
MENTAL HEALTH REVIEW TRIBUNAL



The Hon C J Knowles, MP
Minister for Health
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister

I enclose the Annual Report of the Mental Health Review Tribunal, for the calendar year 1999, as required by section 261 of the Mental Health Act 1990.

Yours sincerely,

Michael Sterry,
Acting President.

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MENTAL HEALTH REVIEW TRIBUNAL ANNUAL REPORT 1999

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The MENTAL HEALTH REVIEW TRIBUNAL is a quasi-judicial body constituted under the Mental Health Act 1990.

The Tribunal has some 33 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 hospital for treatment; reviewing the cases of detained (both civil and forensic), and long-term voluntary psychiatric patients; hearing appeals against a medical superintendent's refusal to discharge; 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 or other disability.

In performing its role the Tribunal actively seeks to pursue the objectives of the Mental Health Act, including delivery of the best and least restrictive possible kind of care to each patient in the least restrictive possible 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. INTRODUCTION

The Mental Health Act 1990 (hereafter MHA) requires the Tribunal to report, and provide statistical data relating to persons taken to hospital under MHA Part 2 of Chapter 4, in relation to each previous calendar year. This Report meets the reporting requirements of the MHA in relation to the calendar year 1999.

It is not an aim of this Report to describe the New South Wales mental health care system and its legal regulation. The Report follows the format for previous years, and in AR93-96 readers will find the meaning of commonly used terms and abbreviations, for background, and for context.

2. PAST, PRESENT AND FUTURE

2.1 GENERAL OBSERVATIONS ABOUT THE TRIBUNAL'S ACHIEVEMENTS TO DATE.

An examination of all of the annual reports produced by the Tribunal since its first full year of operation would reveal an almost continuous increase in the number of hearings. In 1991 the Tribunal conducted 2232 hearings. In 1999 the Tribunal conducted 5831, representing a 161% increase (see Table A).

Table A

Total number of hearings (including adjournments, reports on emergency ECT and surgery for nine year period 1991 – 1999)

| | <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% |
| 9 YEAR TOTAL | 32840 | 1392 | 2681 | 36917 | |

During this period the number of registry staff used to support the Tribunal and enable it to function effectively and efficiently has only increased from 11 to 15. There has been a growing reliance on high technology systems, telephone and video conferencing, and computerisation of the Tribunal's hearing scheduling system, with panel members performing associated administrative tasks.

In 1998 the Tribunal had a regular schedule of 47 Tribunal panels per month to conduct reviews at health facilities of all types and at the Tribunal premises. In 1999 the regular schedule has expanded to 54 regular panels per month, an increase of about 15%. The Tribunal continues to organise additional panels at short notice to deal with emergency applications such as permission to perform ECT, which sometimes includes organising panels at weekends.

The Tribunal has not sought to meet extra demand by applying for significant increases in staff and budget. For each of the past eight years the Tribunal has operated essentially on the level of funding originally provided to meet expected demand in 1991. However, with a reasonably high turnover of staff the Tribunal is, due to the current government restrictions on staff recruitment, often obliged to operate over long periods of time with several staff vacancies.

2.2 DETAILS OF ACTIVITY IN 1999

Some significant developments, achievements, and observations of the period from the Tribunal's perspective are set out below:

- In the financial year of July 1998 – June 1999, the Tribunal achieved a budget surplus of \$163,405.
- The Tribunal continues to maintain its programme of active involvement with, and support for, consumers and carers, and their organisations. The Tribunal continues periodically to poll consumer and carer groups, both formally and informally, seeking feedback about the Tribunal's approach to the exercise of its jurisdiction.
- The Tribunal maintains a strong policy of ensuring that reviewing panels are constituted to reflect an appropriate gender balance, and provide a sympathetic, culturally sensitive response.
- The Tribunal has been involved in further developing its victims register under the Victims Rights Act 1996. Further details are provided elsewhere in this Report.
- The Tribunal President and Deputy President have both had some input into the ongoing debate in England about whether or not the English legislation will include community treatment orders (CTOs). A complete review of Mental Health Legislation is being undertaken in England and the debate on the inclusion of CTOs has become polarised (similarly to the New South Wales experience) with good support from some community psychiatrists. What finally eventuates will be interesting both from our point of view and of course, theirs.

The Tribunal, in 1999, conducted:

-
- 5187 civil patient case reviews (for details see table 4).
 - 390 forensic patient case reviews (for details see table 32).
 - 254 reviews under the Protected Estates Act 1983 (for details see table 31).

Panels were convened on 667 occasions for hearings at 65 venues (818 occasions) across New South Wales. In addition, hearings by telephone and video conference were held on 180 occasions and involved 140 venues.

In 1999, there was continuing:

- involvement of mental health consumers and carers in development of Tribunal policies and procedures.
 - involvement by the Tribunal in the specialist rehabilitation programmes, which it orchestrated, through the auspices of the Central Sydney Area Health Service, and the Hunter Area Health Service, for those forensic patients who have both a mental illness and a coexisting drug or alcohol dependency problem.
 - use of video conferencing in the medico-legal field, through the establishment and maintenance of a Tribunal Telemedicine Programme. The programme commenced in February 1997 and by the end of December 1997 over 193 Tribunal meetings or hearings in rural areas had been conducted by video conferencing. In 1998, the Tribunal conducted 326 hearings via video conference with 26 venues. In 1999 this increased to 388 (see Table B). Working in cooperation with the NSW Health Telemedicine Project, the Tribunal has established video links with most of the 17 video conferencing sites established in rural psychiatric services.
-

Table B**Tribunal hearings using video conferencing – 1997 to 1999**

| | 1997 | 1998 | 1999 |
|------------------|-------------|-------------|-------------|
| Albury | 7 | 20 | 27 |
| Armidale | 5 | 1 | - |
| Bankstown | - | 1 | - |
| Barwon | - | 1 | - |
| Bloomfield | 64 | 76 | 68 |
| Bowral | - | 1 | 1 |
| Broken Hill | 5 | 6 | 7 |
| Campbelltown | - | 1 | 2 |
| Coffs Harbour | - | 1 | 2 |
| Deniliquin | - | 1 | 1 |
| Dubbo | 19 | 20 | 10 |
| Forbes | 2 | 2 | 3 |
| Forster | 1 | - | - |
| Gosford | 3 | 1 | 2 |
| Goulburn | 28 | 67 | 91 |
| Grafton | 1 | - | 2 |
| Griffith | - | 1 | 2 |
| Katoomba | - | 1 | - |
| Lismore | 1 | - | 10 |
| Macquarie MHS | - | - | 5 |
| Mid Western CMHS | - | - | 2 |
| Moree | 3 | 1 | - |
| Moruya | - | - | 5 |
| Muswellbrook | - | 1 | - |
| Nowra | - | 1 | - |
| Orange CHT | - | - | 1 |
| Port Macquarie | - | 2 | - |
| Queanbeyan | 6 | 5 | 8 |
| Shellharbour | 1 | - | - |
| Tamworth | 35 | 61 | 55 |
| Temora | - | - | 1 |
| Tweed Heads | - | - | 2 |
| Rozelle | - | 1 | - |
| Sutherland | - | 1 | - |
| Wagga Wagga | 12 | 52 | 80 |
| Walgett | - | - | 1 |
| TOTAL | 193 | 326 | 388 |

In 1997, the Tribunal abandoned its practice of organising hearings for the public psychiatric facilities on an ad hoc basis and instead, developed a regular schedule for hospital hearings as outlined in Table 1. It remains the case however that the Tribunal is frequently obliged to organise extra hearings at venues all over the State at short notice, for emergency matters.

Table 1

MONTHLY HEARING SCHEDULE FOR 1999

| | <i>FIRST WEEK</i> | <i>SECOND WEEK</i> | <i>THIRD WEEK</i> | <i>FOURTH WEEK</i> |
|--------------|---|---|-------------------------------|---|
| MON | | Sutherland + St George | | Sutherland + St George |
| | Blacktown + Nepean | St Vincents + Prince of Wales | Blacktown + Nepean | St Vincents + Prince of Wales |
| | Phone/Video | Phone Video | Phone Video | Phone Video |
| TUES | Rozelle | Rozelle/RPAH (pm) | Rozelle | Rozelle/RPAH (pm) |
| | James Fletcher | James Fletcher | Kenmore (even months) | James Fletcher |
| | | | Gosford Hospital | |
| | | | Cumberland (forensics) | |
| | Phone/Video | Phone Video | Phone Video | Phone Video |
| WED | Morisset | Bloomfield (2 day - once every 3 mths) | Morisset | |
| | Cumberland + Westmead | Cumberland | Cumberland + Westmead | Cumberland |
| | Liverpool/Campbelltown | | Liverpool + Campbelltown | Merrylands CHC (once every 3 months) |
| | Port Kembla + Shellharbour | Priory (community forensics) | Port Kembla + Shellharbour | |
| THURS | RNSH + Ryde CHC | Macquarie | RNSH + Manly | Macquarie |
| | Manly +Hornsby + Queenscliff CHC (once a month) | Bankstown | Hornsby | Long Bay Prison Hosp. (forensics) |
| | Bankstown + Fairfield CHC (once a month) | | | |
| | Phone/Video | Phone/Video | Phone/Video | Phone/Video |
| FRI | Phone/Video | Phone/Video | Phone/Video | Phone/Video |

2.3 MAJOR TRIBUNAL ISSUES IN 1999

2.3.1 FORENSIC ISSUES

2.3.1.1 Forensic Programme and Compound Need

Forensic data from 1999 confirms the trend of increasing forensic patient numbers, in particular, within the "unfit to be tried" and "transferee" categories . These categories of patients increasingly pose strong management challenges generated by compound need

The Tribunal, largely by default, has become the principal educator and support in this area. Frequently, in the cases of patients with compound need, including many from the Aboriginal community, the Tribunal has had to step outside any semblance of a traditional quasi-judicial role, and become the instigator of coordinated and integrated programmes for particular forensic patients who would otherwise fall into gaps between services. The Tribunal has had a high success rate in this regard with forensic patients within its jurisdiction. This facet of the Tribunal's jurisdiction places a high toll on staff resources, including the amount of time that has to be allocated to its liaison and advisory roles.

2.3.1.2 Forensic Problems Extending beyond Areas

1999 saw a continuation of the trend in increasing forensic numbers. Other issues besides public safety are also continuing to emerge. The natural anger of victims regarding outcomes in forensic matters, particularly when delivered by the courts, can lead to media-inflamed outrage, destabilisation of the community in which the mentally ill population generally must live, and a concomitant increase in the level of stigma which they have always borne. This anger can continue to actions being undertaken by the Tribunal. The difficulty in using Area Health Service staff in the management of forensic patients throughout the State is illustrated by the fact the forensic patient's offence might have been committed in one Area, he might have been living at the time in another Area, have been itinerant, or have been visiting from overseas or another State, the remnants of his family might be scattered all over the State, he might currently be detained in a prison in yet another Area, and he might need to be placed ultimately in an outside hospital in yet another Area after that.

2.3.2 LEGAL CHANGE: MENTAL HEALTH ACT 1990 REGULATION

Section 261 of the MHA concerns the preparation of the Tribunal annual report and requires, inter alia, the Tribunal to collect information concerning the number of involuntary admissions, the provisions of the Act under which they were taken to hospital and admitted and the number of magistrate's inquiries.

These details are collected by means of a form which all hospitals are required to forward to the Tribunal (form 19 under the 1995 Regulation to the MHA) with respect to each involuntary patient admission.

Because the current system of collating a form for each patient has not proved to be as reliable as originally hoped the Tribunal has proposed, for the next revision of the MHA regulations due in 2000, that the

collection process be improved by separating out the returns to be provided by the hospitals into its two natural stages: one return to be provided at the admission stage, and the second and final return to be provided at the magistrate's inquiry stage.

The proposed changes to the system of data collection was prepared following consultation with hospital personnel who were familiar with the Tribunal's data collection requirements and the difficulties that the existing system has presented to many hospitals in their being able to provide all patient returns due to the Tribunal in an accurate and timely manner.

2.3.3 VICTIMS RIGHTS

The Victims Rights Act 1996 established the Charter of Victims Rights which identified standards for the appropriate treatment of victims of crime, and is designed to protect and promote their rights. As part of its ongoing commitment to victims, the Tribunal has always maintained an informal Victim's Register to allow victims, and others concerned, access to information relating to the sentencing and disposition of forensic patients. This register was formalised in 1998, and recent educational efforts by the Tribunal in this area include a Victims Register leaflet by the Victims of Crime Bureau, in partnership with the Tribunal, the Department of Corrective Services, and the Department of Juvenile Justice. By December 1999, the Tribunal had twenty-one people registered against fourteen forensic patients. The Tribunal is also developing a new protocol setting out the type and extent of information options available for registered victims.

2.3.4 TELEHEALTH

The continuing growth of Telehealth in New South Wales has had a direct effect on the number of video conference hearings, and the number of sites, serviced by the Tribunal. In 1999, the Tribunal conducted 457 hearings via video conference with 43 venues. This 46% increase in hearings over the 1998 figures has resulted in continuing pressure on the existing video conferencing unit. In July 2000, the Tribunal installed a second video conference unit, and in August 2000, the Minister for Health announced a further expansion of the New South Wales Telehealth network. Since February 2000, the Tribunal's video conference unit has also been utilised by the Northern Territory Mental Health Review Tribunal. This is set to increase to two days per week from October 2000. The Tribunal is also participating in the Department of Health's Telehealth data collection survey. Preliminary findings from the survey indicate the Tribunal as a major user of video conference resources within the New South Wales health environment.

2.3.5 MEMBER ISSUES

2.3.5.1 Large Pool Required

The Tribunal's membership at December 1999 is set out in Appendix 3. At that date the Tribunal had two full-time members (the President and Deputy President), 27 part-time lawyers, 35 part-time psychiatrists, 32 part-time members with other suitable qualifications or experience, including two part-time members selected from a group of persons who were nominated by consumer organisations (MHA s253(1)(c)). Of

the lawyer members, 14 were female, and of the members with other suitable qualifications or experience, 21 were female. As for the psychiatrist members, only 9 were female, but this was an improvement on the general gender imbalance in New South Wales psychiatry. Eighteen members of the Tribunal were from non-English speaking backgrounds, and two were members of Aboriginal communities.

The Tribunal maintains a large and diverse membership in order to provide immediately for the exigencies of any given situation, including for: hearings after hours, on public holidays, and at weekends; consumer and carer representation; appropriate gender balance; and for the needs of people from culturally and linguistically diverse backgrounds and from Aboriginal communities.

The membership pool must therefore inevitably be much larger than would be required for a routine jurisdiction with hearings of cases with an uncomplicated background scheduled well in advance in an orderly, routine way. Keeping part-time members currently on reserve involved in and committed to their quasi-judicial role is a major challenge, in the meeting of which, the heads of quasi-judicial bodies receive little outside support. In this hiatus, the mental health review tribunal presidents throughout Australia have moved to set up their own informal association, and their presidents and registrars commenced in 1999 to meet annually for informal discussions regarding membership and other tribunal issues.

2.3.5.2. Aboriginal Mental Health Policy

The Tribunal continues to allocate a high level of resources to the advancement of the situations of the growing number of aboriginal forensic patients. It is greatly assisted in this regard by the insight, experience, intimate knowledge and expertise which its two part time members from the Aboriginal community bring to the Tribunal. It is also greatly assisted in this regard by the high level of communication, liaison, and cooperation which it maintains with organisations established and run by Aboriginal people for the advancement of members of the Aboriginal community, particularly those with compound need.

The Tribunal is an active supporter of the NSW Aboriginal Mental Health Policy, and will be seeking in the future, through the support and cooperative endeavour provided by the Policy, to secure the appointment of additional Aboriginal part-time members.

2.3.6 TRIBUNAL ORGANISATION

As can be seen from Table A the workload of the Tribunal has increased by over 160% since 1991, which was the Tribunal's first full operating year.

In 1999 the Tribunal organised a total of 5831 patient reviews, including preliminary pre-hearing investigation and follow up, at an average cost of approximately \$360 per case.

Mental health legislation imposes on the Tribunal's registry staff a need to respond promptly to applications received from hospitals and community health centres throughout the State. A small registry team is able to cope with the requirements of a high volume workload and is able to organise hearings often on the same day as the application is received. It has been possible to achieve this objective through the highly computerised hearing diary system and a flexible approach to staff management which necessitates multi-

skilling of staff to achieve maximum output in hearing organisation. This flexible approach to hearing organisation has meant, in practice, that staff are expected to change tasks at short notice depending on the nature of the situation that may present itself to the Tribunal.

Staff training and development is regarded as an important function of the Tribunal's management and in 1999, almost 1% of the Tribunal's budget was expended in this area.

Due to staff shortage there has been a reduction in the level of training that registry staff have been able to provide to consumer, clinical and other groups during 1999, but action is being taken to redress these staffing issues, and it is hoped that the Tribunal will be fully staffed by late 2000.

Legal, governmental and other requirements and policies for affirmative action and equal employment opportunity, to prevent harassment, discrimination and other practices within the workplace, are strongly inculcated at the Tribunal.

3. ADMISSION TO, and CARE IN, HOSPITALS

3.1. INFORMAL PATIENTS

Since September 1990, and as of 31 December 1999, 187 persons have been referred to the Guardianship Tribunal, and most have been “admitted” to the hospitals in which they reside. Of this number, 18 were referred during the period September to December 1990, a further 123 during 1991, 26 during 1992, 9 during 1993, 2 during 1994, 0 during 1995, 4 during 1996, 5 during 1997, 0 during 1998 and 1999.

The following tables provide information about informal patient case reviews in 1999 (Table 2), interpreter needs for informal patients (Appendix 12), and the number of occasions on which long-term informal patients will have had their case reviewed by the end of 2000 (Table 13).

During 1999 the Tribunal conducted a total of 200 reviews of 195 informal patients. These figures for 1999 represent a decrease over the figures for 1998 when the Tribunal conducted 225 reviews of 221 patients. The demographic data on long-term informal patients whose cases were reviewed by the Tribunal during 1999 is presented in Table 2. To facilitate comparison, the combined total figures for the 1998 calendar year are also provided in the Table.

Table 2

**Reviews of Informal patient cases during the period January to December 1999
under s63 by hospital, age group, numbers of reviews and patients, and combined
totals for 1998**

| | | 0-19 yrs | 20-29 yrs | 30-39 yrs | 40-49 yrs | 50-59 yrs | 60-69 yrs | 70-79 yrs | 80+ yrs | Combined Total Patients | Total Patient Reviews |
|-----------------------|---------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|-------------------------------|-----------------------------|
| Bloomfield | Male | - | 1 | 2 | 2 | 6 | 5 | 11 | 10 | 37 | 37 |
| | Female | - | - | 1 | 1 | 4 | 9 | 8 | 2 | 25 | 25 |
| | Total | - | 1 | 3 | 3 | 10 | 14 | 19 | 12 | 62 | 62 |
| Cumberland | Male | 1 | 2 | 5 | 5 | 5 | 2 | 1 | - | 21 | 21 |
| | Female | - | 2 | - | 11 | 7 | 3 | - | - | 23 | 23 |
| | Total | 1 | 4 | 5 | 16 | 12 | 5 | 1 | - | 44 | 44 |
| Kenmore | Male | - | - | - | - | 2 | 6 | 7 | 4 | 16 | 19 |
| | Female | - | - | - | - | 2 | - | 4 | 3 | 8 | 9 |
| | Total | - | - | - | - | 4 | 6 | 11 | 7 | 24 | 28 |
| Macquarie | Male | - | 2 | - | 4 | 3 | 2 | 2 | 1 | 14 | 14 |
| | Female | - | 2 | 1 | 5 | 3 | - | 1 | 1 | 13 | 13 |
| | Total | - | 4 | 1 | 9 | 6 | 2 | 3 | 2 | 27 | 27 |
| Morisset | Male | 1 | 1 | - | 4 | 2 | - | 1 | - | 8 | 9 |
| | Female | - | - | - | 2 | 2 | - | - | - | 4 | 4 |
| | Total | 1 | 1 | - | 6 | 4 | - | 1 | - | 12 | 13 |
| Rozelle | Male | - | - | 2 | 2 | - | 2 | 4 | - | 10 | 10 |
| | Female | - | 1 | - | 1 | 4 | 3 | 5 | 2 | 16 | 16 |
| | Total | - | 1 | 2 | 3 | 4 | 5 | 9 | 2 | 26 | 26 |
| COMBINED | Male | 2 | 6 | 9 | 17 | 18 | 17 | 26 | 15 | 106 | 110 |
| TOTALS ALL | Female | - | 5 | 2 | 20 | 22 | 15 | 18 | 8 | 89 | 90 |
| HOSPITALS 1999 | Total | 2 | 11 | 11 | 37 | 40 | 32 | 44 | 23 | 195 | 200 |
| <i>Combined</i> | <i>Male</i> | - | 3 | 15 | 21 | 19 | 23 | 24 | 17 | 122 | 125 |
| <i>Totals All</i> | <i>Female</i> | - | 4 | 6 | 23 | 20 | 18 | 19 | 9 | 99 | 100 |
| <i>Hospitals 1998</i> | <i>Total</i> | - | 7 | 21 | 44 | 39 | 41 | 43 | 26 | 221 | 225 |

3.2. DETAINED MENTALLY ILL PERSONS

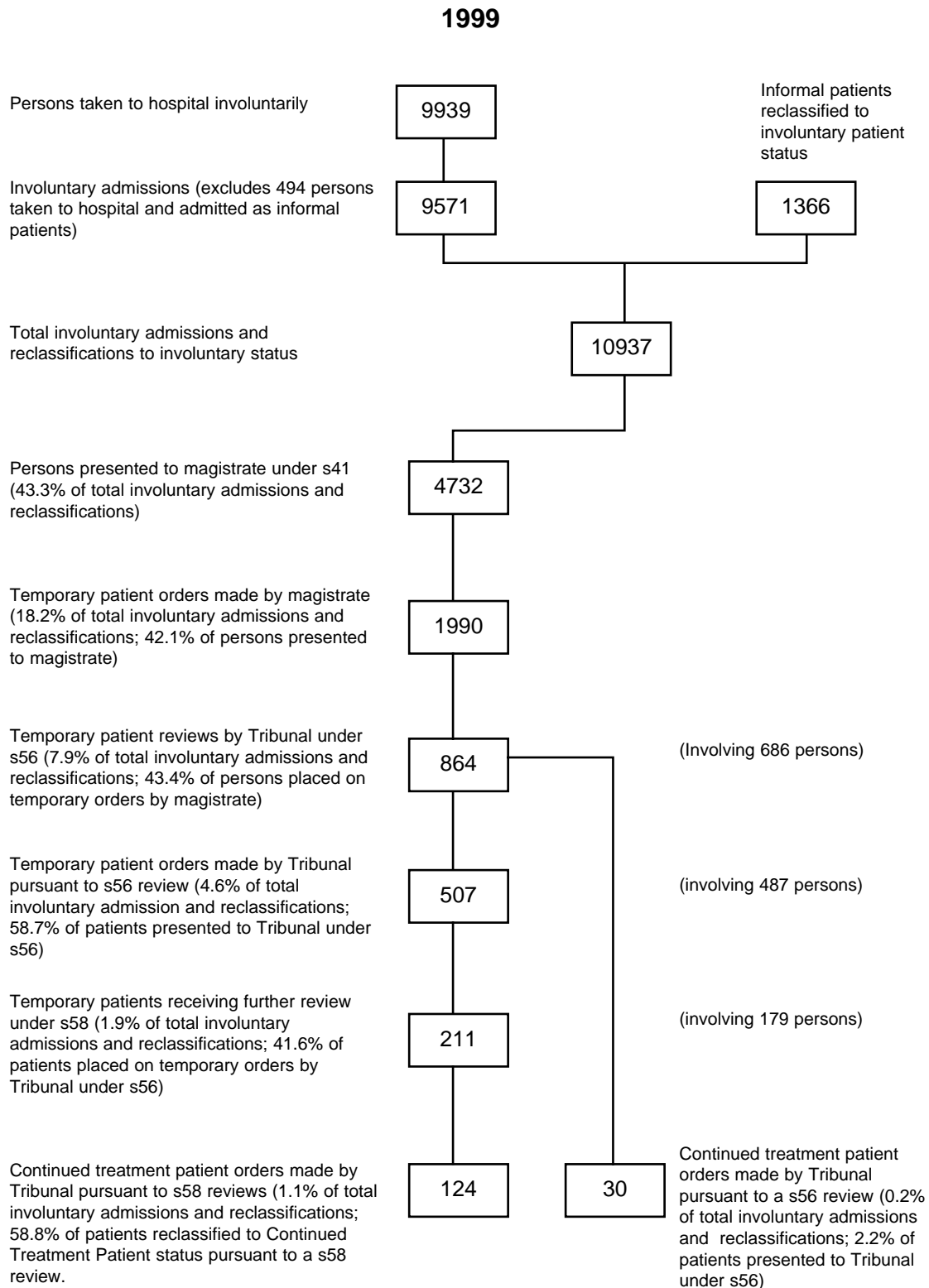
Table 3 charts the progress of involuntary patients through the various stages of the civil commitment process during the period January to December 1999.

There was an increase in the number of continued treatment patient case reviews, from 522 in 1998 to 548 in 1999. The number of applications to the Tribunal regarding temporary patients (sections 56 and 58) has again shown a significant increase, from 947 in 1998 to 1075 in 1999. In 1991, after the first full year of operation of the MHA, there were 371 temporary patient case reviews at the eight major psychiatric hospitals, compared with 74 reviews at the general hospital units. In 1999, there were 520 temporary patient case reviews at the major psychiatric hospitals, and 555 at the general hospital units, representing more than a sevenfold increase in activity at general hospital units during this period.

- **Increasing reviews.** The Tribunal's civil (ie. non-forensic) patient jurisdiction under the MHA provides it with its greatest workload. This is summarised in Table 4, which provides an overview of civil reviews under the MHA conducted during 1999. Excluded from this table are details of the Tribunal's exercise of its jurisdiction under the Protected Estates Act 1983, and of its forensic jurisdiction under the MHA and the Mental Health (Criminal Procedure) Act 1990, henceforth MHCPA. The number of civil patient case reviews under the MHA has risen dramatically since 1991, with the total number of MHA civil patient reviews in 1991 having been 1986, and the total number in 1999, being 5187, making an increase from 1991 of 3201, or a 161% increase (see Table A).
- **Interpreters and legal representation.** The proportion of patients requiring interpreters remains fairly constant, but the percentage of persons with legal representation in hearings held under the civil provisions was 21.4% in 1999.
- **Women before the Tribunal.** The percentage of women coming before the Tribunal during 1999 again decreased slightly from previous years and is now about 40%. This is primarily because of the continuing increase in the number of community treatment order reviews where males represent more than 60% of the clientele.

Table 3

Flow chart showing progress of involuntary patients admitted during the period January to December 1999.



Note: Continued treatment patients are subject to six monthly periodic reviews by Tribunal under s.62

Table 4

Summary of statistics relating to the Tribunal's civil jurisdiction under the Mental Health Act 1990 for the period January to December 1999 and combined totals for 1998

| Section of Act | Description of Review | Reviews (Including Adjudgments) | | | % Reviewed by Sex | | Number Requiring Interpreters | Number Legally Represented | % Legally Represented |
|--------------------|---|---------------------------------|-------------|-------------|-------------------|-------------|-------------------------------|----------------------------|-----------------------|
| | | M | F | Total | M | F | | | |
| s56 | Review prior to expiry of magistrate's order for temporary patient status | 485 | 379 | 864 | 56.1 | 43.9 | 39 | 667 | 77.2 |
| s58 | Review prior to expiry of Tribunal order for temporary patient status | 135 | 76 | 211 | 64.0 | 36.0 | 10 | 177 | 83.9 |
| s62 | Continued treatment patient | 342 | 206 | 548 | 62.4 | 37.6 | 25 | 25 | 4.6 |
| s63 | Informal patient | 110 | 90 | 200 | 55.0 | 45.0 | 4 | 2 | 1.0 |
| s69 | Appeal against refusal to discharge by medical superintendent | 70 | 55 | 125 | 56.0 | 44.0 | 2 | 92 | 73.6 |
| s118 | Community counselling order | 43 | 25 | 68 | 63.2 | 36.8 | 2 | 1 | 1.5 |
| s131 | Community treatment order | 1626 | 1006 | 2632 | 61.8 | 38.2 | 97 | 106 | 4.0 |
| s143A | Detained person under CTO | 3 | 1 | 4 | 75.0 | 25.0 | 0 | 3 | 75.0 |
| s148 | Variation or revocation of a CCO or CTO | 133 | 45 | 178 | 74.7 | 25.3 | 1 | 2 | 1.1 |
| s151(2) | Appeal against magistrate's CCO or CTO | 4 | 2 | 6 | 66.7 | 33.3 | 0 | 2 | 33.3 |
| s185 | ECT application – Informal patient | 2 | 1 | 3 | 66.7 | 33.3 | 0 | 0 | 0.0 |
| s188 | ECT application – involuntary patient | 113 | 212 | 325 | 34.8 | 65.2 | 15 | 26 | 8.0 |
| s203 | Notice to Tribunal of performance of surgical operation | 8 | 2 | 10 | 80.0 | 20.0 | 0 | 0 | 0.0 |
| s207(i) | Application and Determination for surgical operation | 4 | 8 | 12 | 33.3 | 66.7 | 0 | 5 | 41.7 |
| s207(ii) | Application and Determination for special medical treatment | 0 | 1 | 1 | 0.0 | 100.0 | 1 | 0 | 0.0 |
| TOTALS 1999 | | 3078 | 2109 | 5187 | 59.3 | 40.7 | 196 | 1108 | 21.4 |
| <i>TOTALS 1998</i> | | <i>2697</i> | <i>1960</i> | <i>4657</i> | <i>57.9</i> | <i>42.1</i> | <i>213</i> | <i>1015</i> | <i>21.8</i> |

Table 5

Involuntary admissions and magistrate's inquiries held under s41 of the Mental Health Act 1990 from January to December 1999 and combined totals for 1998 (Hospitals and Units)

| Major Psychiatric Hospitals | <i>Persons taken Invol.</i> | <i>No. of Invol. Admiss.</i> | <i>Number Recl. Invol.</i> | <i>Magist. Inquiry Started</i> | <i>Adjourned Not Resumed</i> | <i>Magist. Inquiry Completed</i> | <i>Discharged or Recl.</i> | <i>CCO* or CTO</i> | <i>Temp. Patient Order</i> |
|------------------------------------|-----------------------------|------------------------------|----------------------------|--------------------------------|------------------------------|----------------------------------|----------------------------|--------------------|----------------------------|
| Bloomfield | 509 | 509 | 66 | 214 | 78 | 136 | - | 62 | 74 |
| Cumberland | 944 | 822 | 348 | 415 | 27 | 386 | 49 | 21 | 316 |
| James Fletcher | 845 | 748 | 355 | 339 | 47 | 290 | 59 | 36 | 195 |
| Kenmore | 11 | 11 | - | 5 | - | 5 | 2 | 1 | 2 |
| Macquarie | 122 | 122 | 7 | 84 | 13 | 71 | 11 | 19 | 41 |
| Rozelle | 784 | 761 | 100 | 396 | 74 | 317 | 70 | 98 | 149 |
| SUB-TOTALS 1999 | 3215 | 2973 | 876 | 1453 | 239 | 1205 | 191 | 237 | 777 |
| <i>Sub-Totals 1998</i> | <i>3052</i> | <i>2922</i> | <i>858</i> | <i>1470</i> | <i>301</i> | <i>1169</i> | <i>82</i> | <i>192</i> | <i>895</i> |
| Public Hospital Units | | | | | | | | | |
| Albury | 151 | 151 | 13 | 53 | 11 | 40 | 4 | 8 | 28 |
| Bankstown | 173 | 170 | 37 | 194 | 78 | 116 | 7 | 38 | 71 |
| Blacktown | 206 | 206 | 9 | 173 | 101 | 71 | 9 | 20 | 42 |
| Broken Hill | 41 | 40 | 18 | 7 | 1 | 6 | - | 4 | 2 |
| Campbelltown | 264 | 262 | 15 | 140 | 28 | 112 | 24 | 11 | 77 |
| Coffs Harbour | 198 | 197 | 7 | 75 | 15 | 60 | 23 | 15 | 22 |
| Concord | 1 | 1 | 6 | 3 | - | 3 | - | - | 3 |
| Dubbo | 2 | 2 | 5 | - | - | - | - | - | - |
| Gosford | 346 | 346 | 18 | 145 | 43 | 99 | 3 | 18 | 78 |
| Goulburn | 322 | 322 | 8 | 129 | 4 | 125 | 23 | 18 | 84 |
| Greenwich | 32 | 32 | 5 | 24 | 3 | 21 | - | 3 | 18 |
| Hornsby | 241 | 241 | 12 | 134 | 66 | 66 | 9 | 28 | 29 |
| Lismore | 423 | 400 | 17 | 193 | 63 | 129 | 49 | 65 | 15 |
| Llverpool | 395 | 395 | 4 | 201 | 70 | 131 | 29 | 97 | 5 |
| Maitland | 274 | 274 | 28 | 130 | 31 | 97 | 19 | 24 | 54 |
| Manly | 274 | 274 | 23 | 136 | 46 | 91 | 26 | 31 | 34 |
| Nepean | 147 | 147 | 11 | 93 | 30 | 61 | 3 | 14 | 44 |
| Port Kembla | 75 | 75 | 49 | 32 | 17 | 15 | 1 | 4 | 10 |
| Prince of Wales | 403 | 355 | 85 | 234 | 72 | 161 | 8 | 16 | 137 |
| Royal North Shore | 238 | 238 | - | 90 | 14 | 76 | 28 | 23 | 25 |
| RPA Missenden Unit | 349 | 349 | 6 | 141 | 60 | 79 | 3 | 42 | 34 |
| Shellharbour | 676 | 635 | 30 | 211 | 76 | 134 | 36 | 37 | 61 |
| St. George | 147 | 146 | 8 | 106 | 34 | 70 | 16 | 22 | 32 |
| St. Josephs | 7 | 7 | 22 | 21 | 1 | 20 | 1 | - | 19 |
| St. Vincents | 434 | 434 | 10 | 171 | 31 | 138 | 45 | 19 | 74 |
| Sutherland | 295 | 295 | 10 | 143 | 56 | 85 | 10 | 31 | 44 |
| Tamworth | 328 | 322 | 1 | 135 | 48 | 86 | 9 | 14 | 63 |
| Wagga Wagga | 193 | 193 | 25 | 116 | 33 | 83 | 2 | 6 | 75 |
| Westmead Acute Adol. | 36 | 36 | 2 | 21 | 7 | 13 | 1 | 2 | 10 |
| Westmead Adult Psych. | 29 | 29 | 4 | 12 | 1 | 11 | 1 | 1 | 9 |
| Westmead Psychogeriatric | 24 | 24 | 2 | 16 | 1 | 15 | 1 | - | 14 |
| SUB-TOTALS 1999 | 6724 | 6598 | 490 | 3279 | 1041 | 2214 | 390 | 611 | 1213 |
| <i>SUB-TOTALS 1998</i> | <i>5708</i> | <i>5597</i> | <i>582</i> | <i>2746</i> | <i>862</i> | <i>1884</i> | <i>230</i> | <i>526</i> | <i>1128</i> |
| TOTALS 1999 | 9939 | 9571 | 1366 | 4732 | 1280 | 3419 | 581 | 848 | 1990 |
| <i>Totals 1998</i> | <i>9100</i> | <i>8759</i> | <i>1319</i> | <i>4241</i> | <i>1161</i> | <i>3080</i> | <i>326</i> | <i>751</i> | <i>2003</i> |

* Community counselling or community treatment orders

3.2.1. TEMPORARY PATIENT CASES BROUGHT BEFORE THE TRIBUNAL PRIOR TO THE EXPIRY OF A MAGISTRATE'S ORDER (MHA s56)

In 1998, 785 cases were presented to the Tribunal by hospitals seeking a further order. Details of such reviews by the Tribunal are presented in Table 6 which shows the number of persons whose cases were reviewed under this provision during 1998 are evenly split between residents of the larger "stand alone" hospitals and residents of gazetted units within general hospitals. In 1991 following commencement of the new Act only 19% of such reviews were held in general hospital units.

The trend of all previous years except 1995 towards an increasing number of cases being brought before the Tribunal under MHA s56 continues. The Tribunal made further temporary orders on 507 occasions and made continued treatment patient orders on 30 occasions in 1999.

Table 6

Patient cases reviewed by the Mental Health Review Tribunal prior to expiry of a temporary patient order made by a magistrate under section 56 of the Mental Health Act 1990 for the period January to December 1999 and combined totals for 1998

| Major Psychiatric Hospitals | No. of persons reviewed under section 56 | | | Tribunal Reviews under section 56 | | | Tribunal Determinations | | | |
|------------------------------|--|------------|------------|-----------------------------------|------------|------------|-------------------------|----------------------------------|----------------------------|---|
| | M | F | T | M | F | T | Adjourn | Disch. or Reclassify to Informal | Extend Magist. Temp. Order | Reclassify to Continued Treatment Patient |
| Bloomfield | 11 | 6 | 17 | 12 | 7 | 19 | 3 | - | 15 | 1 |
| Cumberland | 53 | 40 | 93 | 66 | 43 | 109 | 25 | - | 78 | 6 |
| Gladesville-Macquarie | 19 | 10 | 29 | 22 | 10 | 32 | 5 | - | 26 | 1 |
| James Fletcher | 33 | 27 | 60 | 40 | 39 | 79 | 29 | - | 46 | 4 |
| Kenmore | 10 | 8 | 18 | 14 | 10 | 24 | 6 | 1 | 16 | 1 |
| Morisset | 15 | 6 | 21 | 18 | 8 | 26 | 9 | - | 13 | 4 |
| Rozelle | 55 | 22 | 77 | 64 | 27 | 91 | 40 | - | 48 | 3 |
| SUB-TOTALS 1999 | 196 | 119 | 315 | 236 | 144 | 380 | 117 | 1 | 242 | 20 |
| <i>Sub-Total 1998</i> | <i>171</i> | <i>129</i> | <i>300</i> | <i>189</i> | <i>160</i> | <i>349</i> | <i>101</i> | <i>5</i> | <i>234</i> | <i>9</i> |
| Public Hospital Units | | | | | | | | | | |
| Albury | 2 | 2 | 4 | 2 | 2 | 4 | 1 | - | 3 | - |
| Bankstown | 8 | 8 | 16 | 8 | 9 | 17 | 4 | - | 13 | - |
| Blacktown | 8 | 4 | 12 | 14 | 5 | 19 | 6 | - | 11 | 2 |
| Campbelltown | 8 | 10 | 18 | 11 | 13 | 24 | 11 | - | 13 | - |
| Coffs Harbour | 4 | 1 | 5 | 4 | 1 | 5 | 4 | - | 1 | - |
| Gosford | 4 | 5 | 9 | 7 | 11 | 18 | 8 | - | 10 | - |
| Goulburn Base | 6 | 7 | 13 | 6 | 7 | 13 | 2 | - | 11 | - |
| Greenwich | - | 1 | 1 | - | 1 | 1 | - | - | 1 | - |
| Hornsby | 5 | 2 | 7 | 7 | 3 | 10 | 6 | - | 4 | - |
| Lismore | 1 | 1 | 2 | 1 | 1 | 2 | - | 1 | 1 | - |
| Liverpool | 3 | 1 | 4 | 3 | 2 | 5 | 2 | - | 3 | - |
| Maitland | 4 | 8 | 12 | 4 | 12 | 16 | 6 | - | 10 | - |
| Manly | 13 | 12 | 25 | 16 | 16 | 32 | 9 | - | 19 | 4 |
| Nepean | 12 | 13 | 25 | 14 | 16 | 30 | 8 | - | 22 | - |
| Port Kembla | 1 | 1 | 2 | 1 | 1 | 2 | 1 | - | 1 | - |
| Prince of Wales | 24 | 18 | 42 | 32 | 29 | 61 | 30 | 2 | 28 | 1 |
| Royal North Shore | 7 | 6 | 13 | 9 | 6 | 15 | 9 | - | 6 | - |
| RPA Missenden Unit | 15 | 11 | 26 | 18 | 18 | 36 | 21 | 1 | 14 | - |
| Shellharbour | 19 | 12 | 31 | 25 | 16 | 41 | 18 | - | 22 | 1 |
| St George | 7 | 4 | 11 | 8 | 6 | 14 | 7 | 1 | 6 | - |
| St Joseph's | 1 | 2 | 3 | 1 | 2 | 3 | - | - | 3 | - |
| St Vincent's | 18 | 12 | 30 | 24 | 16 | 40 | 24 | 1 | 13 | 2 |
| Sutherland | 12 | 4 | 16 | 16 | 7 | 23 | 11 | - | 12 | - |
| Tamworth | 6 | 7 | 13 | 6 | 10 | 16 | 7 | - | 9 | - |
| Wagga Wagga | 7 | 10 | 17 | 9 | 12 | 21 | 5 | - | 16 | - |
| Westmead AA Unit | 1 | 3 | 4 | 1 | 4 | 5 | 1 | - | 4 | - |
| Westmead AP Unit | 2 | 5 | 7 | 2 | 5 | 7 | 1 | - | 6 | - |
| Westmead PG Unit | - | 3 | 3 | - | 4 | 4 | 1 | - | 3 | - |
| SUB-TOTALS 1999 | 198 | 173 | 371 | 249 | 235 | 484 | 203 | 6 | 265 | 10 |
| <i>SUB-TOTALS 1998</i> | <i>182</i> | <i>163</i> | <i>345</i> | <i>229</i> | <i>207</i> | <i>436</i> | <i>160</i> | <i>4</i> | <i>263</i> | <i>8</i> |
| COMBINED TOTALS 1999 | 394 | 292 | 686 | 485 | 379 | 864 | 320 | 7 | 507 | 30 |
| <i>COMBINED TOTALS 1998</i> | <i>353</i> | <i>292</i> | <i>645</i> | <i>418</i> | <i>367</i> | <i>785</i> | <i>261</i> | <i>9</i> | <i>497</i> | <i>17</i> |

Note : Excludes hospitals at which no reviews under section 56 were held.

Table 7**Demographic profile of temporary patients reviewed under section 56 during 1999**

| | 0-19 yrs | 20-29 yrs | 30-39 yrs | 40-49 yrs | 50-59 yrs | 60-69 yrs | 70-79 yrs | 80+ yrs | PATIENT TOTAL |
|--------------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|------------------|
| Male | 32 | 132 | 103 | 59 | 35 | 23 | 9 | 1 | 394 |
| Female | 10 | 71 | 72 | 51 | 33 | 20 | 24 | 11 | 292 |
| TOTALS 1999 | 42 | 203 | 175 | 110 | 68 | 43 | 33 | 12 | 686 |
| <i>TOTALS 1998</i> | <i>49</i> | <i>172</i> | <i>147</i> | <i>115</i> | <i>69</i> | <i>41</i> | <i>28</i> | <i>16</i> | <i>637</i> |

Demographic Profile

The demographic profile is based on individual patients irrespective of the number of admissions at one or more hospitals each patient may have had during the year.

3.2.2. TEMPORARY PATIENTS WHOSE CASES WERE AGAIN BROUGHT BEFORE THE TRIBUNAL, WHERE THE PATIENT HAD ALREADY BEEN DETAINED UNDER A PREVIOUS TRIBUNAL TEMPORARY PATIENT ORDER (MHA s58)

There was an increase for 1999 in the number of reviews conducted by the Tribunal under this section. It continues to be the case that medium-term patients (i.e., patients whose involuntary hospital detention may proceed through a magistrate's order, and a further temporary patient order - hereafter referred to as a TPO), are on the whole, staying in hospital for less than the maximum periods than could be imposed under the legislation. In 1999, of the 211 reviews, 124 were classified as continued treatment patients with 33 of these patients' orders to be further reviewed at an earlier date than the normal six monthly review period required by the legislation.

Table 8

Temporary patients whose cases were further reviewed under s58 during the period January to December 1999 and combined totals for 1998

| Major Psychiatric Hospitals | No. of persons reviewed under section 58 | | | Tribunal Reviews under section 58 | | | Tribunal Determinations | | |
|------------------------------|--|-----------|------------|-----------------------------------|-----------|------------|-------------------------|-------------------------------------|----------------------|
| | M | F | T | M | F | T | Adjourned | Discharge or Reclassify to Informal | Reclassified as CTP* |
| Bloomfield | 3 | 2 | 5 | 3 | 2 | 5 | 2 | - | 3 |
| Cumberland | 28 | 15 | 43 | 29 | 16 | 45 | 12 | - | 33 |
| James Fletcher | 8 | 2 | 10 | 8 | 2 | 10 | 4 | - | 6 |
| Kenmore | 3 | 4 | 7 | 3 | 5 | 8 | 2 | - | 6 |
| Macquarie | 7 | 6 | 13 | 8 | 6 | 14 | 3 | - | 11 |
| Morisset | 9 | 2 | 11 | 16 | 2 | 18 | 9 | - | 9 |
| Rozelle | 24 | 9 | 33 | 29 | 11 | 40 | 17 ** | - | 23 |
| SUB-TOTALS 1999 | 82 | 40 | 122 | 96 | 44 | 140 | 49 | - | 91 |
| <i>SUB-TOTALS 1998</i> | <i>60</i> | <i>36</i> | <i>96</i> | <i>69</i> | <i>40</i> | <i>109</i> | <i>30</i> | <i>2</i> | <i>77</i> |
| Public Hospital Units | | | | | | | | | |
| Albury | 1 | - | 1 | 1 | - | 1 | 1 | - | - |
| Bankstown | 1 | 2 | 3 | 2 | 2 | 4 | 1 | - | 3 |
| Blacktown | 5 | 3 | 8 | 7 | 4 | 11 | 5 | - | 6 |
| Campbelltown | 1 | 1 | 2 | 2 | 1 | 3 | 1 | - | 2 |
| Gosford | 1 | - | 1 | 1 | - | 1 | - | - | 1 |
| Goulburn Base | 2 | 1 | 3 | 2 | 1 | 3 | 1 | - | 2 |
| Hornsby | 1 | - | 1 | 1 | - | 1 | - | - | 1 |
| Maitland | - | 2 | 2 | - | 2 | 2 | 1 | - | 1 |
| Manly | 1 | 4 | 5 | 1 | 4 | 5 | 3 | - | 2 |
| Nepean | 2 | 1 | 3 | 3 | 2 | 5 | 2 | 1 | 2 |
| Port Kembla | 1 | - | 1 | 2 | - | 2 | 1 | - | 1 |
| Prince of Wales | 3 | 4 | 7 | 3 | 5 | 8 | 4 | - | 4 |
| Royal North Shore Hosp. | - | 2 | 2 | - | 2 | 2 | 1 | - | 1 |
| RPA Missenden Unit | - | 1 | 1 | - | 1 | 1 | 1 | - | - |
| Shellharbour | 4 | 1 | 5 | 7 | 2 | 9 | 6 | - | 3 |
| St Josephs | - | 1 | 1 | - | 1 | 1 | - | - | 1 |
| Sutherland | 2 | 2 | 4 | 2 | 2 | 4 | 3 | - | 1 |
| Tamworth | 1 | 1 | 2 | 1 | 1 | 2 | 1 | - | 1 |
| Wagga Wagga | 2 | - | 2 | 2 | - | 2 | 1 | - | 1 |
| Westmead - AA Unit | 1 | - | 1 | 2 | - | 2 | 1 | - | 1 |
| Westmead - AP Unit | - | 2 | 2 | - | 2 | 2 | 2 | - | - |
| SUB-TOTALS 1999 | 29 | 28 | 57 | 39 | 32 | 71 | 36 | 1 | 34 |
| <i>SUB-TOTALS 1998</i> | <i>31</i> | <i>16</i> | <i>47</i> | <i>36</i> | <i>17</i> | <i>53</i> | <i>18</i> | <i>1</i> | <i>34</i> |
| COMBINED TOTALS | | | | | | | | | |
| ALL HOSPITALS 1999 | 111 | 68 | 179 | 135 | 76 | 211 | 84 | 1 | 124 |
| <i>COMBINED TOTALS</i> | | | | | | | | | |
| <i>ALL HOSPITALS 1998</i> | <i>91</i> | <i>52</i> | <i>143</i> | <i>105</i> | <i>57</i> | <i>162</i> | <i>48</i> | <i>3</i> | <i>111</i> |

* Continued treatment patient.

** Includes 1 matter where the Tribunal determined it had no jurisdiction.

Note: Excludes hospitals at which no reviews under section 58 were held.

Demographic Profile

The following table provides a demographic profile of medium-stay involuntary patients in the psychiatric hospitals and units throughout New South Wales.

Table 9

Demographic profile of temporary patients reviewed under section 58 for the period January to December 1999

| | 0-19 yrs | 20-29 yrs | 30-39 yrs | 40-49 yrs | 50-59 yrs | 60-69 yrs | 70-79 yrs | 80+ yrs | PATIENT TOTAL |
|--------------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|------------------|
| Male | 2 | 44 | 31 | 20 | 6 | 7 | 1 | 0 | 111 |
| Female | 6 | 16 | 11 | 10 | 12 | 8 | 4 | 1 | 68 |
| TOTALS 1999 | 8 | 60 | 42 | 30 | 18 | 15 | 5 | 1 | 179 |
| <i>Totals 1998</i> | <i>10</i> | <i>41</i> | <i>30</i> | <i>33</i> | <i>18</i> | <i>7</i> | <i>3</i> | <i>1</i> | <i>143</i> |

3.3. REVIEW, DISCHARGE, LEAVE, AND TRANSFER OF PERSONS IN HOSPITALS (MHA CHAPTER 4, PART 3)

The Tribunal pays particular attention to the cases of long-term continued treatment and informal patients. Its processes are aimed at securing intensive, ongoing analysis of each patient's situation, effective communication with the patient's relatives and friends where appropriate, effective liaison with hospital staff, and ongoing discussion with hospital review and drug review committees.

3.3.1. REVIEWS OF CONTINUED TREATMENT PATIENT CASES BY THE TRIBUNAL (MHA s62)

As shown in Tables 4, 10 and 11, the Tribunal conducted a total of 548 reviews in 1999 of continued treatment patients' cases, the great majority of patients being residents of the major psychiatric hospitals. The Tribunal discharged 2 patients at its reviews of continued treatment patients during 1999. It should be noted that a continued treatment patient might have ceased to present symptoms of active mental illness, but may, because of his or her continuing condition (MHA s9(2)), continue to require involuntary patient status.

Table 10

Outcome of Tribunal reviews under s62 for the calendar years 1998 and 1999

| <i>Tribunal Determinations</i> | <i>1998 Reviews</i> | <i>1999 Reviews</i> |
|--|-------------------------|-------------------------|
| Continue to be detained as a continued treatment patient | 502 | 525 |
| Adjournment | 16 | 21 |
| Discharge and deferred discharge | 3 | 2 |
| TOTAL ORDERS MADE | 521* | 548 |

* Excludes one matter where the Tribunal determined it had no jurisdiction.

Table 11

Reviews of the cases of continued treatment patients during the period January to December 1999 under s62 by hospital, age group, numbers of reviews and patients and combined totals for 1998

| | | 0-19 yrs. | 20-29 yrs. | 30-39 yrs. | 40-49 yrs. | 50-59 yrs. | 60-69 yrs. | 70-79 yrs. | 80+ yrs. | Combined Total Patients | Total Patient Reviews |
|----------------------------------|---------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------|-------------------------------|-----------------------------|
| Bankstown | Male | - | - | - | - | - | - | - | - | - | - |
| | Female | - | - | 1 | - | - | - | - | - | 1 | 1 |
| | Total | - | - | 1 | - | - | - | - | - | 1 | 1 |
| Blacktown | Male | - | - | 1 | - | - | - | - | - | 1 | 1 |
| | Female | - | 1 | - | - | - | - | - | - | 1 | 1 |
| | Total | - | 1 | 1 | - | - | - | - | - | 2 | 2 |
| Bloomfield | Male | - | - | - | 3 | 6 | - | - | 2 | 6 | 11 |
| | Female | - | 4 | - | 4 | 4 | 2 | - | 5 | 10 | 19 |
| | Total | - | 4 | - | 7 | 10 | 2 | - | 7 | 16 | 30 |
| Cumberland | Male | - | 16 | 18 | 26 | 11 | 1 | - | - | 46 | 72 |
| | Female | - | 2 | 22 | 10 | 14 | 4 | - | - | 31 | 52 |
| | Total | - | 18 | 40 | 36 | 25 | 5 | - | - | 77 | 124 |
| Goulburn | Male | - | - | - | - | - | - | - | - | - | - |
| | Female | - | - | - | - | - | - | 1 | - | 1 | 1 |
| | Total | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Greenwich | Male | - | - | - | - | - | - | - | - | - | - |
| | Female | - | - | - | - | - | 2 | 2 | - | 2 | 4 |
| | Total | - | - | - | - | - | 2 | 2 | - | 2 | 4 |
| James Fletcher | Male | - | 1 | - | - | - | - | - | - | 1 | 1 |
| | Female | - | - | 1 | - | - | - | - | - | 1 | 1 |
| | Total | - | 1 | 1 | - | - | - | - | - | 2 | 2 |
| Kenmore | Male | - | 3 | - | - | 4 | 4 | 11 | 3 | 15 | 25 |
| | Female | - | - | - | 3 | - | 3 | 4 | - | 5 | 10 |
| | Total | - | 3 | - | 3 | 4 | 7 | 15 | 3 | 20 | 35 |
| Macquarie | Male | - | 11 | 18 | 36 | 24 | 22 | 4 | - | 68 | 115 |
| | Female | - | - | 8 | 23 | 23 | 9 | 6 | 1 | 42 | 70 |
| | Total | - | 11 | 26 | 59 | 47 | 31 | 10 | 1 | 110 | 185 |
| Manly | Male | - | - | 1 | - | - | - | - | - | 1 | 1 |
| | Female | - | - | - | - | - | - | - | - | - | - |
| | Total | - | - | 1 | - | - | - | - | - | 1 | 1 |
| Morisset | Male | 1 | 33 | 14 | 20 | 11 | 2 | 4 | - | 45 | 85 |
| | Female | - | 1 | 3 | 3 | 8 | 2 | 2 | - | 11 | 19 |
| | Total | 1 | 34 | 17 | 23 | 19 | 4 | 6 | - | 56 | 104 |
| Nepean | Male | - | - | - | - | - | - | - | - | - | - |
| | Female | - | - | - | 1 | - | - | - | - | 1 | 1 |
| | Total | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Prince Henry/ Prince of Wales | Male | - | 1 | 1 | - | - | - | - | - | 2 | 2 |
| | Female | - | - | - | - | - | - | - | - | - | - |
| | Total | - | 1 | 1 | - | - | - | - | - | 2 | 2 |
| Rozelle | Male | - | 9 | 2 | 3 | 2 | 3 | 4 | - | 14 | 23 |
| | Female | - | 1 | 2 | 2 | 2 | 2 | 13 | 4 | 14 | 26 |
| | Total | - | 10 | 4 | 5 | 4 | 5 | 17 | 4 | 28 | 49 |
| Shellharbour | Male | - | - | - | 4 | 2 | - | - | - | 2 | 6 |
| | Female | - | - | - | - | - | 1 | - | - | 1 | 1 |
| | Total | - | - | - | 4 | 2 | 1 | - | - | 3 | 7 |
| COMBINED | Male | 1 | 74 | 55 | 92 | 60 | 32 | 23 | 5 | 201 | 342 |
| TOTALS ALL | Female | - | 9 | 37 | 46 | 51 | 25 | 28 | 10 | 121 | 206 |
| HOSPITALS 1999 | Total | 1 | 83 | 92 | 138 | 111 | 57 | 51 | 15 | 322 | 548 |
| <i>Combined</i> | <i>Male</i> | - | 39 | 32 | 35 | 41 | 23 | 11 | 3 | 184 | 314 |
| <i>Totals All</i> | <i>Female</i> | 2 | 9 | 21 | 33 | 22 | 15 | 15 | 7 | 124 | 208 |
| <i>Hospitals 1998</i> | <i>Total</i> | 2 | 48 | 53 | 68 | 63 | 38 | 26 | 10 | 308 | 522 * |

* Includes one matter where the Tribunal determined it had no jurisdiction.

The number of reviews of continued treatment patients' cases slightly increased in 1999: 515 in 1995, 468 in 1996, 513 in 1997, 522 in 1998 and 548 in 1999.

Data regarding long-term patients

Tables 12 and 13 provide a history of appearances of continued treatment and long-term informal patients who have been listed for the next regular scheduled review in 1999.

Table 12

Continued treatment patient cases scheduled for Tribunal review under s62 to be held between January and December 2000

| <i>Hospital</i> | <i>*0 prior reviews</i> | <i>1-2 prior reviews</i> | <i>3-4 prior reviews</i> | <i>5-6 prior reviews</i> | <i>7-8 prior reviews</i> | <i>9 or more prior reviews</i> | <i>Patients</i> |
|----------------------|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------------|-----------------|
| Blacktown | 1 | 1 | - | - | - | - | 2 |
| Cumberland | 14 | 19 | 6 | 3 | 2 | 18 | 62 |
| Gosford | 1 | - | - | - | - | - | 1 |
| Goulburn | 1 | - | - | - | - | - | 1 |
| Greenwich | - | - | 1 | - | - | - | 1 |
| James Fletcher | 1 | 1 | - | - | - | - | 2 |
| Kenmore | - | 3 | 1 | - | 1 | 11 | 16 |
| Macquarie | 4 | 10 | 1 | 14 | 7 | 25 | 61 |
| Manly | 1 | - | - | - | - | - | 1 |
| Morisset | 3 | 6 | 3 | 3 | 1 | 11 | 27 |
| Nepean | 1 | - | - | - | - | - | 1 |
| Prince of Wales | 1 | 1 | - | - | - | - | 2 |
| Rozelle | 9 | 4 | 2 | 2 | 1 | 3 | 21 |
| St Vincents | 1 | - | - | - | - | - | 1 |
| Shellharbour | 1 | 1 | 1 | - | - | - | 3 |
| Sutherland | 1 | - | - | - | - | - | 1 |
| Westmead Acute Adol. | 1 | - | - | - | - | - | 1 |
| TOTALS 1999 | 41 | 46 | 15 | 22 | 12 | 68 | 204 |
| <i>TOTALS 1998</i> | <i>42</i> | <i>58</i> | <i>44</i> | <i>26</i> | <i>31</i> | <i>22</i> | <i>223</i> |

* Column headed "0 prior reviews" refers to patients who have been reclassified to CT status following a s56 or s58 review.

3.3.2. REVIEWS OF LONG TERM INFORMAL PATIENT CASES BY THE TRIBUNAL (MHA s63)

As shown in Tables 2 and 4 the Tribunal conducted a total of 225 reviews in 1998 and 200 reviews in 1999 of long term informal patients' cases.

Table 13

Long-term informal patient cases scheduled for Tribunal review under s63 to be held between January and December 2000

| <i>Hospital</i> | <i>1 prior review</i> | <i>2 prior reviews</i> | <i>3 prior reviews</i> | <i>4 prior reviews</i> | <i>5 prior reviews</i> | <i>6-prior reviews</i> | <i>7 or more prior reviews</i> | <i>Patients</i> |
|--------------------|-----------------------|------------------------|------------------------|------------------------|------------------------|------------------------|--------------------------------|-----------------|
| Bloomfield | 6 | 3 | 2 | 1 | 2 | 4 | 35 | 53 |
| Cumberland | 3 | 4 | 6 | 2 | 7 | 2 | 11 | 35 |
| Kenmore | 2 | 4 | 1 | 3 | 4 | 3 | 3 | 20 |
| Macquarie | 4 | 3 | 6 | 3 | 3 | 2 | 2 | 23 |
| Morisset | - | - | - | - | - | 1 | 3 | 4 |
| Rozelle | 5 | 9 | 2 | - | - | 2 | 1 | 19 |
| TOTALS 2000 | 20 | 23 | 17 | 9 | 16 | 14 | 55 | 154 |
| <i>TOTALS 1999</i> | <i>36</i> | <i>32</i> | <i>14</i> | <i>18</i> | <i>25</i> | <i>21</i> | <i>46</i> | <i>192</i> |

3.3.3. APPEALS AGAINST MEDICAL SUPERINTENDENT'S REFUSAL TO DISCHARGE (MHA s69)

In 1999, the Tribunal conducted 125 reviews under this provision, ordered the discharge of 8 patients, and dismissed 107 such appeals. The Tribunal's exercise of this jurisdiction is summarised in Table 14 below. Of the 10 adjournments, only 2 of these matters were resumed and concluded. The Tribunal's determinations at these resumed hearings were to dismiss the appeals.

Table 14

Outcome of s69 appeals by patients against a medical superintendent's refusal of a request for discharge during the period January to December 1999 and combined totals for 1998

| | <i>No. of persons reviewed under s69</i> | | | <i>Tribunal reviews under s69</i> | | | <i>Determination by Tribunal</i> | | | |
|------------------------------------|--|-----------|------------|-----------------------------------|-----------|-------------|---|------------------|-------------------------|---|
| | <i>M</i> | <i>F</i> | <i>T</i> | <i>M</i> | <i>F</i> | <i>T</i> | <i>Discharged</i> | <i>Adjourned</i> | <i>Appeal Dismissed</i> | <i>Dismissed and no further Appeal to be heard prior to next scheduled review</i> |
| | | | | | | | | | | |
| Major Psychiatric Hospitals | | | | | | | | | | |
| Cumberland | 8 | 8 | 16 | 8 | 10 | 18 | 3 | - | 7 | 8 |
| James Fletcher | 5 | 2 | 7 | 6 | 3 | 9 | - | 3 | - | 6 |
| Kenmore | 2 | 2 | 4 | 2 | 3 | 5 | - | 1 | - | 4 |
| Macquarie | 4 | 2 | 6 | 5 | 2 | 7 | - | 1 | 1 | 5 |
| Morisset | 1 | - | 1 | 3 | - | 3 | - | - | 2 | 1 |
| Rozelle | 12 | 7 | 19 | 12 | 7 | 19 | 2 | 1 | 9 | 7 |
| SUB-TOTALS 1999 | 32 | 21 | 53 | 36 | 25 | 61 | 5 | 6 | 19 | 31 |
| <i>Sub-Total 1998</i> | <i>37</i> | <i>17</i> | <i>54</i> | <i>46</i> | <i>18</i> | <i>64</i> | <i>3</i> | <i>9</i> | <i>39</i> | <i>13</i> |
| Public Hospital Units | | | | | | | | | | |
| Bankstown | 1 | - | 1 | 1 | - | 1 | - | - | - | 1 |
| Blacktown | 2 | 1 | 3 | 2 | 1 | 3 | - | - | 1 | 2 |
| Campbelltown | 1 | - | 1 | 1 | - | 1 | - | - | 1 | - |
| Gosford | - | 1 | 1 | - | 1 | 1 | - | - | - | 1 |
| Goulburn | 3 | 3 | 6 | 3 | 4 | 7 | - | 1 | - | 6 |
| Nepean | 1 | 1 | 2 | 1 | 1 | 2 | - | - | 1 | 1 |
| Prince of Wales | 4 | 3 | 7 | 4 | 3 | 7 | 1 | - | 3 | 3 |
| Royal North Shore | 5 | 2 | 7 | 5 | 2 | 7 | - | 1 | 1 | 5 |
| RPA Missenden Unit | 2 | 3 | 5 | 2 | 3 | 5 | - | - | 2 | 3 |
| St George | 1 | 2 | 3 | 1 | 2 | 3 | - | - | 1 | 2 |
| St Josephs | 1 | - | 1 | 1 | - | 1 | - | - | - | 1 |
| St Vincents | 1 | - | 1 | 2 | - | 2 | - | - | - | 2 |
| Sutherland | 1 | 1 | 2 | 1 | 3 | 4 | 1 | 2 | - | 1 |
| Tamworth | 7 | 3 | 10 | 7 | 5 | 12 | 1 | - | 3 | 8 |
| Wagga Wagga | 2 | 3 | 5 | 2 | 3 | 5 | - | - | - | 5 |
| Westmead - AA Unit | 1 | - | 1 | 1 | - | 1 | - | - | - | 1 |
| Westmead - AP Unit | - | 2 | 2 | - | 2 | 2 | - | - | 1 | 1 |
| SUB-TOTALS 1999 | 33 | 25 | 58 | 34 | 30 | 64 | 3 | 4 | 14 | 43 |
| <i>SUB-TOTALS 1998</i> | <i>32</i> | <i>21</i> | <i>53</i> | <i>35</i> | <i>23</i> | <i>58</i> | <i>1</i> | <i>5</i> | <i>43</i> | <i>8</i> |
| COMBINED TOTALS 1999 | 65 | 46 | 111 | 70 | 55 | 125 | 8 | 10 | 33 | 74 |
| <i>COMBINED TOTALS 1998</i> | <i>69</i> | <i>38</i> | <i>107</i> | <i>81</i> | <i>41</i> | <i>122*</i> | <i>4</i> | <i>14</i> | <i>82</i> | <i>21</i> |

* Includes 1 review where the Tribunal determined it had no jurisdiction

The MHA requires that as soon as practicable after a person has been involuntarily detained, the receiving hospital must give to the person so detained an oral explanation and a written statement (Form 1 under the 1995 regulations) of the person's legal rights and entitlements. Compliance with this provision would have involved hospital staff advising more than 11,305 involuntarily detained persons of their legal rights during 1999. However, during 1999 only about 1% of involuntary patients from all hospitals appealed to the Tribunal against a medical superintendent's refusal to discharge. This pattern has remained fairly consistent since the proclamation of the Act in 1990.

Table 15

Demographic profile of temporary patients and continued treatment patients who appealed under section 69 during the period January to December 1999

| | <i>0-19 yrs</i> | <i>20-29 yrs</i> | <i>30-39 yrs</i> | <i>40-49 yrs</i> | <i>50-59 yrs</i> | <i>60-69 yrs</i> | <i>70-79 yrs</i> | <i>80+ yrs</i> | <i>PATIENT TOTAL</i> |
|--------------------|---------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--------------------|--------------------------|
| Male | 6 | 23 | 18 | 9 | 6 | 3 | - | - | 65 |
| Female | 2 | 14 | 17 | 8 | 3 | 1 | - | 1 | 46 |
| TOTALS 1999 | 8 | 37 | 35 | 17 | 9 | 4 | - | 1 | 111 |
| <i>TOTALS 1998</i> | <i>7</i> | <i>29</i> | <i>26</i> | <i>23</i> | <i>10</i> | <i>3</i> | <i>3</i> | <i>5</i> | <i>106</i> |

3.4. COMPARISON OF INVOLUNTARY ADMISSIONS TO ALL ADMISSIONS

For the twelve month period July 1997 to June 1998 there were 22886 voluntary and involuntary admissions to gazetted general hospital psychiatric units and 6859 to the seven large psychiatric institutions (Table 16). The figures for admissions to all facilities are gathered by the Department of Health and are reported in its Annual Report for each financial year. Involuntary admissions represent approximately 30% of all admissions (excluding those patients who have been reclassified from informal to involuntary status).

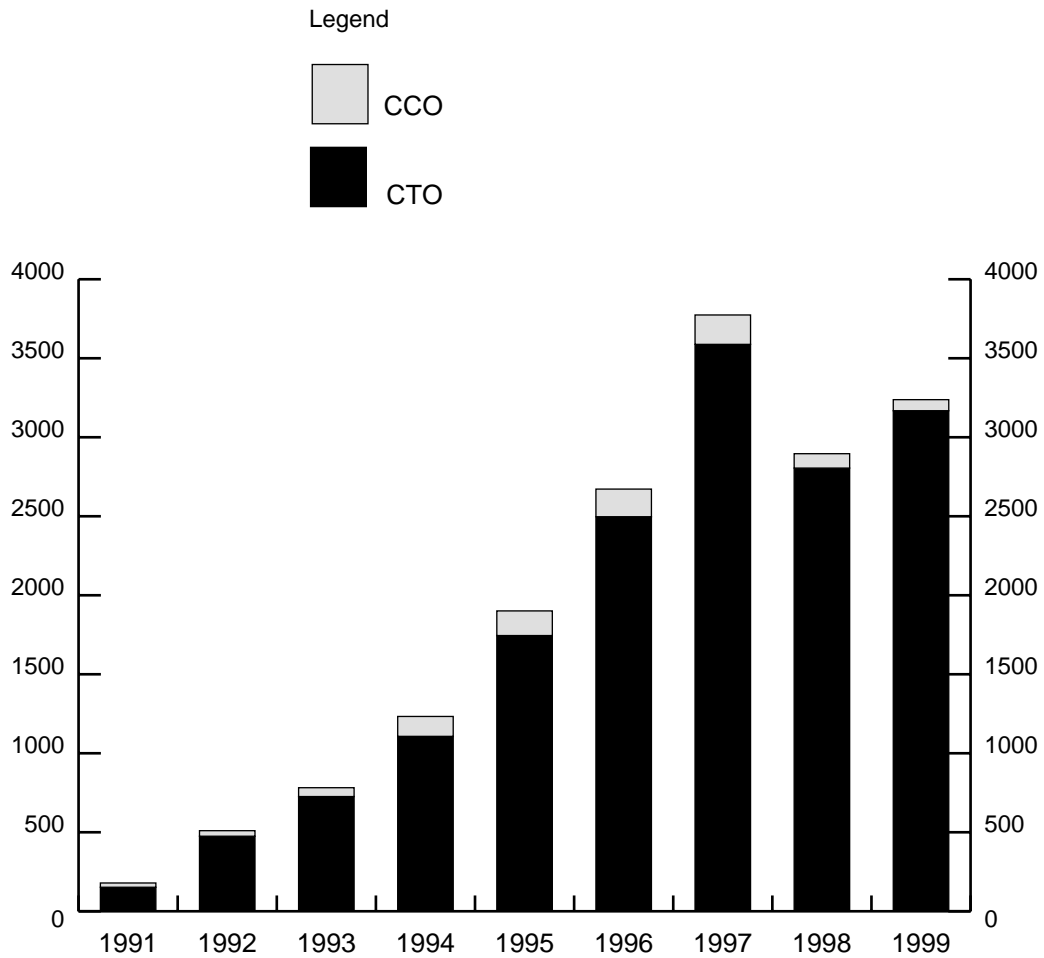
Table 16**Comparison of involuntary admissions (Jan 1999 - Dec 1999) and total admissions (Jul 1998 - Jun 1999) in public psychiatric facilities**

| Major Psychiatric Hospitals | <i>Taken to hospital Involuntarily and Admitted (Jan 1999 to Dec 1999)</i> | <i>Total Admissions (Jul 1998 to Jun 1999)</i> | <i>Percentage Involuntary Admissions</i> |
|---|--|--|--|
| Bloomfield | 509 | 757 | 67.2 |
| Cumberland | 822 | 1582 | 52.0 |
| James Fletcher/Morriset | 748 | 1805 | 41.4 |
| Kenmore | 11 | 53 | 20.8 |
| Macquarie | 122 | 254 | 48.0 |
| Rozelle | 761 | 1386 | 54.9 |
| SUB-TOTAL 1999 | 2973 | 5837 | 50.9 |
| <i>SUB-TOTAL 1998</i> | <i>3162</i> | <i>6859</i> | <i>46.1</i> |
| Public Hospital Units | | | |
| Albury | 151 | 397 | 38.0 |
| Armidale | - | 118 | - |
| Bankstown | 170 | 626 | 27.2 |
| Blacktown | 206 | 623 | 33.1 |
| Broken Hill | 40 | 133 | 30.1 |
| Campbelltown | 262 | 617 | 42.5 |
| Coffs Harbour | 197 | 467 | 42.2 |
| Concord | 1 | 575 | 0.2 |
| Dubbo | 2 | 114 | 1.8 |
| Gosford | 346 | 765 | 45.2 |
| Goulburn | 322 | 412 | 78.2 |
| Greenwich | 32 | 237 | 13.5 |
| Hornsby | 241 | 528 | 45.6 |
| Lismore | 400 | 1191 | 33.6 |
| Liverpool | 395 | 751 | 52.6 |
| Manly | 274 | 658 | 41.6 |
| Maitland | 274 | 815 | 33.6 |
| Nepean | 147 | 734 | 20.0 |
| Port Kembla | 75 | 443 | 16.9 |
| Prince of Wales | 355 | 1399 | 25.4 |
| Royal North Shore | 238 | 451 | 52.8 |
| RPA Missenden | 349 | 876 | 39.8 |
| Shellharbour | 635 | 1102 | 57.6 |
| St George | 146 | 437 | 33.4 |
| St Joseph's | 7 | 148 | 4.7 |
| St Vincent's | 434 | 683 | 63.5 |
| Sutherland | 295 | 469 | 62.9 |
| Tamworth | 322 | 538 | 59.9 |
| Wagga Wagga | 193 | 418 | 46.2 |
| Westmead Acute Adolescent Unit | 36 | 261 | 13.8 |
| Westmead Adult Psychiatric Unit | 29 | 171 | 17.0 |
| Westmead Psychogeriatric Unit | 24 | 112 | 21.4 |
| SUB-TOTAL 1999 | 6598 | 17269 | 38.2 |
| <i>SUB-TOTAL 1998</i> | <i>5597</i> | <i>22886</i> | <i>24.5</i> |
| COMBINED TOTALS ALL HOSPITALS 1999 | 9571¹ | 23106² | 41.4 |
| <i>COMBINED TOTALS ALL HOSPITALS 1998</i> | <i>8759³</i> | <i>29745⁴</i> | <i>29.4</i> |

¹ Total includes 494 persons admitted as informal patients.² Source: Department of Health Annual Report 1998/99.³ Total includes 413 persons admitted as informal patients.⁴ Source: Department of Health Annual Report 1997/98.

Table 17

Number of community counselling orders and community treatment orders made by the Tribunal and by Magistrates for the nine year period 1991 to 1999



| <i>Total Orders</i> | <i>Total Orders</i> | <i>Total Orders</i> | <i>Total Orders</i> | <i>Total Orders</i> | <i>Total Orders</i> | <i>Total Orders</i> | <i>Total Orders</i> | <i>Total Orders</i> |
|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| 179 | 510 | 782 | 1233 | 1901 | 3672 | 3774 | 2996 | 3238 |

TOTAL number of CCOs and CTOs made by the TRIBUNAL for this period is: 13,486

TOTAL number of CCOs and CTOs made by MAGISTRATES for this period is: 4,799

Table 18**Community counselling orders for gazetted health care agencies made by the Tribunal for the two calendar years 1998 and 1999**

| <i>Health Care Agency</i> | <i>1998 Total CCOs</i> | <i>1999 Total CCOs</i> | <i>Health Care Agency</i> | <i>1998 Total CCOs</i> | <i>1999 Total CCOs</i> |
|------------------------------------|--------------------------------|--------------------------------|-----------------------------------|--------------------------------|--------------------------------|
| Albury CMHS | 1 | - | Lithgow MHS | 2 | - |
| Armidale & New England Hosp & CMHS | - | 2 | Liverpool MHS | 1 | - |
| Ashfield CMHS | 2 | 4 | Lower Hunter | - | - |
| Auburn CHC | 2 | 2 | Macquarie Area MHS | 3 | - |
| Bankstown-Lidcombe MHS | 1 | - | Manly Hospital and CMHS | 2 | 2 |
| Barwon MHS | - | - | Marrickville CMHS | 1 | 1 |
| Batemans Bay DHC & MHS | - | - | Merrylands CHS | 4 | 2 |
| Bega Valley Counselling & MHS | - | - | Mid Western CMHS | - | 3 |
| Blacktown and Mt Druitt PS | 1 | - | Mudgee MHS | - | - |
| Blue Mountains MHS | 2 | - | New England Dist (Glen Innes) MHS | - | - |
| Bondi Junction CHC | 5 | 8 | New England Dist (Inverell) MHS | - | - |
| Botany CHC | - | - | Newcastle MHS | 1 | - |
| Bowral CHS | - | - | Orana MHS - Dubbo Base Hospital | - | - |
| Campbelltown MHS | 3 | 2 | Orange CHC | - | - |
| Canterbury CMHS | - | - | Orange C. Res/Rehab. Service | - | - |
| Central Coast AMHS | - | 3 | Pambula District Hospital MHS | - | - |
| Cessnock Northumberland MHS | - | - | Parramatta CHS | - | - |
| Clarence District HS | - | - | Penrith MHS | - | 2 |
| Coffs Harbour MHOPS | - | - | Penrith/Hawkesbury MHS | - | - |
| Cooma MHS | - | 2 | Port Macquarie CMHS | 1 | - |
| Cootamundra MHS | - | 1 | Port Stephens MHS | - | - |
| Deniliquin District MHS | - | - | Queanbeyan MHS | - | - |
| Dundas CHC | - | - | Redfern/Newtown CMHS | 1 | - |
| Fairfield MHS | 3 | - | Royal North Shore H & CMHS | 2 | - |
| Far West MHS | - | - | Ryde Hospital and CMHS | 2 | 5 |
| Glebe CMHS | 2 | - | Shoalhaven MHS | 1 | - |
| Goulburn CMHS | - | - | St George C Adult & Fam MHS | - | - |
| Griffith (Murrumbidgee) MHS | - | - | St George Div of Psych & MHC. | 21 | 13 |
| Hawkesbury MHS | - | - | St Joseph's Hospital CMAPU | 2 | 2 |
| Hills CMHC | - | - | Sutherland C Adult & Fam MHS | 2 | 2 |
| Hornsby Ku-ring-gai H & CMHS | 3 | 3 | Sutherland Hospital | - | - |
| Hunter Valley HCA | 2 | 1 | Tamworth CMHS | - | - |
| Illawarra PS | 3 | 2 | Taree CMHS | - | - |
| Inner City MHS | 4 | 2 | Tumut CMHS | - | - |
| Kempsey CMHS | - | - | Tweed Heads | - | - |
| Lake Macquarie MHS | - | - | Upper Hunter MHS | - | - |
| Leeton/Narrandera CHC | - | - | Wagga Wagga CMHS | 2 | 2 |
| Lismore MHOPS | - | - | Young MHS | - | - |

TOTAL NUMBER OF COMMUNITY COUNSELLING ORDERS 1999 66 INVOLVING 52 PERSONS
Total number of Community Counselling Orders 1998 82 involving 64 persons

Table 19

Demographic profile of persons whose cases were reviewed under section 118 (community counselling order applications) during the period January to December 1999

| | <i>0-19 yrs</i> | <i>20-29 yrs</i> | <i>30-39 yrs</i> | <i>40-49 yrs</i> | <i>50-59 yrs</i> | <i>60-69 yrs</i> | <i>70-79 yrs</i> | <i>80+ yrs</i> | <i>PATIENT TOTAL</i> |
|--------------------|---------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--------------------|--------------------------|
| Male | 1 | 8 | 14 | 5 | 3 | 1 | - | - | 32 |
| Female | - | 3 | 4 | 2 | 5 | 5 | 1 | - | 20 |
| TOTALS 1999 | 1 | 11 | 18 | 7 | 8 | 6 | 1 | - | 52 |
| <i>TOTALS 1998</i> | <i>1</i> | <i>11</i> | <i>18</i> | <i>17</i> | <i>8</i> | <i>9</i> | <i>3</i> | <i>-</i> | <i>67</i> |

Table 20**Community treatment orders for gazetted health care agencies made by the Tribunal for the two calendar years 1998 and 1999**

| <i>Health Care Agency</i> | <i>1998 Total CTOs</i> | <i>1999 Total CTOs</i> | <i>Health Care Agency</i> | <i>1998 Total CTOs</i> | <i>1999 Total CTOs</i> |
|------------------------------------|--------------------------------|--------------------------------|-----------------------------------|--------------------------------|--------------------------------|
| Albury CMHS | 7 | 20 | Lithgow MHS | - | 2 |
| Armidale & New England Hosp & CMHS | 1 | 2 | Liverpool MHS | 43 | 49 |
| Ashfield CMHS | 102 | 97 | Lower Hunter MHC | - | - |
| Auburn CHC | 42 | 42 | Macquarie Area MHS | 28 | 29 |
| Bankstown-Lidcombe MHS | 93 | 121 | Manly Hospital and CMHS | 48 | 69 |
| Barwon MHS | 3 | 1 | Marrickville CMHS | 51 | 37 |
| Batemans Bay DHC & MHS | 11 | 18 | Merrylands CHS | 96 | 90 |
| Bega Valley Counselling & MHS | - | 6 | Mid Western CMHS | 8 | 20 |
| Blacktown and Mt Druitt PS | 79 | 69 | Mudgee | 2 | 4 |
| Blue Mountains MHS | 67 | 68 | New England Dist (Glen Innes) MHS | 14 | 5 |
| Bondi Junction CHC | 76 | 114 | New England Dist (Inverell) MHS | 5 | 3 |
| Botany CHC | 15 | - | Newcastle MHS | 56 | 55 |
| Bowral CHS | 13 | 13 | Orana MHS - Dubbo Base Hospital | 1 | - |
| Campbelltown MHS | 65 | 68 | Orange CHC | 20 | 6 |
| Canterbury CMHS | 45 | 57 | Orange C Res/Rehab Service | 11 | 11 |
| Central Coast AMHS | 82 | 81 | Pambula District Hospital MHS | - | - |
| Cessnock Northumberland MHS | - | - | Parramatta CHS | 16 | 28 |
| Clarence District HS | 8 | 14 | Penrith MHS | 6 | 37 |
| Coffs Harbour MHOPS | 16 | 30 | Penrith/Hawkesbury MHS | 31 | - |
| Cooma MHS | 3 | 1 | Port Macquarie CMHS | 25 | 13 |
| Cootamundra MHS | 5 | 6 | Port Stephens MHS | - | - |
| Deniliquin District MHS | 5 | 5 | Queanbeyan MHS | 11 | 18 |
| Dundas CHC | 6 | 10 | Redfern/Newtown CMHS | 27 | 32 |
| Fairfield MHS | 59 | 65 | Royal North Shore H & CMHS | 50 | 63 |
| Far West MHS | 6 | 9 | Ryde Hospital and CMHS | 42 | 60 |
| Glebe CMHS | 33 | 55 | Shoalhaven MHS | 7 | 9 |
| Goulburn CMHS | 18 | 19 | St George C Adult & Fam MHS | - | - |
| Griffith (Murrumbidgee) MHS | 4 | 4 | St George Hospital | 81 | 97 |
| Hawkesbury MHS | - | 9 | St Joseph's Hospital CMACPU | - | - |
| Hills CMHC | 7 | 7 | Sutherland C Adult & Fam MHSI | 91 | 104 |
| Hornsby Ku-ring-gai H & CMHS | 80 | 74 | Sutherland Hospital | - | - |
| Hunter Valley HCA | 28 | 39 | Tamworth CMHS | 33 | 28 |
| Illawarra Psychiatric Services | 62 | 72 | Taree CMHS | 31 | 31 |
| Inner City MHS | 93 | 90 | Tumut CMHS | 1 | 1 |
| Kempsey | 2 | 13 | Tweed Heads MHS | - | - |
| Lake Macquarie | 37 | 50 | Upper Hunter MHS | - | - |
| Leeton/Narrandera CHC | 2 | 1 | Wagga Wagga CMHS | 37 | 49 |
| Lismore MHOPS | 9 | 21 | Young MHS | 3 | 4 |

TOTAL NUMBER OF COMMUNITY TREATMENT ORDERS 1999 2325 INVOLVING 1608 PERSONS
Total number of Community Treatment Orders 1998 2059 involving 1440 persons

Note: Penrith/Hawkesbury MHS de-gazetted in November 1998

Table 21

Demographic profile of persons reviewed under section 131 (community treatment order applications) during the period January to December 1999

| | <i>0-19 yrs</i> | <i>20-29 yrs</i> | <i>30-39 yrs</i> | <i>40-49 yrs</i> | <i>50-59 yrs</i> | <i>60-69 yrs</i> | <i>70-79 yrs</i> | <i>80+ yrs</i> | <i>PATIENT TOTAL</i> |
|--------------------|---------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--------------------|--------------------------|
| Male | 54 | 367 | 332 | 163 | 90 | 44 | 9 | 3 | 1062 |
| Female | 20 | 118 | 163 | 144 | 112 | 52 | 28 | 12 | 649 |
| TOTALS 1999 | 74 | 485 | 495 | 307 | 202 | 96 | 37 | 15 | 1711 |
| <i>Totals 1998</i> | <i>60</i> | <i>408</i> | <i>388</i> | <i>284</i> | <i>175</i> | <i>89</i> | <i>43</i> | <i>13</i> | <i>1460</i> |

Table 22**Community treatment orders/community counselling orders made by Magistrates for the calendar years 1997, 1998 and 1999**

| <i>Area Health Service/Region</i> | <i>1997 CCOs</i> | <i>1998 CCOs</i> | <i>1999 CCOs</i> | <i>1997 CTOs</i> | <i>1998 CTOs</i> | <i>1999 CTOs</i> |
|--------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Albury (Nolan House) | - | - | - | - | 2 | 8 |
| Bankstown (Banks House) | - | - | - | 23 | 39 | 38 |
| Blacktown (Bungarribee House) | - | - | 1 | 36 | 12 | 19 |
| Bloomfield | - | - | - | 47 | 49 | 62 |
| Broken Hill (Special Care Suite) | - | - | - | 6 | 4 | 4 |
| Campbelltown (Waratah House) | - | - | - | 11 | 6 | 11 |
| Coffs Harbour (Psychiatric Unit) | - | - | - | 44 | 44 | 15 |
| Dubbo | - | - | - | - | 1 | - |
| Cumberland | 1 | - | - | 12 | 18 | 21 |
| Gosford (Mandala Clinic) | - | - | - | 48 | 14 | 18 |
| Goulburn | - | - | - | - | - | 18 |
| Greenwich | - | - | - | - | - | 3 |
| Hornsby (Palmerston Unit) | - | - | - | 52 | 50 | 28 |
| James Fletcher | - | - | 1 | 38 | 37 | 35 |
| Kenmore | - | - | - | 2 | 11 | 1 |
| Lismore (Richmond Clinic) | - | - | - | 75 | 73 | 65 |
| Liverpool Hospital | - | - | - | 64 | 60 | 96 |
| Macquarie Hospital | - | - | - | 18 | 16 | 19 |
| Maitland | - | - | - | - | 7 | 24 |
| Manly (East Wing) | - | - | 1 | 19 | 15 | 30 |
| Nepean (Pialla Unit) | - | - | - | 19 | 17 | 14 |
| Port Kembla | - | - | - | 1 | 4 | 4 |
| Prince Henry (Psychiatric Unit) | - | - | - | 5 | - | - |
| Prince of Wales (Psychiatric Unit) | - | - | - | 9 | 13 | 16 |
| Royal North Shore (Cummins Unit) | - | - | - | 10 | 16 | 23 |
| Royal Prince Alfred (Missenden Unit) | - | 1 | - | 31 | 23 | 42 |
| Rozelle | 2 | - | 1 | 72 | 93 | 97 |
| Shellharbour (Psych Unit/Rehab Unit) | - | - | - | 24 | 26 | 37 |
| St George (Pacific House) | 1 | - | - | 9 | 23 | 22 |
| St Josephs (Psychogeriatric Unit) | - | - | - | 5 | 5 | 19 |
| St Vincents (Caritas Centre) | 1 | - | - | 15 | 12 | 19 |
| Sutherland (Psychiatric Unit) | 2 | 2 | - | 20 | 28 | 31 |
| Tamworth (Banksia Unit) | 1 | 1 | - | 14 | 16 | 14 |
| Wagga Wagga (Gissing House) | - | - | - | 8 | 11 | 6 |
| Westmead (Acute Adolescent) | - | - | - | - | - | 2 |
| Westmead (Adult Psychiatry) | - | - | - | 6 | 2 | 1 |
| Westmead (Psychogeriatric Unit) | - | - | - | 4 | - | - |
| TOTALS | 8 | 4 | 4 | 747 | 747 | 844 |

EXPLANATORY NOTE ABOUT THE NUMBERING OF TABLES:

In order to enable ready comparison with previous annual reports, the number of the table for the relevant set of data for each year has been kept the same. Thus, Table 25 at page 35 of AR95 relates to "Tribunal determinations on ECT applications for involuntary patients", as does Table 25 in this year's report. However, from 1995, there is no equivalent table to Table 23, which last appeared in AR94. Hence the jump in table numbers for AR95 to AR99 from Table 22 to Table 24.

Table 24**Frequency of community counselling and community treatment orders made by the Tribunal for the nine year period January 1991 to December 1999**

| <i>CCOs made per patient</i> | <i>Patients</i> | | | <i>Total No. of CCOs made</i> | <i>CTOs made per patient</i> | <i>Patients</i> | | | <i>Total No of CTOs made</i> |
|------------------------------|-----------------|------------|--------------|-------------------------------|------------------------------|-----------------|-------------|--------------|------------------------------|
| | <i>M</i> | <i>F</i> | <i>Total</i> | | | <i>M</i> | <i>F</i> | <i>Total</i> | |
| 1 | 183 | 133 | 316 | 316 | 1 | 1086 | 791 | 1877 | 1877 |
| 2 | 45 | 29 | 74 | 148 | 2 | 452 | 304 | 756 | 1512 |
| 3 | 20 | 19 | 39 | 117 | 3 | 267 | 185 | 452 | 1356 |
| 4 | 14 | 5 | 19 | 76 | 4 | 180 | 99 | 279 | 1116 |
| 5 | 7 | 2 | 9 | 45 | 5 | 113 | 77 | 190 | 950 |
| 6 | 4 | 2 | 6 | 36 | 6 | 91 | 60 | 151 | 906 |
| 7 | 2 | 4 | 6 | 42 | 7 | 75 | 43 | 118 | 826 |
| 8 | - | 3 | 3 | 24 | 8 | 54 | 37 | 91 | 728 |
| 9 | - | 1 | 1 | 9 | 9 | 38 | 25 | 63 | 567 |
| 12 | 1 | - | 1 | 12 | 10 | 28 | 16 | 44 | 440 |
| 13 | - | 1 | 1 | 13 | 11 | 21 | 7 | 28 | 308 |
| 14 | - | 1 | 1 | 14 | 12 | 16 | 22 | 38 | 456 |
| 15 | 1 | - | 1 | 15 | 13 | 11 | 5 | 16 | 208 |
| | | | | | 14 | 10 | 5 | 15 | 210 |
| | | | | | 15 | 6 | 4 | 10 | 150 |
| | | | | | 16 | 6 | 6 | 12 | 192 |
| | | | | | 17 | 7 | 3 | 10 | 170 |
| | | | | | 18 | 2 | 3 | 5 | 90 |
| | | | | | 19 | 5 | 5 | 10 | 190 |
| | | | | | 20 | 2 | 1 | 3 | 60 |
| | | | | | 21 | 1 | 1 | 2 | 42 |
| | | | | | 22 | 2 | 3 | 5 | 110 |
| | | | | | 23 | 2 | 1 | 3 | 69 |
| | | | | | 24 | - | 1 | 1 | 24 |
| | | | | | 25 | - | 1 | 1 | 25 |
| | | | | | 28 | 1 | - | 1 | 28 |
| TOTALS | 277 | 200 | 477 | 867 | | 2476 | 1705 | 4181 | 12610 |

During 1999, the Tribunal heard 175 applications to vary community counselling or community treatment orders and approved 171 of them. Three applications to revoke a community counselling or treatment order were received and reviewed during 1999 and two were declined by the Tribunal.

Table 25**Tribunal determinations on ECT applications for involuntary patients for the period January to December 1999**

| <i>Capacity of Patient to give Informed Consent</i> | <i>Approved</i> | <i>Determination or Opinion Not Required</i> | <i>Not Approved</i> | <i>Total</i> |
|---|-----------------|--|---------------------|--------------|
| Capable and has consented | - | 13 | - | 13 |
| Capable but has neither consented nor refused | 5 | - | - | 5 |
| Capable but has refused | 6 | - | 3 | 9 |
| Incapable of giving informed consent | 282 | - | 4 | 286 |
| Incapable of informed consent – has consented | 2 | - | - | 2 |
| Incapable of – has neither consented nor refused | - | - | - | - |
| Incapable of informed consent – has refused | 3 | - | - | 3 |
| Adjourned | - | 7 | - | 7 |
| No jurisdiction | - | - | - | - |
| TOTALS 1999 | 298 | 20 | 7 | 325 |
| <i>Totals 1998</i> | <i>279</i> | <i>34</i> | <i>2</i> | <i>315</i> |

Note: Excludes 3 reviews under s185 where the Tribunal determined an informal patient to be incapable of giving informed consent.

Table 26**Demographic profile of detained persons receiving ECT following Tribunal approvals (total 298) to perform the procedure for the period January to December 1999**

| | <i>0-19</i> | <i>20-29</i> | <i>30-39</i> | <i>40-49</i> | <i>50-59</i> | <i>60-69</i> | <i>70-79</i> | <i>80+</i> | <i>Total</i> |
|--------------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
| Male | 1 | 16 | 12 | 17 | 19 | 14 | 12 | 3 | 94 |
| Female | 3 | 19 | 24 | 18 | 23 | 34 | 37 | 17 | 175 |
| TOTALS 1999 | 4 | 35 | 36 | 35 | 42 | 48 | 49 | 20 | 269 |
| <i>TOTALS 1998</i> | <i>4</i> | <i>42</i> | <i>49</i> | <i>45</i> | <i>58</i> | <i>47</i> | <i>59</i> | <i>21</i> | <i>286</i> |

Table 27**Breakdown of age groups of detained persons receiving ECT during the period
January to December 1999 by number and percentage and percentages for 1998**

| | <i>0-19 yrs</i> | <i>20-29 yrs</i> | <i>30-39 yrs</i> | <i>40-49 yrs</i> | <i>50-59 yrs</i> | <i>60-69 yrs</i> | <i>70-79 yrs</i> | <i>80+ yrs</i> | <i>Total</i> |
|---|---------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--------------------|--------------|
| Persons receiving ECT | 4 | 35 | 36 | 35 | 42 | 48 | 49 | 20 | 269 |
| Persons admitted involuntarily and inpatients reclassified to involuntary | 727 | 2767 | 2430 | 1482 | 770 | 389 | 268 | 134 | 9939 |
| PERCENTAGE BY AGE GROUP 1999 | 0.5 % | 1.3 % | 1.5 % | 2.4 % | 5.5 % | 12.3 % | 18.3 % | 14.9 % | 2.7 % |
| <i>PERCENTAGE BY AGE GROUP 1998</i> | <i>1.7 %</i> | <i>0.1 %</i> | <i>2.0 %</i> | <i>2.7 %</i> | <i>4.4 %</i> | <i>11.4 %</i> | <i>18.1 %</i> | <i>23.1 %</i> | <i>3.1 %</i> |

* This total is by individual irrespective of the number of admissions/reclassifications particular individuals may have experienced during 1999

Table 28**Results of Tribunal ECT hearings by hospital for the period January to December 1999 and combined totals for 1998**

| Major Psychiatric Hospitals | <i>Tribunal reviews under ss185 and 188</i> | <i>Adjournments</i> | <i>ECT approved by Tribunal</i> | <i>ECT not approved</i> |
|--|---|---------------------|---------------------------------|-------------------------|
| Bloomfield | 23 | - | 20 | - |
| Cumberland | 30 | 2 | 28 | - |
| James Fletcher - Morisset | 37 | 1 | 34 | 1 |
| Kenmore | 4 | - | 3 | - |
| Macquarie | 9 | - | 8 | 1 |
| Rozelle | 14 | - | 12 | - |
| SUB-TOTALS 1999 | 117 | 3 | 105 | 2 |
| <i>Sub-Totals 1998</i> | <i>129</i> | <i>4</i> | <i>110</i> | <i>1</i> |
| Public Hospital Units | | | | |
| Albury | 4 | - | 4 | - |
| Bankstown | 5 | - | 5 | - |
| Blacktown | 6 | - | 6 | - |
| Broken Hill | - | - | - | - |
| Campbelltown | 6 | - | 6 | - |
| Coffs Harbour | 1 | - | 1 | - |
| Concord | 3 | - | 3 | - |
| Dubbo | - | - | - | - |
| Gosford | 8 | - | 8 | - |
| Goulburn | 1 | - | 1 | - |
| Greenwich | 10 | - | 10 | - |
| Hornsby | 10 | - | 10 | - |
| Lismore | 16 | - | 16 | - |
| Liverpool | 7 | - | 6 | - |
| Maitland | 15 | 1 | 12 | 1 |
| Manly | 14 | - | 12 | 1 |
| Nepean | 5 | - | 5 | - |
| Port Kembla | 2 | - | 1 | - |
| Prince of Wales | 20 | 1 | 19 | - |
| Royal North Shore | 10 | 1 | 8 | 1 |
| RPA Missenden Unit | 5 | - | 5 | - |
| Shellharbour | 7 | - | 5 | 1 |
| St George | 13 | - | 12 | - |
| St Josephs | - | - | - | - |
| St Vincents (Caritas) | 10 | 1 | 7 | 1 |
| Sutherland | 8 | - | 8 | - |
| Tamworth | 8 | - | 7 | - |
| Wagga Wagga | 3 | - | 2 | - |
| Westmead Acute Adolescent | - | - | - | - |
| Westmead Adult Psychiatry | 7 | - | 7 | - |
| Westmead Psychogeriatric | 7 | - | 7 | - |
| Wollongong | - | - | - | - |
| SUB-TOTALS 1999 | 211 | 4 | 193 | 5 |
| <i>Sub-Totals 1998</i> | <i>187</i> | <i>3</i> | <i>169</i> | <i>1</i> |
| COMBINED TOTAL ALL HOSPITALS 1999 | | | | |
| ALL HOSPITALS 1999 | 328 | 7 | 298 | 7 |
| <i>Combined Total All Hospitals 1998</i> | | | | |
| <i>All Hospitals 1998</i> | <i>316</i> | <i>7</i> | <i>279</i> | <i>2</i> |

Table 29

Breakdown of Tribunal approvals of surgical procedures (MHA ss205 – 207) during the period January to December 1999.

| <i>Patient</i> | <i>Surgical Procedure</i> |
|----------------|---|
| 1 | Dental surgery |
| 2 | Excision biopsy |
| 3 | Cervical surgery |
| 4 | Removal of adenoma |
| 5 | Mastectomy |
| 6 | Corrective orthopaedic surgery |
| 7 | Excision of basal cell carcinoma |
| 8 | Ventricular peritoneal shunt |
| 9 | Laparotomy and removal of bilateral cystic masses |
| 10 | Upper and lower endoscopy |

Does not include one application where the Tribunal determined that it had no jurisdiction.

Table 30

Surgery under the emergency provisions (ss 201 – 203) during the period January to December 1999

| <i>Patient</i> | <i>Surgical Procedure</i> |
|----------------|--|
| 1 | Bone marrow aspiration |
| 2 | Surgical reduction of incarcerated hernia |
| 3 | Endoscopy |
| 4 | Endoscopy and colonoscopy |
| 5 | Laminectomy, decompression of spinal cord |
| 6 | Post operative review of surgery under anaesthetic |
| 7 | Follow up treatment of spinal surgery haemangioma |
| 8 | Caesarian section |
| 9 | Debridement and skin graft |

4. MANAGEMENT OF THE INCOME AND PROPERTY OF PATIENTS, PAST AND PRESENT

Table 31

Summary of statistics relating to the Tribunal's jurisdiction under the Protected Estates Act 1983 for the period January to December 1999 and combined totals for 1998

| Section of Act | Description of Reviews | Reviews | | | Adjournments | Order made | Order Declined | Interim Order under s20 | Revocation Approved | Revocation Declined | Legal Repres. |
|--------------------|--------------------------------------|------------|-----------|------------|--------------|------------|----------------|-------------------------|---------------------|---------------------|---------------|
| | | M | F | T | | | | | | | |
| s.17 | Referred to Tribunal by Magistrate | 10 | 3 | 13 | 1 | 2 | 8 | 2 | - | - | 13 |
| s.18 | Order made on Forensic Patient | 4 | - | 4 | - | 3 | - | 1 | - | - | 4 |
| s.19 | On application to Tribunal for Order | 137 | 64 | 201 * | 18 | 103 | 23 | 56 | - | - | 173 |
| s.36 | Revocation of Order | 24 | 12 | 36 | 15 | - | - | - | 12 | 9 | 9 |
| TOTALS 1999 | | 175 | 79 | 254 | 34 | 108 | 31 | 59 | 12 | 9 | 199 |
| TOTALS 1998 | | 142 | 108 | 250 | 30 | 105 | 35 | 46 | 17 | 17 | 198 |

* Includes 1 review where the Tribunal determined that it had no jurisdiction.

5. FORENSIC PATIENTS

Table 32

Summary of statistics relating to the Tribunal's forensic jurisdiction for the periods January to December 1998 and 1999 for forensic patient case reviews under the Mental Health Act 1990

| <i>Act and Section</i> | <i>Description of Review</i> | 1998 Reviews | | | 1999 Reviews | | |
|------------------------|---|---------------------|-----------|--------------|---------------------|-----------|--------------|
| | | <i>M</i> | <i>F</i> | <i>Total</i> | <i>M</i> | <i>F</i> | <i>Total</i> |
| | <i>Forensic Patient Reviews requiring submission of Tribunal recommendations to Minister under the Mental Health Act 1990</i> | | | | | | |
| 80(1) MHA | Where a detained person is found unfit to be tried at an inquiry or given a limiting term at a special hearing | | - | 1 | 3 | - | 3 |
| 81(1)(a) MHA | Following special hearing on being found not guilty by reason of mental illness | 4 | 1 | 5 | 8 | - | 8 |
| 81(1)(b) MHA | Following trial or appeal on being found not guilty by reason of mental illness | 8 | 1 | 9 | 19 | 2 | 21 |
| 82 MHA | Regular six monthly review | 248 | 25 | 273 | 254 | 26 | 280 |
| 82 MHA | Following reinvestigation under s94(s) of person apprehended under s93 | - | - | - | - | - | - |
| 82 MHA | Following request under s96(2) for transfer to prison | 1 | - | 1 | - | - | - |
| 86(1) MHA | Review of transferees' cases | 50 | 7 | 57 | 36 | 8 | 44 |
| 86(2) | Monthly review – trial incomplete or patient unfit to be tried | - | - | - | - | - | - |
| 87 | Informal review of person awaiting transfer from prison to hospital | - | - | - | 1 | 3 | 4 |
| TOTAL | | 312 | 34 | 346 | 321 | 39 | 360 |
| | <i>Tribunal Determinations made under the provisions of the Mental Health (Criminal Procedure) Act 1990</i> | | | | | | |
| 16 MHCPA | Determination of fitness to be tried in next twelve months | 16 | 2 | 18 | 26 | 1 | 27 |
| 24 MHCPA | Determination of mental state following making of a limiting term after a special hearing | - | - | - | 3 | - | 3 |
| TOTAL | | 16 | - | 16 | 29 | 1 | 30 |

Table 33

Outcomes of reviews held under the forensic provisions of the Mental Health Act 1990 from January to December 1999, Tribunal recommendations, and responses of the Executive Government

| | Reviews | | | Approvals | | | Rejections | | | Pending | | | Not Applicable | | |
|--|------------|-----------|------------|------------|-----------|------------|------------|----------|-----------|-----------|----------|-----------|----------------|-----------|-----------|
| | M | F | T | M | F | T | M | F | T | M | F | T | M | F | T |
| A) No change in conditions of detention | 82 | 7 | 89 | 76 | 7 | 83 | - | - | - | 6 | - | 6 | - | - | - |
| B) Less restrictive conditions of detention | 67 | 7 | 74 | 56 | 6 | 62 | 2 | - | 2 | 9 | 1 | 10 | - | - | - |
| C) More restrictive conditions of detention | 5 | 4 | 9 | 5 | 4 | 9 | - | - | - | - | - | - | - | - | - |
| D) Conditional release | 37 | 4 | 41 | 35 | 4 | 39 | - | - | - | 2 | - | 2 | - | - | - |
| E) No change in conditions of release | 19 | 2 | 21 | 16 | 2 | 18 | - | - | - | 2 | - | 2 | 1 | - | 1 |
| F) Less restrictive conditional release | 1 | - | 1 | 1 | - | 1 | - | - | - | - | - | - | - | - | - |
| G) More restrictive conditional release | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| H) Unconditional release | 5 | 3 | 8 | 2 | 3 | 5 | 1 | - | 1 | 2 | - | 2 | - | - | - |
| <i>Adjournment</i> | 12 | 1 | 13 | | | | | | | 3 | - | 3 | 9 | 1 | 10 |
| <i>Not forwarded or acted upon due to changed circumstances</i> | 79 | 10 | 89 | | | | | | | 23 | - | 23 | 56 | 10 | 66 |
| <i>DETERMINED under s82(3): if patient has become fit to be tried notify Attorney General</i> | 1 | - | 1 | | | | | | | | | | 1 | - | 1 |
| <i>DETERMINED under s89(1): that patient be reclassified to continued treatment patient status</i> | 13 | 1 | 14 | | | | | | | | | | 13 | 1 | 14 |
| <i>that patient be NOT reclassified to continued treatment patient status</i> | - | - | - | | | | | | | | | | - | - | - |
| TOTAL Recommendations and Outcomes 1999 | 321 | 39 | 360 | 191 | 26 | 217 | 3 | - | 3 | 47 | 1 | 48 | 80 | 12 | 92 |
| <i>TOTAL Recommendations and Outcomes 1998</i> | <i>312</i> | <i>34</i> | <i>346</i> | <i>235</i> | <i>24</i> | <i>259</i> | <i>13</i> | <i>1</i> | <i>14</i> | <i>14</i> | <i>2</i> | <i>16</i> | <i>50</i> | <i>7</i> | <i>57</i> |

Includes 11 reviews where both a recommendation and a determination were made under the same section of the Mental Health Act 1990.

The data provided in Tables 33 and 34 at page 60 of AR94 have been combined into the one table, number 33 in the Annual Reports for 1995 – 1999.

Table 35A**Location of forensic patient case reviews held between January and December 1999**

| | |
|-------------------------------|------------|
| COMMUNITY – PRIORY | 67 |
| CUMBERLAND HOSPITAL | 78 |
| GOSFORD – MANDALA CLINIC | 1 |
| GRAFTON CORRECTIONAL CENTRE | 1 |
| LISMORE – RICHMOND CLINIC | 1 |
| LONG BAY PRISON HOSPITAL | 156 |
| MACQUARIE HOSPITAL | 9 |
| MORISSET HOSPITAL | 51 |
| MULAWA TRAINING CENTRE | 2 |
| PORT KEMBLA HOSPITAL | 1 |
| ROZELLE HOSPITAL | 16 |
| SILVERWATER – PMS | 4 |
| SHELLHARBOUR – LAKEVIEW HOUSE | 3 |
| TOTAL | 390 |

Table 35B**Location of Current Forensic Patients**

| | |
|---------------------------------|------------|
| COMMUNITY | 59 |
| CUMBERLAND HOSPITAL, PARRAMATTA | 28 |
| GRAFTON CORRECTIONAL CENTRE | 1 |
| JUNEE CORRECTIONAL CENTRE | 1 |
| LISMORE – RICHMOND CLINIC | 1 |
| LONG BAY (G) – PMS | 64 |
| MACQUARIE HOSPITAL, NORTH RYDE | 2 |
| MORISSET HOSPITAL | 25 |
| MULAWA – PMS | 6 |
| ROZELLE HOSPITAL, LEICHHARDT | 7 |
| SHELLHARBOUR LAKEVIEW HOUSE | 2 |
| SILVERWATER – PMS | 1 |
| TOTAL | 193 |

6. ENGLISH AND NON-ENGLISH SPEAKING BACKGROUND PATIENTS

Reference is made to Appendices 8, 9, 10 and 12.

7. GENERAL OBSERVATIONS AND CONCLUSIONS

The New South Wales mental health system has always been a fragile one which tends to get redirected as a response to a single or combination of single events. The Tribunal's experience in the area has been no different. These events have, in particular, impacted on the forensic area.

The Tribunal, after working with Probation and Parole Services several years ago, to produce a policy framework which allowed particular patients/prisoners to have case managers appointed from both systems, and with the use of resources of both systems, was brought to an abrupt halt when legal advice on a particular matter led to the Probation and Parole Services having to abandon this policy. A change in policy in an Area Health Service has affected the rehabilitation services available for certain forensic patients. A continuing bank-up of patients in our limited forensic hospital system has further complicated movement of forensic patients. In some instances, the transfer of one patient from one forensic hospital to another, can only occur when an exchange of patients is negotiated. At the time of writing this report there is a waiting list of thirteen forensic patients at Long Bay Prison Hospital, and at least four forensic patients at the Bunya Unit of the Cumberland Centre of Westmead Hospital. This often involves resources being diverted to negotiating exchanges, constantly reordering priorities, and trying to fast-track patients who ideally need more time in an institution. It also involves changing staffing priorities and admission policies because a patient cannot be moved quickly when needed.

A forensic policy is being developed in this State, and perhaps something more than an individual area health driven implementation of that policy should be considered. More specific attention needs to be given to the "forensic patient" population the Tribunal serves.

1999 was a difficult year for the Tribunal. Great efforts were made to keep the Tribunal budget for 1998-1999 on track, and the Tribunal managed to do better than come in on budget, finishing the financial year with a budget surplus of \$163,405. However, several staffing issues have created problems for the Tribunal into the new millenium, and this will obviously impact on its direction for the year 2000 and beyond. The Tribunal needs to re-examine many of its policies, procedures, resources, and the whole focus of its operation to prepare itself for what promises to be an interesting and more challenging future.

APPENDICES

APPENDIX 1

Patient statistics required under MHA s261(2) concerning people taken to hospital during period January 1999 to December 1999

(1) **s261(2)(a)**

The number of persons taken to hospital 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> |
|---|----------------------------------|-----------------|---------------------|--------------|
| s21 | Certificate of Doctor | 6279 | 98 | 6377 |
| s23 | Request by Relative/Friend | 250 | 2 | 252 |
| s24 | Apprehension by Police | 2066 | 226 | 2292 |
| s25 | Order of Court | 108 | 33 | 141 |
| s26 | Welfare Officer | 314 | 3 | 317 |
| s21 via s27 | Authorised Doctor's Certificate | 450 | - | 450 |
| s142 | Breach Community Treatment Order | 104 | 3 | 107 |
| TOTAL ADMISSIONS | | 9571 | 365 | 9936 |
| RECLASSIFIED FROM INFORMAL TO INVOLUNTARY | | 1366 | - | 1366 |
| TOTAL | | 10937 | 365 | 11302 |

(2) **s261(2)(b)**

Persons were detained as mentally ill persons on 7138 occasions and as mentally disordered persons on 1939 occasions.

(3) **s261(2)(c)**

A total of 4732 magistrate's inquiries under section 41 were commenced and 3419 of these inquiries were concluded.

(4) **s261(2)(d)**

Persons were detained as Temporary Patients at the conclusion of a Magistrate's hearing on 1990 occasions.

5) **s261(2)(e)**

A total of 1075 Temporary Patient reviews were held by the Tribunal under sections 56 and 58. Persons were further detained as temporary patients on 507 occasions and were classified as Continued Treatment Patients on 154 occasions.

Note: Some individuals were taken to hospital on more than one occasion during the year.

APPENDIX 2

TRIBUNAL'S JURISDICTION

The jurisdiction of the Tribunal as set out in the various Acts under which it operates is 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 |

APPENDIX 3

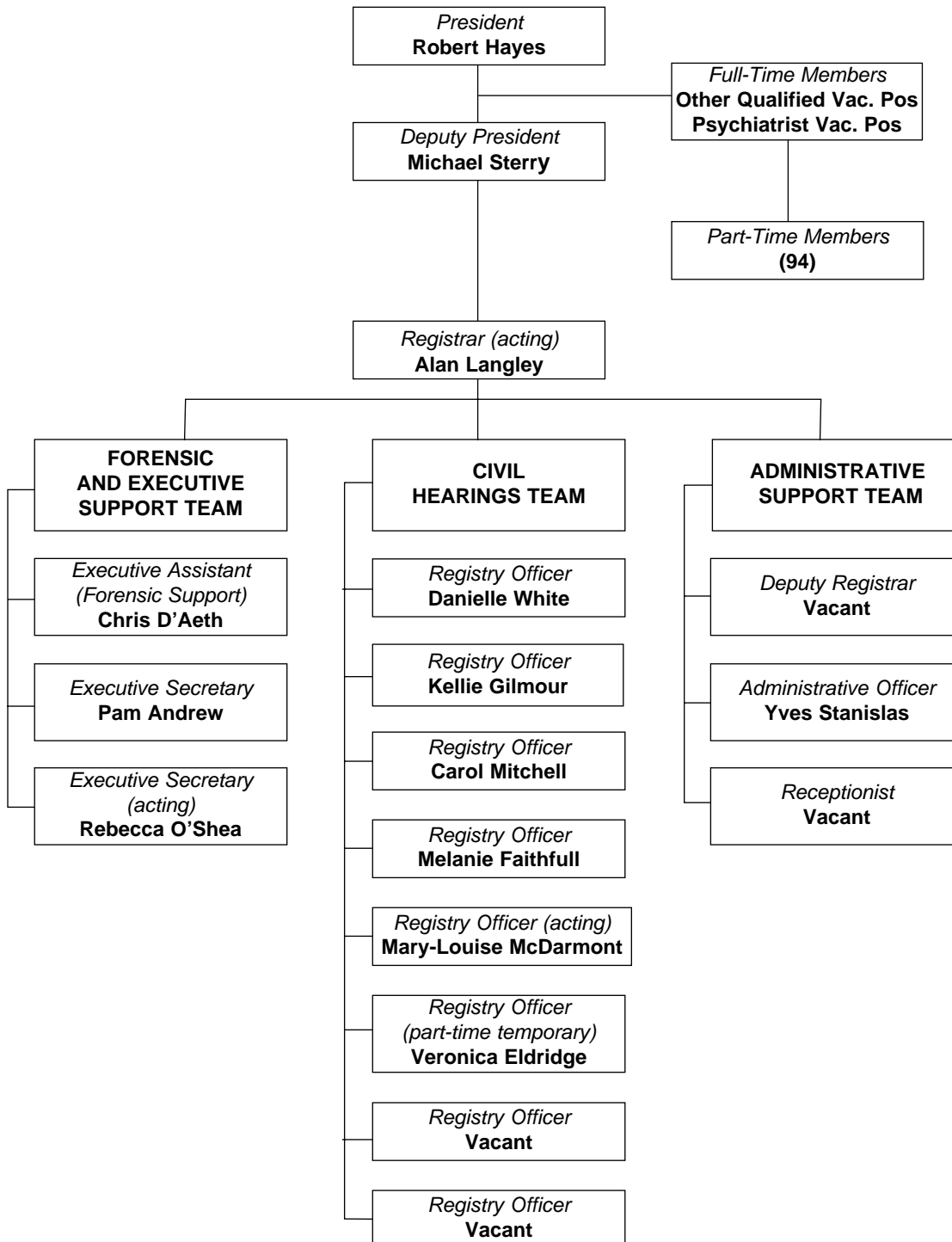
MENTAL HEALTH REVIEW TRIBUNAL

Members as at December 1999

| <i>FULL-TIME MEMBERS</i> | <i>Lawyers</i> | <i>Psychiatrists</i> | <i>Other</i> |
|--------------------------|-------------------------------------|-------------------------|----------------------|
| | Dr. R. Hayes (President) | | |
| | Mr. M. Sterry (Deputy President) | | |
| <i>PART-TIME MEMBERS</i> | Mrs C Abela | Professor M Bashir, AO | Mr S C Alchin, OAM |
| | Mr H L Ayling | Dr A G G Bennett | Mr B A J Arens |
| | Mrs D Barnetson | Dr B Boettcher | Mrs S Ashton |
| | Ms M M Bisogni | Dr S Chaturvedi | Ms E Barry |
| | Ms H M Boyton | Dr J A Campbell | Mr G Y L Cheung |
| | Mrs H Brennan | Dr M J R Cullen | Dr L Craze |
| | Mr B Bromberger | Dr J Donsworth | Ms G P Duffy |
| | Mr P R Coffey | Dr C P Doutney | Ms B Gilling |
| | Mr G M Cumes | Dr J Ellard, AM | Mr J Haigh |
| | Mr E A L de Sousa | Dr C H Greenway | Professor R D Harris |
| | Mrs M Dewdney | Dr J L M Greenwood | Mr C Hennessy |
| | Ms L J Emery | Dr D Kral | Ms L M Houlahan |
| | Ms A Finlay | Dr L Lambeth | Ms S Johnston |
| | Mr P Gibney | Dr W E Lucas | Mr F Kong |
| | Mr K W Hale | Dr T C M Lonie | Mrs C I Leung |
| | Mr J F Hookey | Dr F Lumley | Dr C MacLeod |
| | Mr T J Kelly | Professor N McConaghy | Ms L Manns |
| | Mr J A Kernick | Dr J Miller | Ms L Norton |
| | Ms H L Kramer | Dr E M O'Brien | Mrs H Opie |
| | Ms V L Marcellos | Dr M G F Pasfield | Ms L Osborn |
| | Ms C McCaskie | Dr C Pollock | Ms F T Ovidia |
| | Mr J H McMillan | Dr G A Rickarby | Mr A Owen |
| | Ms L Re | Dr M J Sainsbury AM,RFD | Ms E R Pettigrew |
| | Professor N R Rees | Dr R Sandig | Mr V Ponzio |
| | Ms D.J Robinson | Dr R Schureck | Mr A Robertson, PSM |
| | Ms R R Squirchuk | Dr D Scott-Orr | Ms J M Said, AM |
| | Mr R C Thompson | Dr Y Skinner | Ms R H Shields |
| | | Dr P W Thiering | Dr S Srinivasan |
| | | Dr J A Thompson | Mrs P Swan |
| | | Dr L C K Tsang | Ms N Watt |
| | | Dr N Waddy AC,MBE | Ms M Wilson |
| | | Dr J Westerink | Dr R A Witton |
| | | Dr R Wilcox | |
| | | Dr A T Williams | |
| | | Dr J Woodforde | |

MENTAL HEALTH REVIEW TRIBUNAL

Structure as at December 1999



APPENDIX 5

FINANCIAL SUMMARY

Budget Allocation and Expenditure 1998/1999

The Tribunal ended the 1998/1999 financial year with a budget surplus of \$163,405. Expenditure during the year was directed to the following areas:

| | <i>Budget \$</i> | <i>Actual \$</i> |
|-----------------------------------|-------------------------|-------------------------|
| Salaries and Wages* | 1,799,285 | 1,636,212 |
| Goods and Services | 160,000 | 155,819 |
| Cleaning Services | 22,000 | 21,559 |
| Communications/Telephone Services | 45,000 | 43,984 |
| Air Travel | 5,000 | 4,999 |
| New Equipment | 60,000 | 86,299 |
| Printing | 10,000 | 9,929 |
| Travel, Subsistence and Mileage | 50,000 | 48,208 |
| Motor Vehicles | 20,000 | 17,360 |
| Equipment Repairs/Maintenance | 35,600 | 15,442 |
| Subscriptions/Library Services | 5,000 | 2,167 |
| Minor Stores | 20,000 | 27,018 |
| Postage | 10,000 | 5,379 |
| Staff Training | 20,000 | 20,445 |
| TOTAL | 2,273,885 | 2,110,480 |

* including salaries paid to part-time members of the Tribunal.

APPENDIX 6

Presentation of oral evidence at Tribunal hearings by health professionals for the 1999 calendar year

| Major Psychiatric Hospitals | <i>No. of Patient Reviews</i> | <i>Psychiatrist</i> | <i>Psychiatric Registrar or Medical Officer</i> | <i>Social/Welfare Worker</i> | <i>Nurse</i> | <i>Other Health Professional</i> | <i>Friend or Relative</i> |
|------------------------------------|-------------------------------|---------------------|---|------------------------------|---------------|----------------------------------|---------------------------|
| Bloomfield | 237 | 23 | 43 | 36 | 177 | 27 | 38 |
| Cumberland | 563 | 98 | 336 | 193 | 429 | 58 | 155 |
| Gladesville-Macquarie | 367 | 113 | 170 | 289 | 220 | 51 | 74 |
| James Fletcher | 323 | 53 | 155 | 109 | 147 | 32 | 98 |
| Kenmore | 171 | 25 | 72 | 12 | 134 | 29 | 17 |
| Morisset | 193 | 42 | 115 | 72 | 122 | 35 | 50 |
| Rozelle | 592 | 100 | 242 | 213 | 357 | 102 | 123 |
| SUB-TOTALS | 2446 | 454 | 1133 | 924 | 1586 | 334 | 555 |
| % OF HEARINGS 1999 | - | 19.0 % | 46.0 % | 38.0 % | 65.0 % | 14.0 % | 23.0 % |
| <i>% OF HEARINGS 1998</i> | - | 22.5 % | 46.9 % | 44.1 % | 66.4 % | 9.9 % | 19.0 % |
| Public Hospital Units | | | | | | | |
| Albury | 33 | 6 | 15 | 7 | 29 | 13 | 12 |
| Bankstown | 199 | 25 | 37 | 39 | 101 | 30 | 30 |
| Blacktown | 128 | 20 | 49 | 34 | 60 | 40 | 45 |
| Broken Hill | 6 | - | 1 | - | 3 | 2 | - |
| Campbelltown | 116 | 13 | 49 | 31 | 70 | 9 | 34 |
| Coffs Harbour | 47 | 11 | 13 | 13 | 32 | 9 | 15 |
| Concord | 8 | 4 | 3 | - | 2 | 3 | 5 |
| Dubbo | 10 | - | - | 1 | 4 | 1 | 1 |
| Gosford | 135 | 17 | 46 | 20 | 87 | 20 | 17 |
| Goulburn Base | 45 | 3 | 27 | 2 | 31 | 15 | 8 |
| Greenwich | 17 | 3 | 15 | 1 | 2 | 1 | 4 |
| Hornsby | 128 | 7 | 25 | 27 | 64 | 13 | 30 |
| Lismore | 61 | 6 | 23 | 18 | 19 | 18 | 14 |
| Liverpool | 159 | 11 | 24 | 24 | 54 | 38 | 37 |
| Long Bay | 10 | 3 | 1 | - | 6 | 1 | 2 |
| Maitland | 79 | 22 | 36 | 11 | 28 | 9 | 18 |
| Manly | 140 | 12 | 52 | 28 | 69 | 13 | 44 |
| Nepean | 183 | 16 | 69 | 38 | 66 | 28 | 32 |
| Port Kembla | 49 | 1 | 4 | 4 | 37 | 7 | 5 |
| Prince Henry | 25 | - | 1 | 5 | 12 | 6 | 3 |
| Prince of Wales | 231 | 29 | 102 | 30 | 89 | 56 | 42 |
| Queanbeyan | 1 | - | - | - | 1 | - | 1 |
| Royal North Shore | 116 | 21 | 54 | 36 | 30 | 20 | 20 |
| RPA Missenden Unit | 135 | 17 | 51 | 45 | 70 | 41 | 33 |
| Shellharbour | 124 | 16 | 63 | 19 | 83 | 13 | 23 |
| St George | 153 | 7 | 40 | 40 | 64 | 17 | 46 |
| St Josephs | 31 | 11 | 9 | 15 | 15 | 3 | 6 |
| St Vincents | 195 | 27 | 61 | 35 | 64 | 31 | 19 |
| Sutherland | 165 | 7 | 50 | 40 | 45 | 33 | 38 |
| Tamworth | 86 | 13 | 40 | 50 | 60 | 18 | 14 |
| Wagga Wagga | 107 | 10 | 49 | 15 | 80 | 28 | 19 |
| Westmead Acute Adolescent | 18 | 2 | 8 | 5 | 6 | 2 | 9 |
| Westmead Adult Psychiatric | 32 | 10 | 18 | 7 | 14 | 6 | 19 |
| Westmead Psychogeriatric | 18 | 9 | 6 | 4 | 7 | 1 | 7 |
| SUB-TOTALS | 2990 | 359 | 1041 | 644 | 1404 | 545 | 652 |
| % of Hearings 1999 | - | 12.0 % | 35.0 % | 22.0 % | 47.0 % | 18 % | 22 % |
| <i>% OF HEARINGS 1998</i> | - | 16.1 % | 36.4 % | 30.2 % | 47.9 % | 10.9 % | 18.7 % |
| COMBINED TOTALS | 5436 | 813 | 2174 | 1568 | 2990 | 879 | 1207 |
| % OF ALL HEARINGS 1999 | - | 15.0 % | 40.0 % | 29.0 % | 55.0 % | 16.0 % | 22.0% |
| <i>% OF ALL HEARINGS 1998</i> | - | 19.2 % | 41.4 % | 36.8 % | 56.7 % | 10.4 % | 18.8% |

Note: This table includes hearings held at health care agencies associated with the hospitals listed but excludes hospitals where no patient reviews were held during 1999.

PUBLICATIONS AND OCCASIONAL PAPERS

The Tribunal has, since the passage of the Mental Health Act 1990, prepared a wide range of publications for use in the performance of its public and professional educational roles. A list of currently available publications and other material is available from the Registrar.

APPENDIX 8

Comparison of methods of referral for persons taken to a hospital, or reclassified to involuntary patient status, who are from an English speaking background (ESB) and from a non English speaking background (NESB) for the period January to December 1999

| <i>ESB</i> | <i>Male</i> | <i>Female</i> | <i>Total Admissions/ Reclassifications</i> | <i>Needing Interpreter</i> |
|--|-------------|---------------|--|----------------------------|
| Breach community treatment order | 50 | 42 | 92 | - |
| Certificate of doctor | 3184 | 2392 | 5576 | 5 |
| Request by relative/friend | 109 | 93 | 202 | 1 |
| Apprehension by police | 1230 | 576 | 1806 | 1 |
| Order under Crimes Act | 80 | 19 | 99 | - |
| Welfare officer | 163 | 117 | 280 | 1 |
| Authorised person's order | 203 | 134 | 337 | 3 |
| TOTAL ESB ADMITTED | 5019 | 3373 | 8392 | 11 |
| ESB RECLASSIFIED TO INVOLUNTARY | 631 | 554 | 1185 | 2 |
| GRAND TOTAL ESB 1999 | 5650 | 3927 | 9577 | 13 |
| <i>GRAND TOTAL ESB 1998</i> | <i>4966</i> | <i>3805</i> | <i>8771</i> | <i>15</i> |

| <i>NESB</i> | <i>Male</i> | <i>Female</i> | <i>Total Admissions/ Reclassifications</i> | <i>Needing Interpreter</i> |
|---|-------------|---------------|--|----------------------------|
| Breach community treatment order | 5 | 8 | 13 | 1 |
| Certificate of doctor | 373 | 330 | 703 | 180 |
| Request by relative/friend | 23 | 25 | 48 | 10 |
| Apprehension by police | 170 | 90 | 260 | 56 |
| Order under Crimes Act | 7 | 2 | 9 | 1 |
| Welfare officer | 11 | 23 | 34 | 4 |
| Authorised person's order | 60 | 53 | 113 | 52 |
| TOTAL NESB ADMITTED | 649 | 531 | 1180 | 304 |
| NESB RECLASSIFIED TO INVOLUNTARY | 107 | 73 | 180 | 40 |
| GRAND TOTAL NESB 1999 | 756 | 604 | 1360 | 344 |
| <i>GRAND TOTAL NESB 1998</i> | <i>736</i> | <i>571</i> | <i>1307</i> | <i>332</i> |

Interpreter needs for involuntary patient admissions and reclassifications for the period January to December 1999 for magistrates' inquiries held under MHA s41

English Speaking Background

| ESB Country | ESB Needing Interpreter | | ESB Not Needing Interpreter | | ESB Combined Totals | | | |
|-----------------------|----------------------------|---------------------------|-----------------------------------|---------------------------|------------------------|-------------|-------------|---------------------------|
| | Admiss/ Reclass. | s41 Inquiry Started | Admiss/ Reclass. | s41 Inquiry Started | M | F | T | s41 Inquiry Started |
| | Australia | 12 | 8 | 9067 | 3764 | 5347 | 3732 | 9079 |
| Canada | - | - | 11 | 4 | 4 | 7 | 11 | 4 |
| Ireland | - | - | 31 | 11 | 18 | 13 | 31 | 11 |
| Jamaica | - | - | 2 | 2 | 1 | 1 | 2 | 2 |
| New Zealand | 1 | - | 138 | 59 | 88 | 50 | 138 | 59 |
| South Africa | - | - | 31 | 19 | 20 | 11 | 31 | 19 |
| United Kingdom | - | - | 244 | 86 | 146 | 98 | 244 | 86 |
| United States | - | - | 40 | 23 | 24 | 16 | 40 | 23 |
| TOTAL ESB 1999 | 12 | 8 | 9564 | 3968 | 5648 | 3928 | 9576 | 3976 |
| <i>TOTAL ESB 1998</i> | <i>15</i> | <i>8</i> | <i>8756</i> | <i>3520</i> | <i>4967</i> | <i>3804</i> | <i>8771</i> | <i>3528</i> |

Non English Speaking Background

| NESB Geographical Group | NESB Needing Interpreter | | NESB NOT Needing Interpreter | | NESB Combined Totals | | | |
|------------------------------------|---------------------------------|---------------------------|------------------------------------|---------------------------|-------------------------|------------|-------------|---------------------------|
| | Admiss/ Reclass. | s41 Inquiry Started | Admiss/ Reclass. | s41 Inquiry Started | M | F | T | s41 Inquiry Started |
| | Oceania (excluding Australasia) | 5 | 2 | 52 | 30 | 33 | 24 | 57 |
| Southern Europe | 102 | 64 | 254 | 146 | 210 | 146 | 356 | 210 |
| Western & Northern Europe | 2 | 1 | 94 | 31 | 52 | 44 | 96 | 32 |
| E. Europe/former USSR/Balt States | 23 | 20 | 104 | 57 | 71 | 56 | 127 | 77 |
| Middle East | 43 | 25 | 138 | 74 | 133 | 48 | 181 | 99 |
| North Africa | 6 | 4 | 17 | 11 | 16 | 7 | 23 | 15 |
| Africa Excl. N. Africa & S. Africa | 5 | 4 | 34 | 20 | 17 | 22 | 39 | 24 |
| South East Asia | 98 | 66 | 161 | 81 | 134 | 125 | 259 | 147 |
| North East Asia | 38 | 23 | 83 | 42 | 40 | 81 | 121 | 65 |
| Southern Asia | 13 | 9 | 53 | 27 | 31 | 35 | 66 | 36 |
| S. & Cent. America & Caribbean | 8 | 5 | 26 | 14 | 19 | 15 | 34 | 19 |
| TOTAL NESB 1999 | 343 | 223 | 1016 | 533 | 756 | 603 | 1359 | 756 |
| <i>TOTAL NESB 1998</i> | <i>321</i> | <i>216</i> | <i>986</i> | <i>490</i> | <i>737</i> | <i>570</i> | <i>1307</i> | <i>706</i> |

TOTAL OF ALL

ADMISSIONS/RECLASSIFICATIONS

| | | | | | | | | |
|--------------------------|------------|------------|--------------|-------------|-------------|-------------|--------------|-------------|
| ESB and NESB 1999 | 355 | 231 | 10580 | 4501 | 6404 | 4531 | 10935 | 4732 |
|--------------------------|------------|------------|--------------|-------------|-------------|-------------|--------------|-------------|

Interpreter needs for civil patient reviews held by the Tribunal under the Mental Health Act for the period January to December 1999

English Speaking Background

| ESB Country | ESB Needing Interpreter | ESB NOT Needing Interpreter | ESB Tribunal Reviews | | | Legal Represent- ation |
|-----------------------|-------------------------------|-----------------------------------|-------------------------|-------------|-------------|------------------------------|
| | | | M | F | T | |
| Australia | 25 | 4331 | 2607 | 1749 | 4356 | 1047 |
| Canada | - | 3 | 1 | 2 | 3 | 1 |
| Ireland | - | 11 | 5 | 6 | 11 | - |
| Jamaica | - | 1 | - | 1 | 1 | - |
| New Zealand | - | 43 | 36 | 7 | 43 | 16 |
| South Africa | - | 20 | 14 | 6 | 20 | 3 |
| Trinidad | - | 2 | 2 | - | 2 | - |
| United Kingdom | - | 95 | 51 | 44 | 95 | 22 |
| United States | - | 8 | 7 | 1 | 8 | 4 |
| TOTAL ESB 1999 | 25 | 4514 | 2722 | 1817 | 4539 | 1093 |
| <i>TOTAL ESB 1998</i> | <i>40</i> | <i>3879</i> | <i>2275</i> | <i>1645</i> | <i>3920</i> | <i>880</i> |

Non English Speaking Background

| NESB Geographical Group | NESB Needing Interpreter | NESB NOT Needing Interpreter | NESB Tribunal Reviews | | | Legal Represent- ation |
|------------------------------------|--------------------------------|------------------------------------|--------------------------|-------------|-------------|------------------------------|
| | | | M | F | T | |
| Oceania (excluding Australasia) | 8 | 52 | 33 | 27 | 60 | 12 |
| Southern Europe | 59 | 207 | 173 | 93 | 266 | 69 |
| Western & Northern Europe | 3 | 57 | 20 | 40 | 60 | 16 |
| E. Europe/former USSR/Balt States | 17 | 75 | 32 | 60 | 92 | 25 |
| Middle East | 24 | 71 | 62 | 33 | 95 | 14 |
| North Africa | 4 | 24 | 25 | 3 | 28 | 5 |
| Africa Excl. N. Africa & S. Africa | 1 | 17 | 8 | 10 | 18 | 4 |
| South East Asia | 25 | 114 | 96 | 43 | 139 | 27 |
| North East Asia | 26 | 55 | 40 | 41 | 81 | 18 |
| Southern Asia | 8 | 18 | 16 | 10 | 26 | 10 |
| S. & Cent. America & Caribbean | 10 | 22 | 20 | 12 | 32 | 9 |
| TOTAL NESB 1999 | 185 | 712 | 525 | 372 | 897 | 209 |
| <i>TOTAL NESB 1998</i> | <i>173</i> | <i>565</i> | <i>422</i> | <i>316</i> | <i>738</i> | <i>136</i> |
| TOTAL OF ALL CIVIL REVIEWS | | | | | | |
| ESB & NESB 1999 | 210 | 5226 | 3247 | 2189 | 5436 | 1302 |
| <i>TOTAL OF ALL CIVIL REVIEWS</i> | | | | | | |
| <i>ESB & NESB 1998</i> | <i>213</i> | <i>4444</i> | <i>2697</i> | <i>1961</i> | <i>4658</i> | <i>1016</i> |

Demographic breakdown of the number of persons admitted to hospital as involuntary patients for the period January to December 1999 and total Admissions/Reclassifications during the same period

| Major Psychiatric Hospitals | No. of Admissions / Reclassifications during 1999 | Demographic Breakdown of Persons admitted during 1999 | | | | | | | |
|------------------------------|---|---|-------------|-------------|-------------|------------|------------|------------|------------|
| | | 0-19 yrs | 20-29 yrs | 30-39 yrs | 40-49 yrs | 50-59 yrs | 60-69 yrs | 70-79 yrs | 80+ yrs |
| Bloomfield | 509 | 39 | 123 | 132 | 80 | 35 | 17 | 9 | 9 |
| Cumberland | 944 | 71 | 263 | 275 | 153 | 74 | 20 | 5 | 2 |
| James Fletcher | 845 | 70 | 257 | 220 | 141 | 63 | 42 | 45 | |
| Kenmore | 11 | - | - | 2 | 2 | - | 3 | 1 | 3 |
| Macquarie | 122 | 8 | 28 | 27 | 19 | 15 | 8 | - | - |
| Rozelle | 784 | 34 | 229 | 213 | 105 | 70 | 37 | 35 | 14 |
| SUB-TOTALS 1999 | 3215 | 222 | 900 | 869 | 500 | 257 | 127 | 95 | 51 |
| PUBLIC HOSPITAL UNITS | | | | | | | | | |
| Albury | 151 | 5 | 48 | 38 | 33 | 8 | 3 | 2 | 1 |
| Bankstown | 173 | 9 | 56 | 36 | 42 | 14 | 8 | 5 | 1 |
| Blacktown | 206 | 19 | 71 | 50 | 24 | 10 | 13 | 5 | 1 |
| Broken Hill | 41 | 3 | 10 | 17 | 6 | 2 | 1 | 1 | - |
| Campbelltown | 264 | 24 | 81 | 59 | 33 | 16 | 6 | 4 | 1 |
| Coffs Harbour | 198 | 19 | 40 | 54 | 33 | 13 | 3 | 4 | - |
| Concord | 1 | - | 1 | 1 | 1 | 2 | - | 1 | 1 |
| Dubbo | 2 | 2 | - | 2 | 1 | 1 | - | - | - |
| Gosford | 346 | 37 | 93 | 78 | 45 | 23 | 11 | 8 | - |
| Goulburn | 322 | 27 | 68 | 80 | 45 | 24 | 21 | 7 | 4 |
| Greenwich | 32 | - | - | - | - | 2 | 8 | 19 | 4 |
| Hornsby | 241 | 21 | 70 | 41 | 36 | 25 | 7 | 5 | 6 |
| Lismore | 423 | 31 | 124 | 96 | 66 | 22 | 4 | 4 | 3 |
| Liverpool | 395 | 27 | 124 | 81 | 49 | 32 | 13 | 7 | 2 |
| Maitland | 274 | 18 | 93 | 66 | 34 | 24 | 9 | 11 | 3 |
| Manly | 274 | 18 | 84 | 58 | 45 | 20 | 11 | 10 | 13 |
| Nepean | 147 | 14 | 56 | 42 | 20 | 12 | 4 | 1 | 1 |
| Port Kembla | 75 | 10 | 26 | 22 | 21 | 10 | 8 | 5 | 5 |
| Prince of Wales | 403 | 21 | 128 | 97 | 70 | 40 | 13 | 9 | 1 |
| Royal North Shore | 238 | 17 | 65 | 55 | 44 | 28 | 6 | 1 | - |
| Royal Prince Alfred | 349 | 19 | 93 | 83 | 59 | 39 | 11 | - | 1 |
| Shellharbour | 676 | 43 | 156 | 151 | 83 | 39 | 19 | 8 | 7 |
| St. George | 147 | 6 | 44 | 39 | 17 | 11 | 12 | 7 | 3 |
| St. Josephs | 7 | - | - | - | - | - | 8 | 11 | 10 |
| St. Vincents | 434 | 18 | 99 | 118 | 75 | 36 | 20 | 9 | - |
| Sutherland | 295 | 14 | 86 | 59 | 43 | 14 | 16 | 10 | 2 |
| Tamworth | 328 | 35 | 80 | 86 | 29 | 21 | 8 | 7 | 2 |
| Wagga Wagga | 193 | 15 | 62 | 45 | 25 | 20 | 9 | 4 | 2 |
| Westmead Acute Adol. | 41 | 31 | 1 | 2 | - | 1 | 1 | - | 1 |
| Westmead Adult | 26 | 1 | 4 | 4 | 3 | 1 | 3 | 5 | 5 |
| Westmead Psychogeriatric | 22 | 1 | 4 | 1 | - | 3 | 6 | 3 | 3 |
| SUB-TOTALS 1999 | 6724 | 505 | 1867 | 1561 | 982 | 513 | 262 | 173 | 83 |
| COMBINED TOTALS 1999 | 9939 | 727 | 2767 | 2430 | 1482 | 770 | 389 | 268 | 134 |

Note: The demographic breakdown in the above table is based on individual patients, irrespective of the number of admissions or reclassifications to involuntary status each patient might have had during the 1999 calendar year.

This table excludes hospitals where no involuntary admissions or reclassifications to involuntary status occurred during 1999.

APPENDIX 12

Interpreter needs for Tribunal reviews and outcomes during 1999 for English speaking background and non English speaking background patients

| | SECTION 56 TEMPORARY PATIENT REVIEWS | | | Legal | Interpreter | | Adjourn | Discharge | Extend | Reclassify |
|--------|---|-----|-----|-------|-------------|-----|---------|-----------|------------|------------|
| | M | F | T | Rep. | Yes | No | | | Magistrate | to |
| | | | | | | | | | Order | Continued |
| ESB | 410 | 322 | 732 | 564 | 2 | 730 | 264 | 7 | 436 | 25 |
| NESB | 75 | 57 | 132 | 103 | 37 | 95 | 56 | - | 71 | 5 |
| TOTALS | 485 | 379 | 864 | 667 | 39 | 825 | 320 | 7 | 507 | 30 |

| | SECTION 58 TEMPORARY PATIENT REVIEWS | | | Legal | Interpreter | | Adjourn | Discharge | Reclassify |
|--------|---|----|-----|-------|-------------|-----|---------|-----------|------------|
| | M | F | T | Rep. | Yes | No | | | to |
| | | | | | | | | | Continued |
| ESB | 114 | 64 | 178 | 148 | 2 | 176 | 67 | 1 | 108 |
| NESB | 21 | 12 | 33 | 29 | 8 | 25 | 17 | -- | 16 |
| TOTALS | 135 | 76 | 211 | 177 | 10 | 201 | 84 | 1 | 124 |

| | SECTION 62 CONTINUED TREATMENT PATIENT REVIEWS | | | Legal | Interpreter | | Adjourn | Discharge | Remain | Determine |
|--------|---|-----|-----|-------|-------------|-----|---------|------------|-----------|-----------|
| | M | F | T | Rep. | Yes | No | | or | Continued | NO Less |
| | | | | | | | | Reclassify | Treatment | Restrict. |
| ESB | 284 | 189 | 473 | 19 | 4 | 469 | 16 | 2 | 455 | 161 |
| NESB | 58 | 17 | 75 | 6 | 21 | 54 | 5 | - | 65 | 18 |
| TOTALS | 342 | 206 | 548 | 25 | 25 | 523 | 21 | 2 | 520 | 179 |

| | SECTION 63 INFORMAL PATIENT REVIEWS | | | Legal | Interpreter | | Adjourn | Discharge | No | Adj. & |
|--------|--|----|-----|-------|-------------|-----|---------|-----------|-------|---------|
| | M | F | T | Rep. | Yes | No | | | Order | ref. to |
| | | | | | | | | | | for |
| ESB | 94 | 81 | 175 | 2 | - | 175 | 4 | - | 171 | - |
| NESB | 15 | 10 | 25 | - | 4 | 21 | 1 | - | 24 | - |
| TOTALS | 109 | 91 | 200 | 2 | 4 | 196 | 5 | - | 195 | - |

| | SECTION 69 INVOLUNTARY PATIENT APPEAL REVIEWS | | | Legal | Interpreter | | Adjourn | Disch or | Appeal | Dismissal |
|--------|--|----|-----|-------|-------------|-----|---------|------------|--------|------------|
| | M | F | T | Rep. | Yes | No | | Reclassify | Dis- | No further |
| | | | | | | | | Informal | missed | appeal |
| ESB | 65 | 46 | 111 | 83 | - | 111 | 10 | 8 | 69 | 24 |
| NESB | 5 | 9 | 14 | 9 | 2 | 12 | - | - | 5 | 9 |
| TOTALS | 70 | 55 | 125 | 92 | 2 | 123 | 10 | 8 | 74 | 33 |

APPENDIX 12 (continued)

| | SECTION 118 COMMUNITY COUNSELLING ORDER PATIENT REVIEWS | | | <i>Legal Rep.</i> | <i>Interpreter</i> | | <i>Adjourn</i> | <i>Applica- tion Declined</i> | <i>Applica- tion Approved</i> | <i>NO Juris- diction</i> |
|--------|--|----------|----------|-----------------------|--------------------|-----------|----------------|---------------------------------------|---------------------------------------|----------------------------------|
| | <i>M</i> | <i>F</i> | <i>T</i> | | <i>Yes</i> | <i>No</i> | | | | |
| | | | | | | | | | | |
| ESB | 31 | 17 | 48 | 1 | - | 48 | 2 | - | 46 | - |
| NESB | 12 | 8 | 20 | - | 2 | 18 | - | - | 20 | - |
| TOTALS | 43 | 25 | 68 | 1 | 2 | 66 | 2 | - | 66 | - |

| | SECTION 131 COMMUNITY TREATMENT ORDER PATIENT REVIEWS | | | <i>Legal Rep.</i> | <i>Interpreter</i> | | <i>Adjourn</i> | <i>Application Declined</i> | <i>Application Approved</i> | <i>NO Juris- diction</i> |
|--------|--|----------|----------|-----------------------|--------------------|-----------|----------------|---------------------------------|---------------------------------|----------------------------------|
| | <i>M</i> | <i>F</i> | <i>T</i> | | <i>Yes</i> | <i>No</i> | | | | |
| | | | | | | | | | | |
| ESB | 1345 | 814 | 2159 | 86 | 13 | 2146 | 219 | 11 | 1926 | 3 |
| NESB | 281 | 192 | 473 | 20 | 84 | 389 | 68 | 4 | 399 | 2 |
| TOTALS | 1626 | 1006 | 2632 | 106 | 97 | 2535 | 287 | 15 | 2325 | 5 |

| | SECTIONS 185 + 188 ECT PATIENT REVIEWS | | | <i>Legal Rep.</i> | <i>Interpreter</i> | | <i>Adjourn</i> | <i>ECT Approved</i> | <i>ECT Not Approved</i> |
|--------|---|----------|----------|-----------------------|--------------------|-----------|----------------|-------------------------|-----------------------------|
| | <i>M</i> | <i>F</i> | <i>T</i> | | <i>Yes</i> | <i>No</i> | | | |
| | | | | | | | | | |
| ESB | 98 | 181 | 279 | 22 | 3 | 276 | 4 | 259 | 6 |
| NESB | 15 | 31 | 46 | 4 | 12 | 34 | 3 | 39 | 1 |
| TOTALS | 113 | 212 | 325 | 26 | 15 | 310 | 7 | 298 | 7 |

| | SECTIONS 17, 18, 19, 36 PROTECTED ESTATES ACT 1983 | | | <i>Legal Rep.</i> | <i>Interpreter</i> | | <i>Adjourn</i> | <i>Revo- cation Approved</i> | <i>Revo- cation Declined</i> | <i>Order Made</i> | <i>Interim Order Made</i> | <i>Order Declined</i> |
|--------|---|----------|----------|-----------------------|--------------------|-----------|----------------|--------------------------------------|--------------------------------------|-----------------------|-----------------------------------|---------------------------|
| | <i>M</i> | <i>F</i> | <i>T</i> | | <i>Yes</i> | <i>No</i> | | | | | | |
| | | | | | | | | | | | | |
| ESB | 143 | 62 | 205 | 156 | 1 | 204 | 29 | 8 | 9 | 94 | 22 | 42 |
| NESB | 27 | 17 | 44 | 38 | 13 | 31 | 5 | 3 | - | 11 | 9 | 16 |
| TOTALS | 170 | 79 | 249 | 194 | 14 | 235 | 34 | 11 | 9 | 105 | 31 | 58 |

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, under MHA s279. This section of the MHA gives the Tribunal, before which the parties appear, the discretion to provide the recording provided 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. Alternatively, 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 1999 that related to its administration or policy functions.

In accordance with the FOI Act requirements (s14(1)B and (3)), the Tribunal provided a Summary of Affairs to the Department of Health to be published in the *Government Gazette*. The Summary, which is in the main, reproduced below, provides a description of documents and other records held by the Tribunal.

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

AS AT DECEMBER 1999

INTRODUCTION

The Mental Health Review Tribunal is a quasi-judicial body whose jurisdiction is cast in broad terms by the Mental Health 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

"The Priory"
Salter Street (Cnr Manning Road)
GLADESVILLE NSW 2111
(PO Box 2019, BORONIA PARK NSW 2111).
Telephone: (02) 9816 5955 Facsimile: (02) 9817 4543
E-mail: mhrt@mhrt.nsw.gov.au Website: www.mhrt.nsw.gov.au

DESCRIPTION OF DOCUMENTS HELD BY TRIBUNAL

SOUND RECORDINGS

- Pursuant to Section 279 of the Mental Health Act 1990, proceedings of the Tribunal are to be recorded unless the parties otherwise agree. Accordingly, the Tribunal sound records hearings and these recordings are stored for a minimum of six 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 Section 291 of the Mental Health Act 1990) upon payment of the prescribed fee.

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.
-

APPENDIX 13

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. FORM 19 DATA COLLECTION

In accordance with clause 44 of the Mental Health Regulation 1990, Psychiatric hospitals are required to provide advice to the Tribunal of all people admitted to Hospital involuntarily.

PATIENT FILES

- The Tribunal currently maintains approximately 9252 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 430 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; as well as procedural notes, "The Mental Health Review" a regular bulletin of the Mental Health Review Tribunal and Occasional Papers. See separate list for details.

REGISTERS

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

BOOKS

- The Tribunal maintains its own small reference library.

DOCUMENTS AVAILABLE FOR INSPECTION

The Tribunal maintains policy files; and documents from these files are available for inspection. These include:-

POLICY – Mental Hospitals Assaults

POLICY – Community Counselling Orders and Community Treatment Orders

POLICY – Decisions - MHRT

POLICY – ECT

POLICY – EEO

POLICY – Flexible Work Practices

POLICY – FOI

POLICY – Forensic Patients

POLICY – Forensic Patients – Supervision by Probation and Parole Service

POLICY – Medication – Psychiatric Institutions

POLICY – MHRT – Directives/Orders

POLICY – National Mental Health

POLICY – Practices – CTOs/CCOs

POLICY – Purchasing Procedures

NOTES
