

**THIS IS AN OFFICIAL REPORT OF THE MENTAL HEALTH  
REVIEW TRIBUNAL PROCEEDINGS IN RELATION JACOB  
ALOISI AUTHORISED BY THE PRESIDENT OF THE TRIBUNAL  
ON 29 FEBRUARY 2016**



*This is an edited version of the Tribunal's decision. The forensic patient has been allocated a pseudonym for the purposes of this Official Report*

**FORENSIC REVIEW:** Jacob Aloisi

**s46(1) Review of forensic patients**

***Mental Health (Forensic Provisions) Act 1990***

**TRIBUNAL:** Dan Howard President  
Enrico Parmegiani Psychiatrist  
Diana Bell Other Member

**DATE OF HEARING:** 26 June 2015

**PLACE:** AA

**APPLICATION:** Conditional Release

## **DECISION**

Having determined pursuant to section 43 of the *Mental Health (Forensic Provisions) Act 1990* that neither the safety of Jacob Aloisi nor that of any member of the public would be seriously endangered thereby, and that an independent forensic psychiatric report is also of that opinion, and having considered the other matters to which sections 43 and 74 refer, the Tribunal orders under section 47(1) that Jacob Aloisi be conditionally released according to the following conditions:

1. Jacob Aloisi accept as his case manager, Ms B of the C Community Mental Health Team, C Community Health Centre, or delegate.
2. (a) Jacob Aloisi accept as his treating psychiatrist, Dr D of the C Community Mental Health Service or delegate.  
  
(b) Jacob Aloisi shall attend for reviews by his private psychiatrist, Dr E, F Medical Centre, or delegate, once per month, in order to facilitate the eventual transition of Mr Aloisi's psychiatric care to Dr E. Transition will take place at such time as the Tribunal after a review shall determine such to be appropriate. In the meantime the psychiatrist referred to in clause 2(a) above shall remain Mr Aloisi's treating psychiatrist.  
  
(c) Jacob Aloisi shall allow the sharing of health care information between his treating psychiatrist, Dr E, his GP Dr G, clinical psychologist HI, Drug and Alcohol counsellor JK and the C Community Mental Health Service and their respective delegates.
3. Jacob Aloisi live at 42 XX Street, C NSW or such other accommodation as may be approved by the Tribunal at a review by the Tribunal.
4. Jacob Aloisi accept and carry out any reasonable directions given by his case manager as to leave

or absence from that accommodation.

5. Jacob Aloisi attend upon, or accept home visits from, his case manager, at least every two weeks and according to such arrangements as shall be determined by his case manager as to time and place of such attendance or visits.
6. (a) Jacob Aloisi attend upon his treating psychiatrist at least monthly and according to such arrangements as shall be determined by his treating psychiatrist, as to time and place of such attendance.  
  
(b) Jacob Aloisi shall attend upon his General Practitioner, Dr G, Y Street Family Medical Centre, or delegate, at least every six months for metabolic monitoring and attendance to other health concerns.
7. Jacob Aloisi accept such medication as shall be prescribed from time to time by his treating psychiatrist, and shall follow the directions of his treating psychiatrist as to the identity of the person to administer the medication, and the place, mode, and regularity of the administration of such medication.
8. (a) Jacob Aloisi engage in such education training, rehabilitation, recreational, therapeutic, or other programmes as shall be directed from time to time, in consultation with him by his case manager.  
  
(b) Jacob Aloisi to accept referral by his case manager to attend the C Community Mental Health Service "Recovery Program"  
  
(c) Jacob Aloisi is to attend Clinical Psychologist HI every two weeks for ongoing psychological treatment focussing on psychoeducation, problem solving skills, aggression management and assertiveness training.  
  
(d) Jacob Aloisi is to attend individual drug and alcohol counselling with JK, at the C Community Mental Health Service every two weeks.  
  
(e) Jacob Aloisi is to accept support services provided by Ability Links NSW for the purpose of assisting Mr Aloisi participate and be part of his community; assist him in building his confidence to set and achieve goals; and support him to establish and maintain appropriate social networks, and such other services as Ability Links may provide.
9. Jacob Aloisi to provide his case manager with a recent (head and shoulders) photograph of a quality acceptable to the case manager or co-operate while the case manager or delegate takes a photograph of Jacob Aloisi. Case manager to provide a copy of the photograph to the Tribunal.
10. Jacob Aloisi is to remain abstinent from illegal drugs and substances.
11. Jacob Aloisi is to take mind-affecting and mood-altering prescription drugs and substances only in accordance with the terms of such prescription and with the consent of his regular registered medical practitioner.
12. Jacob Aloisi is not to take non-prescription drugs or medication without the knowledge and approval of his case manager or regular registered medical practitioner.
13. Jacob Aloisi is only to consume alcohol in accordance with such directions and approval as may be given from time to time by his case manager.
14. Jacob Aloisi is to submit to such tests for the detection of the use or consumption of drugs and substances including alcohol as shall be required from time to time by his case manager, such tests to be administered randomly, at the discretion of the case manager, according to such arrangements, as to the nature of the tests to be administered, the place of administration, and the time and frequency of administration of such tests, as shall be determined from time to time by his case manager. Such testing must include random supervised urine drug screens at least once per

month.

15. Jacob Aloisi is to attend Mental Health Review Tribunal reviews pursuant to the *Mental Health Act 2007* and/or the *Mental Health (Forensic Provisions) Act 1990* according to arrangements as notified in advance to him, his case manager, and his solicitor, in writing by the Tribunal.
16. That Jacob Aloisi keep his case manager and the Registrar of the Tribunal notified in writing of the details of his current residential address and telephone number, and that he notify his case manager and the Registrar of the Tribunal immediately in writing in the event of any plans to change address, and of any change in his telephone number.
17. Jacob Aloisi to accept and carry out any directions in relation to any reviews from, or submit to any reviews requested by the Community Forensic Mental Health Service.
- 18 (a) Jacob Aloisi may travel interstate if suitable travel arrangements are approved in advance by the case manager. Care should be taken to ensure that appropriate reciprocal arrangements have been made with the local mental health services at the patient's destination. The Tribunal is to be notified of the travel arrangements well in advance and it may choose to hold a review hearing to examine the suitability of the arrangements.  
  
(b) Jacob Aloisi is not to travel overseas unless he has obtained approval to do so in writing from the President or a Deputy President of the Tribunal. The Tribunal may choose to hold a review before determining whether or not to approve such travel overseas.
19. Jacob Aloisi is to notify his case manager and the Registrar of the Tribunal in writing in the event of any plans to apply to change his name. This notification is to include the proposed name change. The Tribunal may choose to hold a review hearing to examine the suitability of the proposed application.
20. Jacob Aloisi is to be of good behaviour.

#### *Admission to a Mental Health Facility*

From time to time a forensic patient on conditional release may need to be admitted to a mental health facility for assessment or treatment (please note, an admission to a mental health facility does not affect the forensic patient's conditional release status unless the Tribunal otherwise orders). If this is required, then the following conditions apply:

- 21 (a) If for any reason either Jacob Aloisi's case manager or his treating psychiatrist shall determine that it would be in Jacob Aloisi's best interests to reside for a period in a mental health facility or other institution, and shall give him a direction to this effect, then Jacob Aloisi shall immediately comply with any such direction.  
  
(b) If such a direction is issued, Jacob Aloisi's case manager is to advise the Tribunal as soon as practicable of the date and place of admission and the Tribunal may choose to hold a review hearing to consider the circumstances leading to his admission.  
  
(c) While Jacob Aloisi remains in a mental health facility or other institution under the direction of his case manager or treating psychiatrist he will obey all directions of the Medical Superintendent as to medication, attendance at appointments, tests for the taking of medication or other substances, and leave of absence from that facility.  
  
(d) The date of discharge from the mental health facility is to be agreed between the Medical Superintendent of the facility and Jacob Aloisi's case manager and/or treating psychiatrist having regard to his care and treatment needs including, but not limited to:
  - his mental state;
  - the availability of accommodation; and
  - the availability of services in the community upon release.

- (e) When the date of discharge from the mental health facility is agreed, Jacob Aloisi's case manager is to advise the Tribunal as soon as practicable of the date of discharge and confirm the patient's place of residence in the community. The Tribunal may choose to hold a review hearing to consider the suitability of the arrangements.

Signed

Professor Dan Howard  
President

Dated this day 9th July 2015

## REASONS

This is the fourth review of Jacob Aloisi who is currently detained in the Metropolitan Remand and Reception Centre on an order of the Mental Health Review Tribunal. In its reasons in May 2015 for the last review held in March 2015 the Tribunal indicated that it was minded to grant Mr Aloisi conditional release pending satisfactory resolution of the following outstanding matters:

- Mr Aloisi needed to be seen by Ability Links
- Clarification from Ms B at C Community Health Service that she was agreeable to accepting case management of Mr Aloisi and had the ability to conduct supervised random urinal drug screens
- Clarification from Ms I, psychologist, that she would continue to provide fortnightly psychological support sessions to Mr Aloisi in accordance with and for the purposes referred to in proposed condition 8 (c), for such time as these may be required by the Tribunal, and that she will provide reports as to progress to the Tribunal for the purpose of ongoing Tribunal reviews of Mr Aloisi.

## BACKGROUND

In 2014 Mr Jacob Aloisi was found not guilty by reason of mental illness on charge of aggravated break and enter, and in May 2014 he was ordered to be detained. Background information concerning Mr Aloisi's history, care and treatment as a forensic patient is provided in Annexure 'A' to these reasons (not reproduced in this Official Report). In reaching its decision in this matter, the Tribunal has had regard to, and accepts as accurate, this background information which is maintained by the Tribunal's registry.

## TRIBUNAL REQUIREMENTS

This is a review pursuant to section 46(1) of the *Mental Health (Forensic Provisions) Act 1990* ("the Act"). Under section 46 the Tribunal is required to review the case of each forensic patient every six months. On such a review the Tribunal may make orders as to the patient's continued detention, care or treatment or the patient's release.

The Act has special evidentiary requirements in relation to leave or release which must be satisfied before the Tribunal can grant leave or release. In view of this, the Tribunal requires notice of applications for leave or release to ensure that the necessary evidence is available. This process also enables the Tribunal to provide notice of such applications to the Minister for Health, the Attorney General, and any registered victims who are entitled to make submissions concerning any proposed leave or release.

Without limiting any other matters the Tribunal may consider, the Tribunal must consider the principles set out in section 40 of the Act and section 68 of the *Mental Health Act 2007* as well as the following matters under section 74 of the Act when determining what order to make:

(a) *whether the person is suffering from a mental illness or other mental condition,*

*(b) whether there are reasonable grounds for believing that care, treatment or control of the person is necessary for the person's own protection from serious harm or the protection of others from serious harm,*

*(c) the continuing condition of the person, including any likely deterioration in the person's condition, and the likely effects of any such deterioration,*

*(d) in the case of a proposed release, a report by a forensic psychiatrist or other person of a class prescribed by the regulations, who is not currently involved in treating the person, as to the condition of the person and whether the safety of the person or any member of the public will be seriously endangered by the person's release,*

*(e) .....*

## **DOCUMENTARY EVIDENCE**

The Tribunal considered the documents listed in the Forensic Patient Exhibit List annexed to these reasons [not reproduced in this Official Report].

## **ATTENDEES**

Jacob Aloisi attended the hearing and was represented by his lawyer, Ms Abigail Bannister, solicitor. Also in attendance were:

- Dr P, Psychiatrist;
- Mr N, Acting Clinical Nurse Consultant; and,
- Mr Aloisi, father.

## **PRESENT CIRCUMSTANCES**

The Tribunal heard the substantive evidence in relation to Mr Aloisi's application for conditional release at the previous review. A copy of the Tribunal's reasons issued in relation to that review is annexed and marked with the letter B [not reproduced in this Official Report].

For the current review, the Tribunal was provided with an updated report from Dr P, who is Mr Aloisi's treating psychiatrist at the J Unit at the Metropolitan Remand and Reception Centre .

Dr P's report confirms that, since the last review, Mr Aloisi has not demonstrated further symptoms of psychosis or significant disturbances of mood. Although Mr Aloisi continues to express anxiety and some fluctuating feelings regarding his prospects for release, these have not translated into any maladaptive or acting out behaviours, according to Dr P's report.

Dr P notes in his report that Mr Aloisi has remained compliant with his medication (Quetiapine and Sertraline). He has continued to engage in psychoeducation and his understanding of his illness is continuing to improve.

Dr P notes that Mr Aloisi's family has been engaged by the treating team in psychoeducation and discussions relating to Mr Aloisi's illness, symptoms of relapse, relapse plan and the importance of managing stress and conflict, as well as the importance of introducing Mr Aloisi to positive social activities. The treating team has also discussed the proposed release plan with Mr Aloisi's family.

Dr P confirms in his report that a face to face interview with Mr Aloisi has been carried out by Ability Links and that organisation has agreed to support Mr Aloisi's integration with existing services and to assist him to develop his educational and social goals. The role of Ability Links was referred to in the Tribunal's reasons (at page 18).

Dr P also confirms in his report that he has contacted the treating psychiatrist at the C Community Mental Health Service, Dr D, and they have conducted a verbal handover of care in relation to Mr Aloisi. Dr D has been advised of the proposed treating plan including the proposed conditions of release and ongoing monitoring arrangements. Dr D indicated to Dr P that he was in agreement with the proposed plan.

Dr P concludes his report by stating that he remains of the opinion that the proposed conditional release of Mr Aloisi would not seriously endanger the safety of Mr Aloisi or any member of the public. He states in his report that the conditional release under the proposed treatment plan is the least restrictive and appropriate plan consistent with safe and effective care.

The Tribunal was also provided with a report from Ms N, Acting Clinical Nurse Consultant with Custodial Mental Health. She states in her report the following in relation to Mr Aloisi's mental state, (some details have been excluded for this Official Report):

*"He denies any current thought about the delusional beliefs which led to arrest. He stated he is happy for his father to manage his financial affairs. Jacob denies any current feelings or paranoia, surveillance or any abnormal thoughts. Jacob denies any thoughts of deliberate self-harm or suicide. He denied any perceptual disturbances and stated that if he did have any auditory hallucinations he would ignore them. He did not appear to be responding to any internal stimuli. Jacob can appreciate how his medication is having a positive impact on his mind; he also attributes this improvement in mental state to not smoking cannabis since coming into custody. He recognises that whilst he enjoyed smoking cannabis, that it is bad for his physical health and mental state. He reported feeling safe in J and that he is really happy with his current cellmate. He is agreeable to ongoing treatment for his current mental illness and drug and alcohol issues in the community."*

Ms N notes that Mr Aloisi has remained compliant with his monitoring tests including urine drug screening.

Ms N notes that Mr Aloisi is in receipt of a Disability Support Pension and that his father assists him to manage this. She notes that Mr Aloisi is vulnerable to financial exploitation. However, he has good family support. Ms N notes that his parents are supportive and eager to have him return to the family home. Ms N also notes that Mr Aloisi has a very supportive psychologist (HI) who has worked with him in the past and is supportive of him returning to the community. Mr Aloisi has a General Practitioner (GP) in the community and he has been referred to the C Community Mental Health Service, where he has been allocated a case manager. Ms N confirmed in evidence before the Tribunal that the case manager is Ms B who saw Mr Aloisi on 29 April 2015.

The Tribunal was provided with an email sent to the Tribunal by Mr S, Mental Health Clinician with the C Mental Health Service. In this email, Mr S confirms that the C Community Mental Health Service will be able to supervise random urine drug screens for Mr Aloisi and will escort him to the local pathology for these samples to be analysed. The email confirms that the proposed condition of release relating to random supervised urine drug screens will be able to be given effect. This was one of the matters that had been left outstanding after the last Tribunal review.

The Tribunal was also provided with a letter from the psychologist, HI who states the following:

*"I will continue to see Mr Aloisi under the GP Mental Health Care Plan provided from his GP Dr G., which entitles Mr Aloisi to have up to 10 psychological consultation sessions under Medicare per calendar year. However, if further sessions are needed, I am more than happy to continue his psychological treatment as long as it (sic) needed on a pro bono basis."*

At the hearing of the review, the Tribunal clarified with Ms Bannister, who appeared for Mr Aloisi at the review, that Ms I had confirmed with her that Mr Aloisi would be provided psychological sessions every fortnight in accordance with the proposed conditions of release and for as long as this was required by the Tribunal.

At the hearing of the review, Dr P confirmed that Mr Aloisi's medications would be supervised by Mr Aloisi's father. Mr Aloisi's father confirmed to the Tribunal that he and his wife had received educational support from the treating team and they were looking forward to having Mr Aloisi return home.

The Tribunal was also provided with a form of authority signed by Mr Aloisi in which he confirms that he is agreeable to information sharing between the relevant health professionals that will be involved in his care in the community.

## **DETERMINATION**

The outstanding matters that remained to be clarified after the last Tribunal review, have now been appropriately addressed. Mr Aloisi has now been seen by Ability Links, who will support him to engage in prosocial activities in the community. He has also had a meeting with his case manager and the Tribunal

has been provided with appropriate clarification that the C Community Mental Health Service will have the capacity to perform supervised random urine drug screens, which will be carried out in accordance with the Tribunal's proposed conditions for Mr Aloisi's release. It has also been clarified that Ms I, Mr Aloisi's psychologist, will be able to treat him in the community with appropriate psychological support by way of fortnightly sessions, for such period of time as the Tribunal may require. The Tribunal will no doubt obtain progress reports from Ms I from time to time.

In view of the above matters and noting the Tribunal's determination at the last review the Tribunal is satisfied on the evidence before it that the grant of conditional release upon the conditions that will be referred to below, would not seriously endanger the safety of Jacob Aloisi or any other member of the public, and having regard to the other matters to which sections 43 and 74 of the *Mental Health (Forensic Provisions) Act 1990* refer, the Tribunal proposes to make an order granting Jacob Aloisi conditional release upon those conditions.

The Tribunal notes that it would accept written submissions regarding the proposed order up until 28 days after the date of their reasons. The Tribunal further noted that if no further submissions were received, and provided the outstanding matters were appropriately addressed to the satisfaction of the Tribunal at the current review, the Tribunal would proceed to make the proposed order.

The Tribunal notes that no submissions have been received from the Minister for Health or the Attorney General. Accordingly the Tribunal will proceed to make a final order for Mr Aloisi's conditional release in accordance with the conditions indicated below.

The conditions are as follows:

These conditions have been previously set out in the Tribunal's decision above.

Signed

Professor Dan Howard

President

**Dated this day 9<sup>th</sup> July 2015**