Treatment Orders 2007 4854*
Total Number of Community Treatment Orders 2007-8 4706*

**NB Figures in 2007 and 2007-8 also include Community Counselling Orders 43 CCOs in 2007; 15 CCOs in 2007-8*

Table 12

Number of community counselling orders and community treatment orders made by the Tribunal and by Magistrates for the period 1995 to 2007 and 2007/8

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2007/8
Magistrate CCOs	8	7	8	4	4	3	60	15	563	36	7	6	8	3
Tribunal CCOs	148	167	178	82	66	69	88	54	70	62	53	50	43	15
Totals CCOs	156	174	186	86	70	72	148	69	133	98	60	56	51	18
Magistrate CTOs	349	365	747	747	844	673	1289	563	1096	2056	1535	1579	1452	1315
Tribunal CTOs	1396	2095	2840	2059	2325	2509	2738	3166	3606	3930	4272	4611	4811	4691
Total CTOs	1745	2460	3587	2806	3169	3182	4027	3729	4702	5986	5807	6190	6263	6006
Total MagistrateCCO/CTOs	2357	372	755	751	848	676	1349	578	1159	2092	1542	1585	1460	1318
Total TribunalCCO/CTOs	1544	2262	3018	2141	2391	2578	2826	3220	3676	3992	4325	4661	4854	4706
Total CCO/CTOs made	1901	2634	3773	2892	3239	3254	4175	3798	4835	6084	5867	6256	6314	6024

Table 13

Tribunal determinations on ECT applications for patients for the period January to December 2007 and July 2007 to June 2008

Outcome	2007	2007/8
Capable and has consented	38	49
Incapable of giving informed consent	3	2
ECT determined to be necessary & desirable	568	566
ECT determined to be NOT necessary & desirable	13	18
No jurisdiction/withdrawn	10	6
Adjourned	32	31
Totals	664	672
Total 2006	559	-

Table 14

Summary of notifications received in relation to emergency surgery (ss201-203/s99) during the periods 2007 and 2007/8

	<i>M</i>	<i>F</i>	<i>T</i>	<i>Heart</i>	<i>Neuro</i>	<i>Tissue/Skin</i>	<i>Gallstones</i>	<i>Blood Transfusion</i>
2007	1	4	5	1	1	1	1	1
2007/8	-	2	2	0	0	1	1	0
Total	1	6	7	1	1	2	2	1

Table 15

Summary of Tribunal approvals of surgical operations and special medical treatments (ss205-207/ss101; 103) during the periods 2007 and 2007/8

				<i>Refused</i>	<i>Adjourned</i>	<i>Surgical</i>					<i>Spec Med</i>			
	<i>M</i>	<i>F</i>	<i>T</i>			<i>Dental</i>	<i>Eye</i>	<i>Gastro</i>	<i>Heart</i>	<i>Resp</i>	<i>Skin/Tissue</i>	<i>Vascular</i>	<i>Other</i>	
2007	8	18	26	2	2	2	1	1	1	3	9	3	1	1
2007/8	5	11	16	5	2	1	-	1	1	3	3	-	-	0
Total	13	29	42	7	4	3	1	2	2	9	12	3	1	1

NB The Tribunal found that it had no jurisdiction in one matter, and one matter was withdrawn at hearing.

3.2 PROTECTED ESTATES

Table 16

Summary of statistics relating to the Tribunal's jurisdiction under the Protected Estates Act 1983 for the period January to December 2007 and totals for 2006

Section of Act	Description of Reviews	Reviews			Ad-journ-ments	With-drawn no juris-diction	Order made	No Order made	Interim Order under s20	Revoca-tion Ap-proved	Revoca-tion De-clined	Legal Repres.
		M	F	T								
s.17	Referred to Tribunal by Magistrate	52	46	98	22	-	24	50	2	-	-	80
s.18	Order made on Forensic Patient	28	1	29	-	-	2	27	-	-	-	26
s.19	On application to Tribunal for Order	127	87	214	30	5	141	32	6	-	-	187
s.36	Revocation of Order	29	19	48	9	-	-	-	-	29	10	6
Totals 2007		236	153	389	61	5	167	109	8	29	10	299
Totals 2006		205	156	361	68	-	133	86	47	20	7	265

Table 17

Summary of statistics relating to the Tribunal's jurisdiction under the Protected Estates Act 1983 for the period July 2007 to June 2008

Section of Act	Description of Reviews	Reviews			Adjourn-ments	With-drawn no juris-diction	Order made	No Order made	Interim Order under s20	Revoca-tion Ap-proved	Revoca-tion De-clined	Legal Repres.
		M	F	T								
s.17	Referred to Tribunal by Magistrate	46	44	90	27	1	24	36	2	-	-	78
s.18	Order made on Forensic Patient	141	9	150	-	-	2	148	-	-	-	129
s.19	On application to Tribunal for Order	100	64	164	21	8	96	34	5	-	-	144
s.36	Revocation of Order	27	30	57	9	-	-	-	-	38	10	11
Totals 2007-8		314	147	461	57	9	122	218	7	38	10	362

3.3 FORENSIC JURISDICTION

Table 18

Summary of statistics relating to the Tribunal's forensic jurisdiction for the periods January to 15 November 2007 and 2006 for forensic patient case reviews under the Mental Health Act 1990

<i>Act and Section</i>	<i>Description of Review</i>	<i>2006 Reviews</i>			<i>2007 Reviews</i>		
		M	F	T	M	F	T
	Forensic Patient Reviews requiring submission of Tribunal recommendations to Minister under the Mental Health Act 1990						
s80(1)(a) MHA	After Court inquiry where detention imposed - consider (a) fitness & (b) danger to self or public	1	-	1	-	-	-
s80(1)(b) MHA	After special hearing where limiting term and detention imposed - Consider (a) fitness & (b) danger to self or public	4	2	6	1	2	3
s81(1)(a) MHA	After special hearing - not guilty by reason of mental illness	3	1	4	-	1	1
s81(1)(b)	After Trial - not guilty by reason of mental illness	16	1	17	12	1	13
s82 MHA	Regular periodic review of forensic patient	453	49	502	417	49	466
s86(1) MHA	Review of person transferred from prison	33	9	42	71	15	86
s87	Review of person awaiting transfer from prison	-	-	-	13	1	14
s188	Application for ECT	3	-	3	4	1	5
s205C(i)	Application for surgical operation	-	-	-	-	-	-
Total		513	62	575	518	70	588

Table 19

Summary of statistics relating to the Tribunal's forensic jurisdiction for the periods 16 November 2007 to 30 June 2008 for forensic patient case reviews under the Mental Health (Criminal Procedure) Act 1990 as amended 2007

<i>Act and Section</i>	<i>Description of Review</i>	<i>2007 Reviews</i>		
		M	F	T
	Forensic Patient Reviews requiring submission of Tribunal recommendations to Minister under the Mental Health (Criminal Procedure) Act 2007			
s41	Review after finding at trial or special hearing of not guilty by reason of mental illness	12	1	13
s42(1)(a)	After Court inquiry where detention imposed consider (a) fitness & (b) danger to self or public	-	-	-
s42(1)(b)	After special hearing where limiting term and detention imposed - Consider (a) fitness & (b) danger to self or public	2	-	2
s43	Regular periodic review of forensic patient	335	35	370
s46(i)	Review of person transferred from prison	63	6	69
s54	Review of person awaiting transfer from prison	5	1	6
s72	Appeal against decisions of Director General	3	-	3
s96	Application for ECT	3	-	3
s101	Application for surgical operation	-	-	-
Total		423	43	466

Table 20**Combined statistics Tribunal reviews of forensic patients under the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990 for the calendar year 2007 and financial year 2007/8**

<i>Description of Review</i>	<i>2007 Reviews</i>			<i>2007/8 Reviews</i>		
	M	F	T	M	F	T
Review after finding of not guilty by reason of mental illness (s81/s41)	16	3	17	12	3	15
Review after detention or bail imposed under s17 MHCPA following finding of unfitness (s80(1)(a)/s42(1)(a))	-	-	-	-	-	-
Review after limiting term imposed following a special hearing (s80(a)(b)/s82(1)(b))	1	2	3	6	-	6
Regular review forensic patients (s82/s43)	483	55	538	516	57	573
Review of person transferred from prison (s86/s46)	80	15	95	101	12	113
Review of person awaiting transfer from prison (s87/s54)	16	1	17	10	2	12
Application for ECT (s188/s96)	4	1	5	6	1	7
Application for surgical operation (s205/s101)	-	-	-	-	-	-
Appeal against decision Director General (~/s72*)	1	0	1	3	-	3
Total	601	77	678	654	75	729

Determinations

Determination of fitness to be tried in next twelve months (s16)	36	5	41	45	4	49
Determination of mental state following making of a limiting term after a special hearing (s24)	6	1	7	10	-	10
Total	42	6	48	55	4	59
Combined Totals	643	83	726	709	79	788

*NB This provision came into effect on 16 November 2007

Table 21

Outcomes of reviews held under the forensic provisions of the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990 from January to December 2007, Tribunal Recommendations, and Response of the Executive Government, and totals for 2006

	Reviews			Approvals	Not Approved	Not Considered	Pending	N/A
	M	F	T					
No change in conditions of detention	271	32	303	131	5	130	14	23*
Transfer to another facility with same conditions of detention	7	0	7	-	-	2	5	-
Less restrictive conditions of detention	64	10	74	8	4	47	15	-
More restrictive conditions of detention	-	-	-	-	-	-	-	-
Conditional Release	41	3	44	11	1	26	6	-
No change to Conditional Release	137	15	152	49	2	75	10	16*
Variation of Conditional Release	3	1	4	3	-	1	-	-
Less restrictive conditional release	4	1	5	3	-	1	1	-
More restrictive conditional release	-	-	-	-	-	-	-	-
Unconditional release	10	2	12	7	1	4	-	-
Revocation of conditional release	1	1	2	-	-	1	1	-
Adjourned	36	2	38	-	-	-	-	38
Not forwarded or acted upon due to changed circumstances	10	3	13	-	-	-	-	13
Total 2007	584	70	654	212	13	287	52	90
Total 2006	546	76	622	339	55	-	88	-

* From November 16 2007, the Mental Health (Criminal Procedure) Act 1990 provided that "the Tribunal may make recommendations to the Minister". The previous legislation had stated that the "Tribunal must make recommendations to the Minister". As a result, recommendations for no change to detention or no change to conditions of release where no contentious issues were raised in the course of the hearing were no longer forwarded to the Minister. No response from the Executive Government was therefore required in those cases.

Table 22

Outcomes of reviews held under the forensic provisions of the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990 from July 2007 to June 2008, Tribunal Recommendations, and Response of the Executive Government

	Reviews			Approvals	Not Approved	Not Considered	Pending	N/A
	M	F	T					
No change in conditions of detention	268	28	296	44	4	95	55	98*
Transfer to another facility with same conditions of detention	24	2	26	11	-	5	10	-
Less restrictive conditions of detention	61	11	72	5	-	26	41	-
More restrictive conditions of detention	-	-	-	-	-	-	-	-
Conditional Release	42	6	48	10	-	47	21	-
No change to Conditional Release	141	13	154	6	1	47	19	81*
Variation of Conditional Release	8	2	10	3	-	1	6	-
Less restrictive conditional release	4	2	6	3	-	1	2	-
More restrictive conditional release	-	-	-	-	-	-	-	-
Unconditional releases	9	1	10	5	1	1	3	-
Revocation of conditional release	-	-	-	-	-	-	-	-
Adjourned	45	3	48	-	-	-	-	48
Not forwarded or acted upon due to changed circumstances	18	2	20	-	-	-	-	20
Total 2007	620	70	690	87	6	193	157	247

* From November 16 2007, the Mental Health (Criminal Procedure) Act 1990 provided that "the Tribunal may make recommendations to the Minister". The previous legislation had stated that the "Tribunal must make recommendations to the Minister". As a result, recommendations for no change to detention or no change to conditions of release where no contentious issues were raised in the course of the hearing were no longer forwarded to the Minister. No response from the Executive Government was therefore required in those cases.

Table 23

Determination of the Mental Health Review Tribunal following reviews held under the forensic provisions of the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990 for the periods January to December 2007 and July 2007 to June 2008

	Reviews 2007			Reviews 2007/8		
	M	F	T	M	F	T
Determination s16(1) person IS FIT to be tried	2	0	2	4	1	5
Determination s16(1) probably WILL become fit to be tried within 12 months	1	2	3	1	0	1
Determination s16(1) person probably WILL NOT become fit to be tried within 12 months	20	2	22	22	2	24
Determination under s24(2) Person IS mentally ill referring court notified	1	1	2	5	0	5
Determination under s24(2) Person IS suffering from a mental condition treatable in a mental health facility and DOES NOT object to being in a mental health facility	2	0	2	2	0	2
Determination under s24(2) Person IS NEITHER mentally ill nor suffering from a mental condition	-	-	-	1	0	1
Person is UNFIT to stand trial and release to the community WOULD endanger themselves or others (s80(1)(b)/s42(1)(b))	0	1	1	4	2	6
Determination under s44 person IS NOT fit to stand trial*	4	1	5	27	6	33
Determination under s44 person IS fit to stand trial*	-	-	-	4	1	5
Determination under s46 person IS a mentally ill person who should continue to be detained in a mental health facility	8	0	8	44	4	48
Determination under s46 person IS NOT a mentally ill person who should continue to be detained in a mental health facility*	-	-	-	2	0	2
Classification of a forensic patient as a continued treatment/involuntary patient under s89/s67	6	4	10	4	2	6
Determination under s72 appeal allowed, leave granted*	1	0	1	3	0	3
Adjournments	15	1	16	20	1	21
TOTALS	60	12	72	143	19	162

Note - The Tribunal also considered 5 hearings in relation to ECT concerning forensic patients in 2007 and 7 hearings in relation to ECT concerning forensic patients in 2007/8

* The determinations under s44, s46, and s72 only came into effect on 16 November 2007 with the amendments to the Mental Health (Criminal Procedure) Act 1990.

Table 24**Location of forensic patient case reviews held between January and December 2007 and July 2007 and June 2008**

	2007	2007/8
Cumberland Hospital	88	94
Frank Baxter Juvenile Justice Centre	-	-
Goulburn Gaol	1	1
Kenmore Hospital	8	6
Long Bay Prison Hospital	256	281
Macquarie Hospital	11	15
Morisset Hospital	53	65
Metropolitan Reception and Remand Centre	75	82
Silverwater Womens Correctional Centre	-	4
Prince of Wales	-	-
Tribunal Premises	221	229
Rozelle Hospital (now Concord Hospital)	13	11
Windsor Collections Health	-	-
TOTAL	726	788

Table 25**Location of Forensic Patients as at 30 June 2007 and 30 June 2008**

	30 June 2007	30 June 2008
Bankstown	-	1
Bathurst	-	-
Cessnock Correctional Centre	1	1
Community	86	92
Cumberland Hospital	35	41
Grafton Correctional Centre	-	1
Goulburn Correctional Centre	3	3
Junee Correctional Centre	-	1
Juvenile Justice Centre	2	3
Kempsey Correctional Centre	-	1
Kenmore Hospital	3	3
Lismore	1	1
Lithgow Correction Centre	1	1
Long Bay Prison Hospital	98	79
Macquarie Hospital	5	8
Metropolitan Reception and Remand Centre	35	37
Metropolitan Special Programs Centre	2	2
Morisset Hospital	23	31
Rozelle Hospital/Concord Hospital	7	5
Silverwater - PMS	-	-
Silverwater Womens Ccorrectional Centre	5	4
Windsor	1	-
Yasmar	1	-

Table 26**Category of Forensic Patients as at 30 June 2007 and 30 June 2008**

CATEGORY	MALE		FEMALE		TOTAL	
	30 June 07	30 June 08	30 June 07	30 June 08	30 June 07	30 June 08
Not Guilty by Reason of Mental Illness	190	199	18	18	208	217
Fitness	35	40	3	4	38	44
Limiting Term	9	15	5	4	14	19
Transferee	42	26	7	9	49	35
Total	276	280	33	35	309	315

Table 27**Number of Forensic Patients 1991 - 30 June 2008**

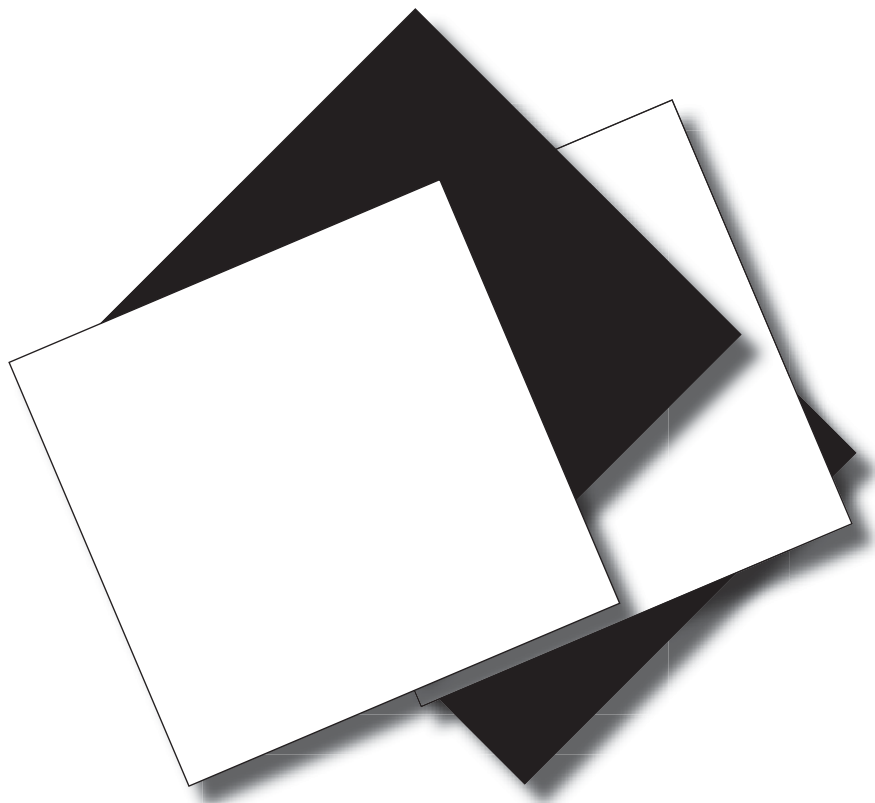
Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Forensic Patients	77	88	90	102	123	123	26	144	176	193	223	247	279	277	284	310	309	315

NOTE: Figures for 1991-2001 taken from MHRT Annual Reports as at 31 December of each year. Figures for 2002, 2003, 2004, 2005, 2006, 2007, and 2008 were taken as at 30 June of these years.



Mental Health
Review Tribunal

APPENDICES



APPENDIX 1

Patient statistics required under MHA s147(s) concerning people taken to a mental health facility during the period January to December 2007

(1) s147(2)(a)

The number of persons taken to a mental health facility and the provisions of the Act under which they were so taken.

	<i>Method of referral</i>	<i>Admitted</i>	<i>Not Admitted</i>	<i>Total</i>
<hr/>				
MHA90/MHA07				
s21/s19	Certificate of Doctor	9678	144	9822
s24/s22	Apprehension by Police	2794	468	3262
s26/-	Welfare Officer	172	5	177
-/s20	Ambulance Officer	54	-	54
s142/s58	Breach Community Treatment Order	115	4	119
s23/s26	Request by relative/friend	999	1	1000
s25/s24	Order of Court	260	55	315
s21 via s27/s23 via s19	Authorised Doctor's Certificate	112	-	112
Total Admissions		14184	677	14861
<hr/>				
Reclassified from Informal to Involuntary		1330	15	1345
TOTAL		15514	692	16206

(2) s147(2)(b)

Persons were detained as mentally ill persons on 10367 occasions and as mentally disordered persons on 3710 occasions.

(3) s147(2)(c)

A total of 11971 magistrate's inquiries were commenced and 5315 of these inquiries were concluded.

(4) s147(2)(d)

In 2007, 14185 persons were detained as involuntary patients. Of these, only 1043 remained detained in a mental health facility and were reviewed by the Tribunal on the expiry of the Magistrate's order (usually 3 months in length). Therefore, approximately 13142 persons were detained as involuntary patients for 3 months or less.

APPENDIX 1

Patient statistics required under MHA s147(s) concerning people taken to a mental health facility during the period July 2007 and June 2008.

(1) s147(2)(a)

The number of persons taken to a mental health facility and the provisions of the Act under which they were so taken.

	<i>Method of referral</i>	<i>Admitted</i>	<i>Not Admitted</i>	<i>Total</i>
<hr/>				
MHA90/MHA07				
s21/s19	Certificate of Doctor	9846	143	9989
s24/s22	Apprehension by Police	2734	533	3267
s26/-	Welfare Officer	41	1	42
-/s20	Ambulance Officer	253	-	253
s142/s58	Breach Community Treatment Order	114	7	121
s23/s26	Request by relative/friend	1061	-	1061
s25/s24	Order of Court	231	64	295
s21 via s27/s23 via s19	Authorised Doctor's Certificate	138	-	138
Total Admissions		14418	748	15166
Reclassified from Informal to Involuntary		1354	7	1361
TOTAL		15772	755	16527

(2) s147(2)(b)

Persons were detained as mentally ill persons on 10487 occasions and as mentally disordered persons on 3947 occasions.

(3) s147(2)(c)

A total of 12007 magistrate's inquiries were commenced and 5095 of these inquiries were concluded.

(4) s147(2)(d)

In 2007/8, 14521 persons were detained as involuntary patients. Of these, only 1019 remained detained in a mental health facility and were reviewed by the Tribunal on the expiry of the Magistrate's order (usually 3 months in length). Therefore, approximately 13502 persons were detained as involuntary patients for 3 months or less.

TRIBUNAL'S JURISDICTION

The jurisdiction of the Tribunal up to 15 November 2007 as set out in the various Acts under which it operated was as follows:

Mental Health Act 1990 Matters

• Consideration of temporary orders made by the Magistrate	s56
• Consideration of temporary orders made by the Tribunal	s58
• Review of continued treatment patients	s62
• Review of informal patients	s63
• Appeal against medical superintendent's refusal to discharge	s69
• Review of persons found unfit to be tried	s80
• Review of persons found not guilty on grounds of mental illness	s81
• Continued review of forensic patients	s82
• Review of persons transferred from prison	s86
• Informal review of persons with proceedings still pending	s86(2)
• Informal review of persons to be transferred from prisons	s87
• Classification as continued treatment patient	s89
• Requested investigation of person apprehended for a breach of a condition of an order for release	s94
• Review of forensic patients requesting transfer to prison	s96
• Making of community counselling orders	s118
• Making of community treatment orders	s131
• Review by Tribunal of detained persons	s143A
• Variation of a community counselling order or a community treatment order	s148
• Revocation of a community counselling order or community treatment order	s148
• Review of informal patient's capacity to give informed consent to ECT	s185
• Review report on emergency ECT	s186
• Application to Tribunal to administer ECT with consent to a detained person	s188
• Application to administer ECT without consent to a detained person	s189
• Inspect ECT register	s196
• Review report on emergency surgery	s203
• Application to carry out special medical treatment	s204
• Application to carry out certain operations and treatments other than in emergency	s205

Protected Estates Act 1983 Matters

• Order for management	s17, s18, s19
• Interim order for management	s20
• Revocation of order for management of non-patient	s36

Mental Health (Criminal Procedure) Act 1990 Matters

• Determination of certain matters where person found unfit to be tried	s16
• Determination of certain matters where person given a limiting term following a special hearing	s24

The jurisdiction of the Tribunal after 16 November 2007 as set out in the various Acts under which it operates is as follows:

Mental Health Act 2007 Matters

- Review of voluntary patients s9
- Initial review of involuntary patients s37(1)(a)
- Review of involuntary patients during first year s37(1)(b)
- Continued review of involuntary patients s37(1)(c)
- Appeal against medical superintendent's refusal to discharge s44
- Making of community treatment orders s51
- Review of affected persons detained under a community treatment order s63
- Variation of a community treatment order s65
- Revocation of a community treatment order s65
- Appeal against a Magistrate's community treatment order s67
- Review of voluntary patient's capacity to give informed consent to ECT s96(1)
- Application to administer ECT to an involuntary patient (including forensic patients) with or without consent s96(2)
- Inspect ECT register s97
- Review report of emergency surgery involuntary patient s99(1)
- Review report of emergency surgery forensic patient s99(2)
- Application to perform a surgical operation on an involuntary patient s101(1)
- Application to perform a surgical operation on a voluntary patient or a forensic patient not suffering from a mental illness s101(4)
- Application to carry out special medical treatment on an involuntary patient s103(1)
- Application to carry out s prescribed special medical treatment s103(3)

Protected Estates Act 1983 Matters

- Order for management s17,18,19
- Interim order for management s20
- Revocation of order for management s36

Mental Health (Criminal Procedure) Act 1990 Matters

- Determination of certain matters where person found unfit to be tried s16
- Determination of certain matters where person given a limiting term following a special hearing s24
- Review of persons found not guilty by reason of mental illness s41
- Review of persons found unfit to be tried s42
- Continued review of forensic patients s43
- Review of persons transferred from prison s46(1)
- Informal review of persons with proceedings still pending s46(3)
- Review of forensic patients requesting transfer to prison s53
- Informal review of persons awaiting transfer from prisons s54
- Requested investigation of person apprehended for a breach of a condition of an order for release s59
- Classification as an involuntary patient s67
- Appeal against Director-General's refusal to grant leave s72

APPENDIX 3

Mental Health Review Tribunal Members as at 30 June 2008

Full-Time Members	The Hon Greg James Q.C (President)	Ms M Bisogni (Deputy President)	Mr John Feneley (Deputy President)
Part-Time Deputy Presidents	The Hon Terry Christie Q.C Mr Richard Gully Judge Ken Taylor QC RFD	The Hon. John Dowd (AO QC) Mr Charles Vandervord The Hon Frank Walker QC	

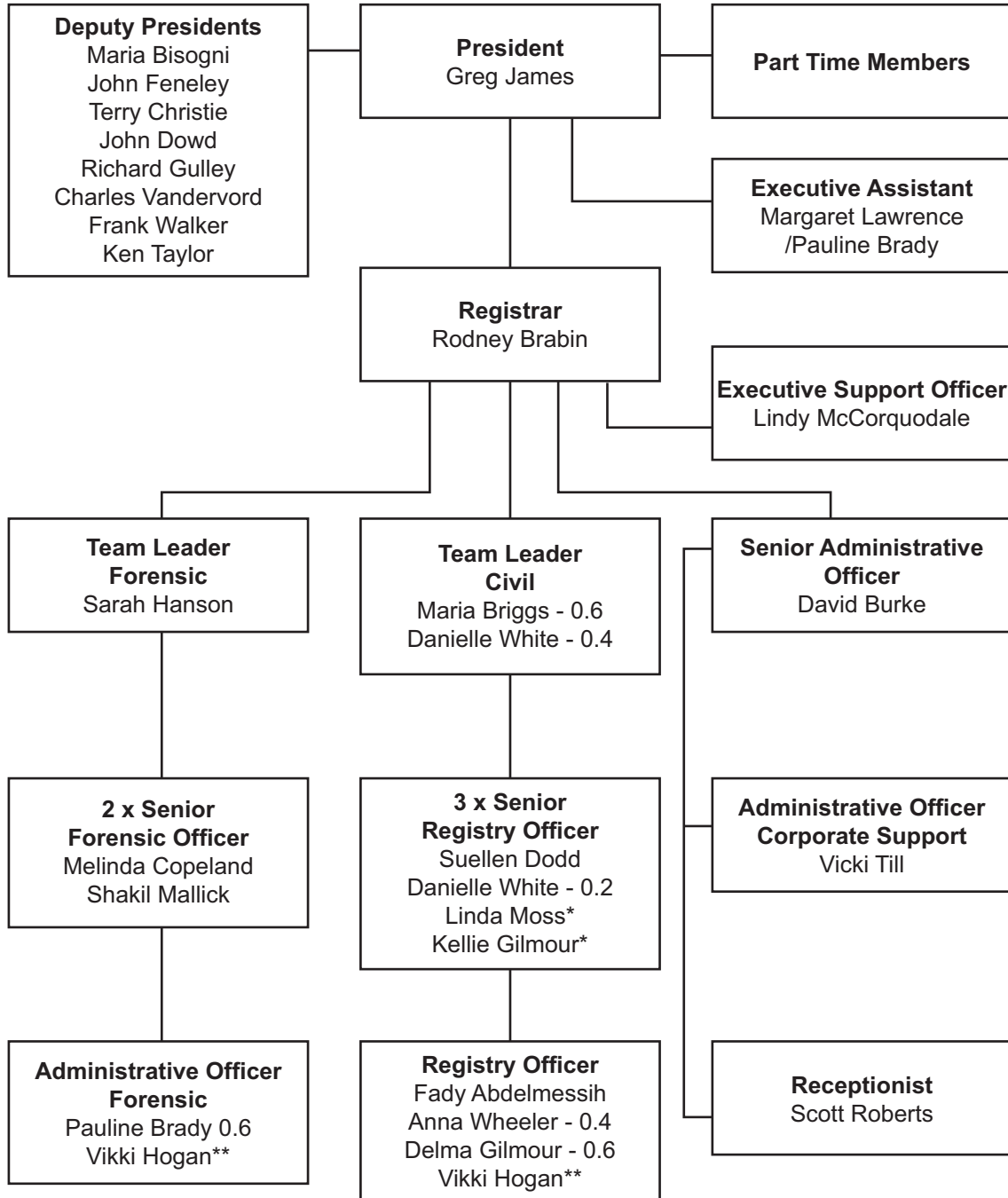
	Lawyers	Psychiatrists	Other
Part-Time Members	Ms Carol Abela	Dr Clive Allcock	Mr Stanley Alchin
	Ms Diane Barnetson	Dr Stephen Allnutt	Ms Elisabeth Barry
	Ms Catherine Carney	Dr Brian Boettcher	Mr Peter Bazzana
	Ms Jenny D'Arcy	Dr Barbara Burkitt	Mr Ivan L Beale
	Ms Linda Emery	Dr Andrew Campbell	Ms Diana Bell
	Ms Helen Gamble	Dr Jonathan Carne	Mr Gerald Cheung
	Mr Anthony Giurissevich	Dr Shailja Chaturvedi	Ms Gillian Church
	Mr Arthur Glass	Dr June Donsworth	Dr Leanne Craze
	Mr Robert Green	Dr Charles Doutney	Ms Michelle Gardner
	Mr Ken Hale	Dr John Ellard	Mr Michael Gerondis
	Mr Robin Handley	Dr Michael Giuffrida	Mr John Haigh
	Mr David Hartstein	Prof David Greenberg	Ms Sunny Hong
	Ms Danae Harvey	Prof James Greenwood	Ms Lynn Houlahan
	Mr Hans Heilpern	Dr Jean Hollis	Ms Susan Johnston
	Mr John Hislop	Dr Rosemary Howard	Dr Timothy Keogh
	Dr John Hookey	Dr Karryn Koster	Ms Janet Koussa
	Mr Daniel Howard	Dr Dorothy Kral	Ms Rosemary Kusuma
	Mr Thomas Kelly	Dr Lisa Lampe	Mr Gordon Lambert
	Ms Hilary Kramer	Dr William E Lucas	Ms Jenny Learmont
	Ms Monica MacRae	Dr Rob McMurdo	Ms Leonie Manns
	Ms Carol McCaskie	Dr Janelle Miller	Dr Meredith Martin
	Mr Lloyd McDermott	Dr Olav Nielssen	Assoc Prof Michael McDaniel
	Dr Yega Muthu	Dr Richard Normington	Mr Shane Merritt
	Ms Kim Ross	Dr Geoffrey Rickarby	Ms Tony Ovidia
	Ms Anne Scahill	Dr Peter Shea	Mr Alan Owen
	Ms Tracy Sheedy	Dr John Spencer	Mr Rob Ramjan
	Mr Jim Simpson	Prof Christopher Tennant	Ms Felicity Reynolds
	Ms Rohan Squirchuk	Dr Andrew Walker	Mr Andy Robertson
	Mr Bill Tearle	Dr Rosalie Wilcox	Ms Robyn Sheilds
	Ms Margaret White	Dr Anthony Williams	Ms Alice Shires
	Mr Herman Woltring	Dr John Woodforde	Ass Prof Meg Smith
		Dr Rasiah Yuvarajan	Dr Suzanne Stone
		Ms Pamela Verrall	
		Ms Anne Whaite	
		Dr Ronald Witton	
		Assoc Prof Stephen Woods	

The terms of the following members expired during 2007/08. Their contribution as members is acknowledged and appreciated.

Lawyers	Psychiatrists	Other
Ms Helen Boyton	Dr Andrew Bennett	Mr Mark Ragg
Mrs Helen Brennan	Dr Gregory de Moore	
Ms Robin Gurr	Dr Paul Thiering	
Mr Peter Krebs		
Ass Prof Anne Rees		

MENTAL HEALTH REVIEW TRIBUNAL

Organisational Structure and Staffing as at 30 June 2008



* Acting

**= 2 year Temporary position shared between civil and forensic teams

FINANCIAL SUMMARY

Budget Allocation and Expenditure 2006/2007

The Tribunal ended the 2006/2007 financial year with a budget surplus of \$35,561. Expenditure during the year was directed to the following areas:

Tribunal Budget		\$3,847,648
Revenue		<u>11,558</u>
		3,859,206
Salaries and Wages	3,230,217	
Goods and Services	541,977	
Equipment, repairs and maintenance	37,805	
Depreciation	<u>13,646</u>	
Expenditure	3,823,645	<u>3,823,645</u>
Budget Surplus		-35,561

Note: Funding of \$102,000 was provided for the Forensic and Administrative Reviews. \$78,111 was expended on these reviews during 2006/2007.

Budget Allocation and Expenditure 2007/2008

The Tribunal ended the 2007/2008 financial year with a budget surplus of \$52,568. Expenditure during the year was directed to the following areas:

Tribunal Budget*		\$4,806,332
Revenue		<u>18,543</u>
		4,824,875
Salaries and Wages **	3,928,060	
Goods and Services	628,824	
Equipment, repairs and maintenance	200,543	
Depreciation	<u>14,880</u>	
Expenditure	4,772,307	<u>4,772,307</u>
Budget Surplus		-52,568

*Includes \$836,280 supplementation received in June 2008

** Includes salaries paid to part-time members of the Tribunal

FREEDOM OF INFORMATION

The provisions of the *Freedom of Information Act 1989* (hereafter FOI Act) do not apply to the judicial functions of the Tribunal (see sections 19(2)(a) and 19(2)(b)).

Parties to proceedings before the Tribunal, however, may obtain a copy of the record of the hearing proceedings to which they are a party. If the Tribunal is of the opinion that sufficient cause is shown to warrant the transcription or copy of the tape recording relating to the matter being provided, the President of the Tribunal may direct that a copy of the tape recording or transcription be made and copies also provided in certain other circumstances required by law.

The administrative and policy functions of the Tribunal are, however, covered by the FOI Act. The Tribunal received no applications under the FOI Act during 2007 or 2007-8 that related to its administration or policy functions.

FREEDOM OF INFORMATION ACT 1989, SECTION 14(1)B AND (3) SUMMARY OF AFFAIRS of the MENTAL HEALTH REVIEW TRIBUNAL

AS AT 30 JUNE 2008

INTRODUCTION

The Mental Health Review Tribunal is a quasi-judicial body whose jurisdiction is cast in broad terms by the Mental Health Act 2007 and the Mental Health (Criminal Procedure) Act 1990 and related legislation covering some 33 areas. A summary of the Tribunal's full jurisdiction, its goals and objectives may be found in its Annual Report. The Mental Health Review Tribunal's office is located at

Buiding 40, Digby Road
Gladesville Hospital
GLADESVILLE NSW 2111
(PO Box 2019, BORONIA PARK NSW 2111).
Telephone: (02) 9816 5955
Facsimile: (02) 9817 4543
E-mail: mhrt@doh.health.nsw.gov.au
Website: www.mhrt.nsw.gov.au

DESCRIPTION OF DOCUMENTS HELD BY TRIBUNAL

SOUND RECORDINGS

- Pursuant to Section 159 of the Mental Health Act 2007. Proceedings of the Tribunal are to be recorded. Accordingly, the Tribunal sound records hearings and these recordings are stored for a minimum of twelve months.
- The Tribunal can provide a copy of the sound recording, and may provide a transcript of a hearing under certain circumstances, (as outlined in the Tribunal's policy/practice note) upon payment of the prescribed fee.

APPENDIX 6

COMPUTER DATA BASE

- The Tribunal maintains a computer database for both administrative purposes and in order to meet its statutory reporting obligations.

Access to the database is restricted due to the confidential nature of some of the information contained therein.

A brief description of the contents of the Tribunal database is provided below:-

1. CIVIL PATIENT REGISTER

Contains details of all civil patients who have appeared before the Tribunal.

2. CIVIL PATIENT REVIEWS

Contains details of the section(s) under which each civil patient review was held and the determination(s) made in each case.

3. FORENSIC PATIENT REGISTER

Contains details of all forensic patients who have appeared before the Tribunal.

4. FORENSIC PATIENT REVIEWS

Contains details of the section(s) under which each forensic patient review was held and the determination(s) made.

5. FORMS 10 and 11 DATA COLLECTION

In accordance with clause 48 and 49 of the Mental Health Regulation 2007, mental health facilities are required to provide advice to the Tribunal of all people admitted to a mental health facility involuntarily, and those who are presented to a Magistrate pursuant to a mental health enquiry.

PATIENT FILES

- The Tribunal currently maintains approximately 22,500 patient files for both Civil and Forensic matters. Files are identified by a patient's name and a file number. The file contains some information about each patient's clinical history, eg. copies of medical reports and details of each review.

ADMINISTRATIVE FILES

- The Tribunal currently has 550 administrative files in existence. These relate to a wide range of procedural, policy and general matters.

PUBLICATIONS

- The Tribunal publishes an Annual Report covering each calendar year. The Tribunal also publishes ad hoc documents including practice notes, information brochures, hearing kits. The Tribunal also maintains a website www.mhrt.nsw.gov.au which contains these publications.

REGISTERS

- Electronic Registers are maintained for forensic and administrative files, Form 19's and incoming mail.

BOOKS

- The Tribunal maintains its own small reference library.