



Mental Health  
Review Tribunal

The Hon Reba Meagher 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 2006, as required by section 261 of the Mental Health Act 1990.

Yours sincerely

The Hon Greg James QC  
President

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## MENTAL HEALTH REVIEW TRIBUNAL ANNUAL REPORT 2006

*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 patients (both civil and forensic), and long-term voluntary psychiatric patients; hearing appeals against a medical superintendent's refusal to discharge a patient; making, varying and revoking community treatment and community counselling orders; determining applications for certain treatments and surgery; and making orders for financial management where people are unable to make competent decisions for themselves because of psychiatric disability.*

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

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## 1. PRESIDENT'S REPORT - 2006 in Review

On 3 April 2006 I took up my appointment as the President of the NSW Mental Health Review Tribunal, having stepped down from the Supreme Court of New South Wales a little over a year earlier. I was also required to conduct a review of the forensic provisions of the Mental Health Acts and an administrative review of the Tribunal.

I came to the Tribunal with the intention that, in the role of President, and in the conduct of the reviews I would seek to further the goal of achieving the least restrictive, but effective treatment and care for involuntary, civil and forensic patients, having regard to their and the Community's safety. This is the core object of the Mental Health Act 1990 and of the various international conventions on mental health to which Australia is party. This goal can be achieved to some extent, as well as by reforming and revising where necessary the administrative processes, by the proper operation of the Tribunal recommending changes to the Acts.

The Tribunal has an essential role to perform to determine on treatment and detention of civil patients, which role is likely to continue under the new Act. The legislative reforms for forensic patients I have been asked to consider include important questions of principle of whether the Executive, the Courts or the Tribunal should determine conditions of care, treatment and release as well as many other issues. The Consultation Paper can be found on the Tribunal website.

As well as my having been asked to review the Tribunal's administrative processes I have been tasked with the continuous revision of the operation and policies of the Tribunal. I address below these matters and a number of other matters which have provided significant concern and challenges during the year.

### **Increase in Hearings.**

I found the Tribunal facing a substantial increase over past years in the number of hearings necessary for it to perform its statutory duties, and in consequence, suffering considerable pressure on its budget, staff and members. Steps have been taken to seek further assistance from the Department of Health, and the Tribunal processes have come under immediate review to attempt to ameliorate the impact of these factors. The hard work of the staff has mainly dealt with the increased hearing load without requiring additional staff, but that has imposed considerable strain on a limited staff with insufficient numbers to provide backup. In the Registrar's report can be found the reference to Appendix 4 setting out the organisational structure and staffing of the Tribunal. In 2006 the staff to hearings ratios are 1:618.

Year	Hearings Held	Number of Staff	Ratio of Staff to hearings
1991	2232	11	203
1992	2595	12	216
1993	2844	15	190
1994	3310	15	221
1995	3906	15	260
1996	4916	15	328
1997	6013	15	401
1998	5271	15	351
1999	5831	15	389
2000	6037	15	402
2001	6931	15	462
2002	7478	15	498
2003	8619	15	575
2004	8189	15	612
2005	9389	15	626
2006	10505	17	618

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When these figures are added to the table provided in the 2005 report, it can be seen that the number of hearings has continued to increase and that the increased workload for both members and staff is a matter to which it will be necessary for me to devote considerable attention. I shall consider these matters further in the Administrative Reviews.

## **Members**

In the 2005 Annual President's Report the then President, Associate Professor Chappell, referred to issues concerning the term of members appointments, and that those issues had remained unresolved.

Immediately prior to my coming to the Tribunal, it had embarked on a process of recruiting "the biggest infusion of new members since the foundation of the Tribunal." Many members had stood down and many new members had been appointed.

Following my appointment, a correspondence with the Minister was initiated with a view to developing a regular cycle of appointments with defined substantial tenure, and it is hoped that at the forthcoming round of recruitments the Tribunal will be able to indicate to prospective members that, subject to selection by an external review process, members should be able to expect an initial term of three years, and on satisfactory performance a second term of equivalent length. The opportunity for casual appointments, particularly to replace those who had stepped down during the cycle of appointments, will also be available to the Minister and we welcome the following members who have been so appointed: Mr Richard Gulley, Mr David Hartstein, Mr John Hislop, Dr Olav Nielszen, Prof Peter Shea, Prof Christopher Tennant, Mr Michael Gerondis and Ass Prof Stephen Woods.

The Tribunal also welcomes the Honourable Terry Christie QC, a former Judge of the District Court, who has been appointed as a part-time Deputy President. Mr Christie's appointment is in accord with the Tribunal having appointed to it, members with a particular expertise base for sitting in forensic reviews. It is expected there will be further appointments of former judges and specialist forensic psychiatrists, to give the Tribunal's forensic role the benefit of appropriate specialised skills.

The Presidential staff of the Tribunal may be expected in the New Year to include additional appointments as Deputy Presidents. It is contemplated that both the President and Deputy President Maria Bisogni will remain full-time, and that Ms Bisogni in particular will have a focus on the civil area of the Tribunal's work, with part time Deputy Presidents particularly focused on that area and appropriately skilled.

The Tribunal should acknowledge the service and contribution made by those members who in 2006 had stepped down or were not reappointed to the Tribunal. In particular, the Tribunal should record its thanks to Associate Professor Duncan Chappell, my predecessor as President, who has left the Tribunal to return to an academic life at the University of Sydney Law School and as Director of the Institute of Criminology. Professor Chappell had, over the five years of his appointment, served the Tribunal most assiduously.

The Tribunal should also record its debt of gratitude to Mr William Tearle, Deputy President, who has stepped down from that office, but remains a member of the Tribunal, and who in particular has shouldered the responsibility of educational sessions.

Thanks should also go to Ms A Beckett, Dr R Cole, Ms L Collins, Ms C Huntsman, Dr B Teoh, Ms A Deveson, Ms L Re, Dr L Tsang, Ms B Gilling, Ms A Sekar, Dr J Wallace and Ms S Taylor.



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## **Members Professional Development**

Professional Development nights have been conducted for the members during the year and the Hearing Kit and Members Manual have now been disseminated. The kits have been provided not only to the members, but to all agencies, and are available on the website. Use of it by agencies has improved the provision of the necessary information to Tribunal panels.

## **Review Of The Mental Health Act 1990**

During 2005 – 2006 as detailed in earlier reports, the Government had conducted a wide-ranging review of the Mental Health Act 1990. That review resulted in an Exposure Mental Health Bill. However the Government determined that more work was necessary and further consultation should be had on the forensic provisions of the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990.

As noted above, at my taking up of the appointment of President, the Minister for Health, the Minister Assisting the Minister for Health (Mental Health) and the Attorney-General entrusted me with the task of reviewing the forensic provisions of the Mental Health Act, the Mental Health (Criminal Procedures) Act 1990 and also chairing a Task Force of ministerially appointed highly skilled experts to consider reforms of principle in the area. That review led to the publication of a Consultation Paper dealing with the major areas of principle, released shortly prior to the end of 2006.

The consultation process will be undertaken in the early part of 2007 with a view to my reporting to the Ministers by August 2007.

In consequence of the Government determining on that review, it was further determined that the Mental Health Bill would be introduced into the House in the form already determined, and additional minor amendments might later be made by a Miscellaneous Amendments Bill. Reforms to the forensic provisions may be affected by a separate Act.

The Draft Exposure Bill has now been out before the public for nearly a year and it is expected that in the New Year it will pass into law.

## **Administrative Review**

In addition to the review of the forensic provisions of the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990 I have been tasked by the Minister for Health and the Minister Assisting the Minister for Health (Mental Health) with conducting an Administrative Review of the operations of the Tribunal and its operations with other agencies. In that exercise I have had the assistance of Ms Amanda English of the Local Courts branch of Attorney-General and Justice and Mr John Feneley, Deputy Director-General of the Department of Attorney-General and Justice.

The Ministers expect that review to be an intensive examination of the staffing, membership, resources and processes of the Tribunal as well as its relations with Government Departments, hospitals and other agencies. It is also expected that the report on the administrative review will be provided to the Minister in August 2007 since any recommended reforms in the forensic area are liable to impact on the Tribunal's administration.

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## **Civil Team and Jurisdiction**

The civil team is responsible for the day to day scheduling and management of all applications in the civil jurisdiction. This is done by liaising with patients and clients, applicants, venue co-ordinators, Tribunal members and other people involved in a matter. This requires expertise, tact and perseverance. In 2006 we experienced further increases in our civil hearing load, with total hearings exceeding 9500.

The challenges for the civil team are largely attributable to the increasing number of hearings sought and the unpredictable timing of such applications. These demands increase pressure on staff and resources as well as requiring increasing flexibility from members. Staff in the civil team have therefore been under ongoing and increasing pressure to schedule hearings in a timely and efficient manner.

With the frequent changes to scheduling and constant last minute changes our members are being asked to be more flexible than ever before. The civil team has policies in place for the scheduling of our hearings to ensure panels are given adequate time to deal with matters appropriately.

The increased demand for hearings has meant constant juggling of our face-to-face and telephone/video panels to maximise the number of hearing time slots available. This often means requiring panels to return from venues to conduct additional hearings at Gladesville; combining panels so that panels visit several sites in the one day and constant communication with hospital staff, members and the Mental Health Advocacy Service.

The hospitals and community mental health agencies which generate applications to the Tribunal, are also facing pressure on their services. The Tribunal has responded to the changing needs of hospitals and health care agencies by changing the venue where hearings are held in some areas. For example, the Tribunal now attends Wyong Hospital on a regular basis and has provided extra sitting days to Wollongong Hospital and Community Mental Health in response to increased demand. The civil team has also made efforts to set up additional Tribunal panels for venues on a needs basis to allow hearings to be conducted when the demand for hearings exceeds the available time slots. Often the request for extra hearings is not known until close to the expiry date of patient orders, posing scheduling dilemmas for the Mental Health Advocacy Service solicitors, and impacting on the Tribunal's ability to set up a panel at short notice.

The passing of the new Mental Health Act, which will make provision for the making of Community Treatment Orders (CTOs) for persons in the community, may substantially relieve the listing pressures. However, despite the efforts of the Tribunal staff, at present there are still problems with some hospitals and agencies, particularly on their providing the necessary detail for Treatment Plans for CTOs, with early preparation for reviews and hearings and with concerns about the adequacy of information and reports for reviews. There are also concerns with expiry dates for orders, applications for adjournments made at the last minute and difficulties in clinicians understanding the monitoring function of the Tribunal's role in ECT determinations.

To try to avoid these concerns, the Tribunal has conducted training sessions for Tribunal Liaison Clerks and community education sessions as well as the President and Dr Shea providing assistance to the Institute of Psychiatry course for new Registrars. These, combined with the President's Review Consultations, have led to over 20 visits to establishments and sessions with health practitioners.

The Tribunal continues to seek increased cooperation from hospitals, community health centres and other agencies concerned in the treatment of patients. The necessity for the Tribunal to be properly provided

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with information as set out in the hearing kit has had to be emphasised from time to time by direct communication with the agencies or hospitals and with area executives. Increasingly, the Tribunal's educational program of providing Presidential and other members to give seminars, papers and educational sessions at hospitals, community health centres and other facilities has contributed to increased cooperation and a higher standard of reporting to the Tribunal.

### **Forensic Team and Jurisdiction**

The role of the forensic team is to manage the review of forensic patients in accordance with the Mental Health Act (1990) NSW and the Mental Health (Criminal Procedure) Act (1990) NSW. The forensic team is required to have a detailed understanding of these legislative provisions. As the status of forensic patients is subject to review and change, this work also requires regular contact with criminal justice and health agencies to ensure information about forensic patients is current and accurate. Additionally, the forensic jurisdiction is highly specialised, leading to a constant demand for the forensic team to provide information about legislation, process and procedures to government and non government agencies, doctors, lawyers, members of the public and forensic patients themselves.

There were a number of challenges faced by the forensic team during the year. The number of forensic hearings held in 2006 increased by 24% compared to 2005. To the credit of the forensic team, this large increase in the number of hearings was accommodated with an increase of only 0.6 of one position.

Part of the rise in the number of hearings was related to changes to the legislation requiring the Tribunal to review those found unfit to be tried by the Court and released on bail. Prior to 2006, the Tribunal was only required to review those found unfit and detained in custody. Due to the fluctuating jurisdiction of the Tribunal in relation to fitness and limiting term forensic patients, much time has been spent by the forensic staff ensuring that all patients are reviewed according to the statutory requirements. Negotiations with both District and Supreme Courts are ongoing to ensure that all relevant documents are forwarded to the Tribunal in a timely manner in these matters, as well as upon the finding of not guilty by reason of mental illness.

The Tribunal has continued to work closely with the Statewide Forensic Mental Health Directorate, and in particular, the Forensic Executive Support Unit (FESU) and the Community Forensic Mental Health Service (CFMHS) as the Memorandum of Understanding has been implemented. As this process is being rolled out, treating teams are required to signal their intention to seek leave or conditional or unconditional release in advance of the hearing. Both FESU and CFMHS then work with the treating teams to ensure that all relevant information is before the Tribunal at the time of review, and that any delay in the Minister's consideration of complex cases will be minimised.

The Tribunal's work with victims of forensic patients also continues with a revised procedure set out in a new information brochure produced for registered victims. In summary, this procedure provides for registered victims to attend Tribunal hearings, if the registered victim so chooses and the venue where the hearing is being held allows, and for registered victims to be included in the entire hearing and to make submissions if the registered victim so chooses, and the forensic patient does not object and the Tribunal does not uphold any objection.

During the year the Tribunal has had to give attention to a number of particular matters including:

- The Tribunal has liaised with the Department and Morisset Hospital to devise appropriate segregation policies in keeping with the objects of the Act, at Morisset Hospital and Kestrel Unit.

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- The President has met with the Magistrates and participated in education sessions with them on their and the Tribunal's roles under the present Act and as envisaged in the Exposure Bill.
  - The President has corresponded with the Chief Judges of the Supreme Court and the District Court, and the Judicial Commission resulting in the revision and update of the Judge's Bench Book to reflect the recent changes in the Acts and changes in procedure.
  - The Mental Health Screening Unit opened at the Metropolitan Reception and Remand Centre.
  - During the year A Ward at Long Bay Hospital closed and the Mental Health Rehabilitation Hostel came on line leading to much greater opportunity for forensic patients. The building of the new hospital outside the gaol wall is happily proceeding quickly. This should result in much better provision for forensic patients to move out of gaols to hospital care. These developments are most welcome.
  - The Tribunal has participated in the development of new procedures with the Department and FESU resulting in greater cooperation. There have been a number of consultations in order to develop standards for care, treatment, transfer and release conditions.
  - Tribunal staff have liaised closely with Justice Health and the Department of Corrective Services to develop protocols for classification of patients to enable leave for forensic patients at Long Bay Prison Hospital and Long Bay Mental Health Rehabilitation Hostel.

#### **The Effect of Recent Amendments**

The amendments to the Mental Health (Criminal Procedure) Act 1990 will allow superior courts to release forensic patients on bail, conditionally or unconditionally, into the community, rather than ordering detention, have commenced to take effect. However, under those provisions unless such patients are released unconditionally, the court order operates in an interim manner only, pending the determination of the prescribed authority on the recommendation to the Tribunal. This is a matter to which attention is being given in the Forensic Review. In the report of 2005 a number of specific individual cases were referred to and they are the subject of examination, as are the principles referred to in them in the Forensic Review.

#### **Protected Estates Act**

The Tribunal has participated in the reviews of the Protected Estates Act, meeting with the Office of the Protective Commissioner and officers of the Attorney-General's Department on proposals for reform to that Act.

#### **Conclusion**

It has been a most intensive period for all and I am deeply grateful to the Deputy Presidents, the Members and the Tribunal Staff in a time of change and re-evaluation for coping so well with the pressures including, in particular, of my seeking to improve the Tribunal's performance of its statutory duty.

**The Hon Greg James QC**  
**President**

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## **2. REGISTRAR'S REPORT - Review of Operations**

2006 was another busy and challenging year for the staff and members of the Tribunal highlighted by a number of significant changes. This report provides a brief overview of the operations and range of functions performed by the Tribunal.

### **A Change in Presidency**

Professor Duncan Chappell completed his 5 year term as President of the Tribunal in April 2006. The Tribunal is greatly appreciative of the contribution of Professor Chappell who led the Tribunal through a challenging period including the implementation of the changes recommended by the external review of the Tribunal completed by Mandala Consulting 2002.

The Tribunal was very pleased to welcome the Hon Greg James Q.C as our new President in early April. Our new President is a former Supreme Court Judge and brings a wealth of experience, expertise and energy to the Tribunal.

As mentioned in the President's report, the term of appointment of Mr William Tearle expired in October 2006. Although Mr Tearle continues his involvement with the Tribunal as a part time lawyer member, I would like to express our gratitude and appreciation for his support and contribution as Deputy President.

The Tribunal also welcomed the Hon Terry Christie Q.C. who was appointed in October 2006 as a part time Deputy President.

### **Premises**

The Tribunal continues to conduct its business from our premises in the grounds of Gladesville Hospital. These premises include three modern hearing rooms all fitted with audio recording equipment and video-conferencing facilities. There are 2 separate waiting areas for use by people attending hearings and rooms available for advocates and representatives to meet with their clients prior to hearings.

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

### **Staffing**

Although the Tribunal has a small number of staff it is a hardworking and dedicated team without whom it would not be possible for the operations of the Tribunal to continue. Appendix 4 shows the organisational structure and staffing of the Tribunal as at 31 December 2006.

The number of hearings conducted by the Tribunal has increased more than fourfold since the Tribunal's first full year of operation in 1991. By contrast, staffing levels have remained relatively the same over this period. In recent years the increased workload has been absorbed through internal efficiencies and the increased use of information technology.

The Tribunal was assisted by appointments to two temporary positions during 2006. The first of these was a Registry Officer position shared between the civil and forensic team. This additional position was filled in January 2006 and has assisted both teams in dealing with the increasing workload.

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The second temporary position was that of Executive Assistant to the President. This position was filled mid year and provides essential executive support directly to the President.

### **Tribunal Members**

Appendix 3 provides a list of the members of the Tribunal as at 31 December 2006 and notes those members whose terms expired in 2006.

The Tribunal's membership reflects a sound gender balance with 48 female part time members and 51 male. There are 3 members who have indigenous backgrounds and 12 with culturally diverse backgrounds. A number of our part time members have a mental illness and bring a valuable consumer focus to the Tribunal's hearings and general operations. These members sit on a rotating roster of hearings according to their availability, preferences and the need for hearings. Most members sit between 2 and 4 times per month at regular venues.

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

In 2006 the Tribunal continued its programme of regular professional development sessions for its members. These sessions are conducted out of hours and no payment is made for members' attendance. The Tribunal is encouraged and appreciative of the high rate of attendance by members at these sessions. Topics covered in 2006 included the roles and responsibilities of members; the Protected Estates Act; common dilemmas with Community Treatment Orders; continuing condition and severe disturbance of mind; and the conduct of hearings and relationships with Agencies. Sessions also included consultation and discussion about the review of the Mental Health Act 1990, as well as the Forensic Review and Administrative Review being carried out by the President.

### **Hearings**

In 2006 the Tribunal conducted 10505 hearings. This was 1116 more hearings than it conducted in 2005 (an 11.9% increase). Table A shows the number of hearings conducted each year since the Tribunal's first full year of operation in 1991 when it conducted a total of 2232 hearings.

In 2006 the Tribunal conducted:

- 9522 civil patient reviews (for details see Table 1)
- 361 Protected Estates reviews (for details see Table 26)
- 622 forensic patient reviews (for details see Table 27)

Details for each area of jurisdiction of the Tribunal are provided in the various statistical reports contained in this report. The Tribunal has a regular roster for both its civil and forensic hearing panels and conducted hearings at 43 venues across New South Wales in 2006. The civil hearing roster is shown in Appendix 6. Extra panels are convened on a needs basis to hear additional matters. The continued increase in the number of hearings conducted by the Tribunal places constant pressure on the Tribunal's schedule and roster in both the civil and forensic jurisdiction.

**Table A****Total number of hearings 1991– 2006**

	<i>Civil Patient Case Reviews</i>	<i>Protected Estates Act Reviews</i>	<i>Forensic Patient Case Reviews</i>	<i>Totals per year</i>	<i>% Increase over previous Year</i>
1991	1986	61	185	2232	%
1992	2252	104	239	2595	+16.26%
1993	2447	119	278	2844	+ 9.60%
1994	2872	131	307	3310	+16.39%
1995	3495	129	282	3906	+18.01%
1996	4461	161	294	4916	+25.86%
1997	5484	183	346	6013	+22.31%
1998	4657	250	364	5271	-12.34%
1999	5187	254	390	5831	+10.62%
2000	5396	219	422	6037	+ 3.48%
2001	6151	304	481	6936	+ 14.8%
2002	6857	272	484	7613	+ 9.8%
2003	7787	309	523	8619	+ 13.2%
2004	8344	331	514	9189	+ 6.6%
2005	8594	293	502	9389	+ 2.2%
2006	9522	361	622	10505	+ 11.9%
<b>16 YEAR TOTAL</b>	<b>85492</b>	<b>3481</b>	<b>6233</b>	<b>95206</b>	

Although the Tribunal has a strong preference for conducting its hearings in person at a hospital or other venue convenient to the patient and other parties, this is not always practical or possible. The Tribunal has continued its use of telephone and video-conference hearings where necessary. In 2006, 4910 hearings were conducted in person (46.7%), 2146 by video (20.4%) and 3449 by telephone (32.8%). Table B shows the location and number of hearings conducted by video conference during 2006.

The Tribunal strongly supports the instillation and availability of video-conferencing facilities at hospitals and community mental health services. While most non-metropolitan hospitals and mental health services seem to have access to video-conferencing facilities, this is not the case for metropolitan sites.

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

**Table B****Tribunal hearings using video conferencing 2006**

<b>VENUES</b>	<b>2006</b>	<b>VENUES</b>	<b>2006</b>
Albury	40	Lismore	73
Armidale	14	Lithgow	17
Balina	7	Liverpool	6
Bankstown	91	Long Jetty	6
Batemans Bay	37	Macksville Hospital	22
Bathurst	4	Maitland Hospital	79
Bega	8	MRRC	2
Bellingen	3	Mildura	1
Bloomfield	188	Morisset	2
Blue Mountains	7	Moruya	10
Bourke	1	Mudgee	4
Bowral	14	Narrabri	1
Broken Hill	7	Nepean Hospital	54
Campbelltown	3	Nowra	3
Casino	9	Orange	35
Clarence District HS	9	Pambula	2
Coffs Harbour	111	Parke	1
Collarenebri	2	Port Kembla Hospital	3
Concord	2	Port Macquarie	62
Cooma CHC	5	Queanbeyan	27
Cootamundra	6	RPA Missenden	42
Cowra	1	Rozelle	3
Dareton	2	Shellharbour	61
Darlinghurst	2	Shoalhaven	6
Deniliquin	5	St George	1
Dubbo	17	Tamworth	108
Fairfield	85	Taree	114
Foster CHC	40	Tenterfield	1
Frank Baxter SSC	1	Tumut	6
Gilgandra	1	Tweed Heads	64
Glen Innes CHC	8	Wagga Wagga	53
Goodooga	3	Walgett	2
Gosford	47	Warilla	15
Goulburn	102	Wee Waa	4
Grafton	26	West Wyalong	1
Griffith	14	Wilcania	1
Gunnedah	1	Wollongong	62
Hawkesbury	10	Wyong	90
Inverell	8	Yass	1
James Fletcher	8	Young	16
John Hunter	13		
Katoomba	51		
Kempsey	27		
Kenmore	35		
Lightning Ridge	10		
<b>Total 2006</b>		<b>2146</b>	
<b>Total 2005</b>		<b>1854</b>	
<b>Total 2004</b>		<b>1671</b>	
<b>Total 2003</b>		<b>1335</b>	
<b>Total 2002</b>		<b>885</b>	
<b>Total 2001</b>		<b>575</b>	



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## **Data Collection - Form 19A and 19B**

The Tribunal is required under the Act 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 two forms which all hospitals are required to forward to the Tribunal (form 19A and 19B under the Mental Health Regulation 2000) with respect to each involuntary referral and magistrates inquiry.

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

Information from this data is contained in reports 3,4,18,19 and 22 as well as in Appendices 1 and 7.

## **Financial Report**

The increased number of hearings conducted by the Tribunal has had a direct effect on the Tribunal's budget and expenditure. In 2003 the Tribunal had lengthy negotiations with the Department of Health on this issue. Agreement was eventually reached that additional funds were required for the Tribunal to carry out its statutory obligations. In April 2004 the Tribunal was advised that an additional \$400,000 recurrent budget allocation had been approved under the Mental Health Enhancement Program.

In addition the Tribunal received a non-recurrent supplementation of \$75,000 in May 2006. These funds were provided by the Department of Health to cover hearing related expenses associated with the Tribunal's continued growth in caseload.

The Tribunal is most appreciative of the support provided by the Minister and the Centre for Mental Health to assist the Tribunal in meeting its obligations for the statutory review of patients detained under the Mental Health Act.

See Appendix 5 for the Tribunal's Financial Report and details of budget and expenditure.

## **Information Technology**

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

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

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## **Community Education and Liaison**

During 2006 the Tribunal conducted a number of community education sessions to hospital and community staff. These sessions were used to explain the role and jurisdictions of the Tribunal and the application of the Mental Health Act. The Tribunal was also involved in training for psychiatric registrars through the Institute of Psychiatry.

The Tribunal was very pleased to release its Civil Hearing Kit in March 2006. The Kit is designed to assist doctors, case managers and others in making an application to the Tribunal. It sets out the legislative requirements in the Mental Health Act 1990 and describes the paperwork required when submitting an application to the Tribunal. It was widely distributed to all hospitals and community teams as well as being published on the Tribunal's website.

The release of the kit was followed up with 2 full day training sessions for Tribunal Liaison Clerks at hospitals and community mental health services. The Tribunal was very pleased that more than 50 key people involved in coordinating applications and supporting Tribunal hearings were able to participate in this training.

Staff and full time members of the Tribunal also attended and participated in a number of external conferences and events. These included: the Australian Institute of Judicial Administration Affordable Justice Conference, the Mental Health Services "Reach out and Connect" Conference; Forensic Psychiatry Conference and the Royal Australian and New Zealand College of Psychiatrists, Section of Forensic Psychiatry Annual Conference – Epidemics in Psychiatry.

In June 2006 the President and Registrar of the Tribunal attended the annual meeting of the heads of Mental Health Review Boards and Tribunals. This meeting was held in Darwin and was attended by representatives of the relevant Boards or Tribunals in Victoria, Queensland, Tasmania, South Australia, Western Australia, the Australian Capital Territory and Northern Territory. The meeting discussed key issues common to all mental health jurisdictions around the country.

## **Thank You**

I continue to be impressed and appreciative of the dedication and enthusiasm of the Tribunal's staff and members who have endured the changes and challenges of the last year with good humour and an extraordinary commitment to the very important work of the Tribunal. I take this opportunity to thank them all for their continued flexibility, energy and diligence.

**Rodney Brabin**  
**Registrar**

### 3. STATISTICAL REVIEW

#### 3.1. CIVIL JURISDICTION

**Table 1**

**Summary of statistics relating to the Tribunal's civil jurisdiction under the Mental Health Act 1990 for the period January to December 2006 and combined totals for 2005.**

Section of Act	Description of Review	Reviews (Including Adjudgments)			% Reviewed by Sex		Number Legally Represented	% Legally Represented
		M	F	Total	M	F		
s56	Review prior to expiry of magistrate's order for temporary patient status	718	612	1330	54.0	46.0	967	72.7
s58	Review prior to expiry of Tribunal order for temporary patient status	217	186	403	53.8	46.2	297	73.7
s62	Continued treatment patient	533	299	832	64.1	35.9	20	2.4
s63	Informal patient	38	23	61	62.3	37.7	3	4.9
s69	Appeal against refusal to discharge by medical superintendent	86	78	164	52.4	47.6	133	81.1
s118	Community counselling order	38	41	79	48.1	51.9	-	1
s131	Community treatment order	3613	2166	5779	62.5	37.5	78	1.3
s143A	Detained person under CTO	4	2	6	66.7	33.3	4	66.7
s148	Variation or revocation of a CCO or CTO	188	88	276	68.1	31.9	3	1.1
s151(2)	Appeal against magistrate's CCO or CTO	3	4	7	42.9	57.1	1	14.3
s185	ECT applications - Informal patient	-	2	2	-	100	-	-
s188	ECT application – involuntary patient	195	362	557	35.0	65.0	36	6.5
s203 *	Notice to Tribunal of performance of surgical operation	8	7	15	53.3	46.7	-	-
s205(i)	Application and Determination for surgical operation	15	11	26	57.7	42.3	1	3.8
s205(ii)	Application and Determination for special medical treatment	-	-	-	-	-	-	-
<b>TOTALS 2006</b>		<b>5656</b>	<b>3881</b>	<b>9537</b>	<b>59.3</b>	<b>40.7</b>	<b>1544</b>	<b>16.2</b>
<b>TOTALS 2005</b>		<b>5055</b>	<b>3543</b>	<b>8598</b>	<b>58.8</b>	<b>41.2</b>	<b>1363</b>	<b>15.9</b>

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

**Table 2**

**Reviews of Informal patient cases during the period January to December 2006  
under s63 by hospital and age group and combined totals for 2005.**

		0-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-69 yrs	70-79 yrs	80+ yrs	Total Reviews
Bloomfield	Male	-	-	-	4	2	3	2	4	15
	Female	-	-	2	1	1	4	2	2	12
	Total	-	-	2	5	3	7	4	6	27
Cumberland	Male	-	-	-	1	2	-	-	-	3
	Female	-	1	-	2	2	-	-	-	5
	Total	-	1	-	3	4	-	-	-	8
Kenmore	Male	-	-	-	4	-	2	2	-	8
	Female	-	-	-	-	1	-	-	-	1
	Total	-	-	-	4	1	2	2	-	9
Macquarie	Male	-	-	-	1	-	4	3	-	8
	Female	-	1	-	-	2	-	-	-	3
	Total	-	1	-	1	2	4	3	-	11
Morisset	Male	-	-	-	-	-	1	-	-	1
	Female	-	-	-	-	1	-	-	-	1
	Total	-	-	-	-	1	1	-	-	2
Royal Prince Alfred	Male	-	-	1	-	-	-	-	-	1
	Female	-	-	-	-	-	-	-	-	-
	Total	-	-	1	-	-	-	-	-	1
Rozelle	Male	-	1	-	-	-	-	-	-	1
	Female	-	-	-	1	-	-	-	-	1
	Total	-	1	-	1	-	-	-	-	2
St Vincents	Male	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	1	-	-	-	1
	Total	-	-	-	-	1	-	-	-	1
<b>COMBINED</b>	<b>Male</b>	-	<b>1</b>	<b>1</b>	<b>10</b>	<b>4</b>	<b>10</b>	<b>7</b>	<b>4</b>	<b>37</b>
<b>TOTALS ALL</b>	<b>Female</b>	-	<b>2</b>	<b>2</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>24</b>
<b>HOSPITALS 2006</b>	<b>Total</b>	-	<b>3</b>	<b>3</b>	<b>14</b>	<b>12</b>	<b>14</b>	<b>9</b>	<b>6</b>	<b>61</b>
<b>COMBINED</b>	<b>Male</b>	-	<b>1</b>	-	<b>13</b>	<b>10</b>	<b>11</b>	<b>9</b>	<b>6</b>	<b>50</b>
<b>TOTALS ALL</b>	<b>Female</b>	-	<b>4</b>	<b>4</b>	<b>5</b>	<b>9</b>	<b>8</b>	<b>3</b>	<b>2</b>	<b>35</b>
<b>HOSPITALS 2005</b>	<b>Total</b>	-	<b>5</b>	<b>4</b>	<b>18</b>	<b>19</b>	<b>19</b>	<b>12</b>	<b>8</b>	<b>85</b>

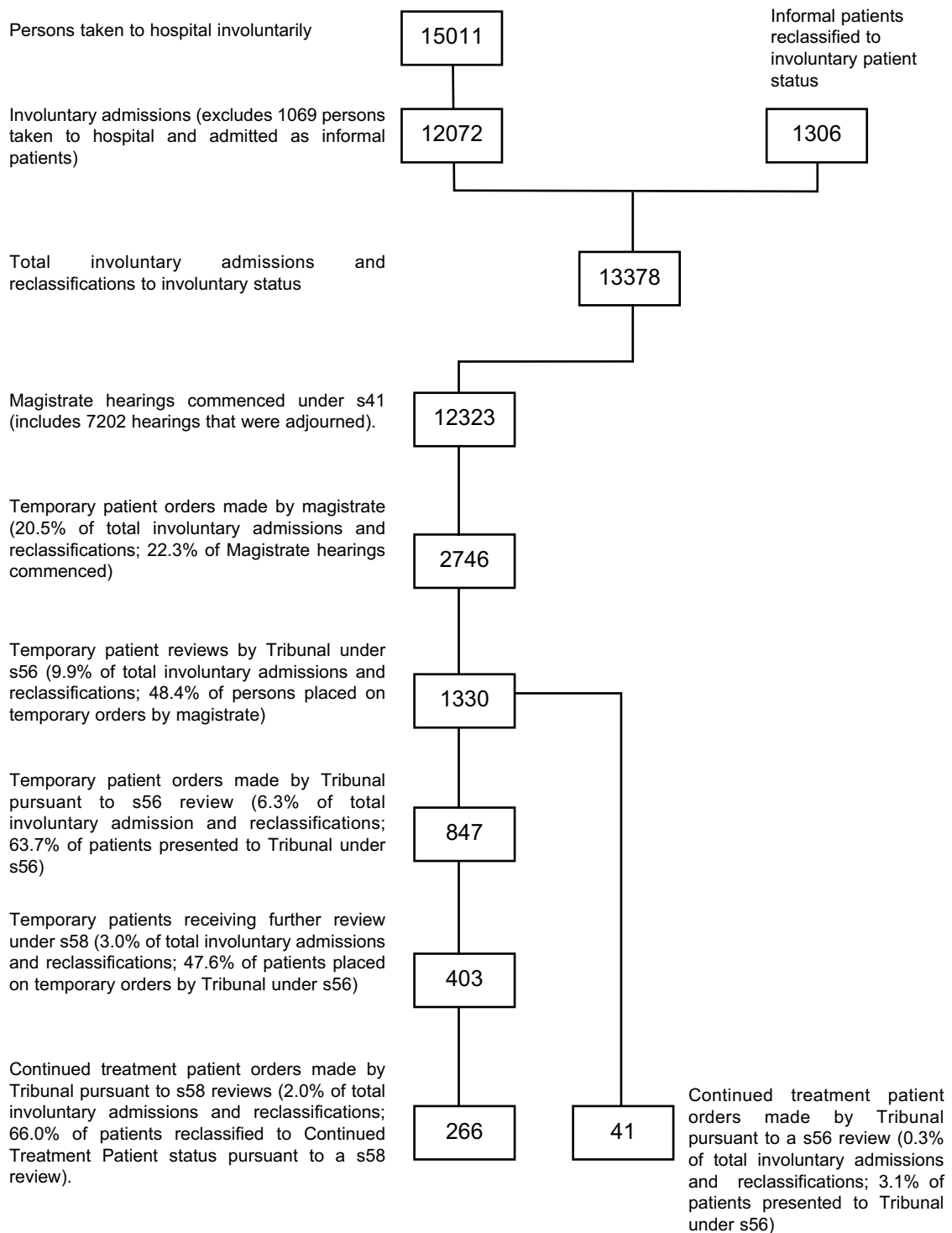
**Table 3****Involuntary admissions and magistrate's inquiries held under s41 of the Mental Health Act 1990 from January to December 2006 and combined totals for 2005 (Hospitals and Units).**

<b>Major Psychiatric Hospitals</b>	<i>Persons taken Invol.</i>	<i>No. of Invol. Admiss.</i>	<i>Number Reclas Invol</i>	<i>Magist Inquiry Started</i>	<i>Adjourned</i>	<i>Magist. Inquiry Completed</i>	<i>Discharged or Reclas.</i>	<i>CCO* or CTO</i>	<i>Temp. Patient Order</i>
Bloomfield	678	651	36	550	392	158	12	94	52
Cumberland	1211	1066	211	814	382	432	10	93	329
James Fletcher	1149	1014	341	752	437	315	11	73	231
Kenmore	327	313	16	255	82	173	1	29	143
Macquarie	264	240	5	178	86	92	2	35	55
Morisset	6	6	2	8	-	8	-	2	6
Rozelle	1095	1095	61	1097	416	681	335	124	222
<b>SUB-TOTALS 2006</b>	<b>4730</b>	<b>4385</b>	<b>672</b>	<b>3654</b>	<b>1795</b>	<b>1859</b>	<b>371</b>	<b>450</b>	<b>1038</b>
<b>SUB-TOTALS 2005</b>	<b>5771</b>	<b>5476</b>	<b>895</b>	<b>3960</b>	<b>2230</b>	<b>1730</b>	<b>350</b>	<b>430</b>	<b>950</b>
<b>Public Hospital Units</b>									
Albury	102	101	12	84	58	26	1	13	12
Bankstown	583	583	-	349	205	144	1	62	81
Blacktown	261	234	1	355	260	95	2	60	33
Blue Mountains	68	68	1	84	62	22	-	17	5
Broken Hill	114	110	1	16	7	9	-	9	-
Campbelltown	486	486	-	439	232	207	64	43	100
Coffs Harbour	455	455	18	474	320	154	-	70	84
Dubbo	152	148	10	112	80	32	-	20	12
Gosford	477	434	-	287	190	97	2	49	46
Greenwich	58	58	2	42	11	31	-	3	28
Hornsby	302	300	19	241	142	99	10	39	50
John Hunter	167	163	18	65	13	52	24	4	24
Lismore	355	350	89	390	290	100	-	71	29
Liverpool	413	412	-	533	350	183	6	88	89
Maitland	624	565	94	306	216	90	6	48	36
Manly	244	243	1	363	272	91	59	2	30
Nepean	507	505	-	374	271	103	1	59	43
Prince of Wales	602	553	-	499	294	205	6	28	171
Royal North Shore	215	215	206	246	127	119	80	1	38
RPA Missenden Unit	281	279	-	217	146	71	32	10	29
Shellharbour	754	754	40	530	355	175	1	89	85
St. George	463	456	15	431	246	185	55	58	72
St. Josephs	64	64	16	83	24	59	19	4	36
St. Vincents	364	364	-	313	174	139	4	29	106
Sutherland	307	307	1	229	126	103	3	24	76
Tamworth	330	328	7	242	136	106	10	39	57
Taree	232	229	19	171	51	120	5	24	91
Tweed Heads	275	275	24	354	244	110	11	66	33
Wagga Wagga	227	227	2	183	104	79	3	40	36
Westmead Adult Psych	87	85	4	58	20	38	-	5	33
Westmead Childrens	48	48	15	32	26	6	-	2	4
Westmead Psychogertric	39	39	2	51	13	38	-	10	28
Wollongong	195	195	17	165	96	69	3	24	42
Wyong	430	429	-	351	246	105	11	25	69
<b>SUB-TOTALS 2006</b>	<b>10281</b>	<b>10062</b>	<b>634</b>	<b>8669</b>	<b>5407</b>	<b>3262</b>	<b>419</b>	<b>1135</b>	<b>1708</b>
<b>SUB-TOTALS 2005</b>	<b>10727</b>	<b>10555</b>	<b>609</b>	<b>8447</b>	<b>5405</b>	<b>3042</b>	<b>305</b>	<b>1111</b>	<b>1626</b>
<b>TOTALS 2006</b>	<b>15011</b>	<b>14447</b>	<b>1306</b>	<b>12323</b>	<b>7202</b>	<b>5121</b>	<b>790</b>	<b>1585</b>	<b>2746</b>
<b>TOTALS 2005</b>	<b>16498</b>	<b>16031</b>	<b>1504</b>	<b>12407</b>	<b>7635</b>	<b>4772</b>	<b>655</b>	<b>1541</b>	<b>2576</b>

\* Community counselling or community treatment orders

**Table 4**

**Flow chart showing progress of involuntary patients admitted during the period January to December 2006.**



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

**Table 5**

**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 2006 and combined totals for 2005.**

Major Psychiatric Hospitals	Tribunal Reviews under section 56			Tribunal Determinations			
	M	F	T	Adjourn	Disch. or Reclassify to Informal	Extend Magist. Temp. Order	Reclassify to Continued Treatment Patient
Bloomfield	34	20	54	10	-	42	2
Cumberland	82	71	153	26	2	113	12
Macquarie	30	13	43	4	1	34	4
James Fletcher	72	52	124	38	4	80	2
Kenmore	5	6	11	4	-	7	-
Morisset	19	8	27	9	-	17	1
Rozelle	88	46	134	39	4	89	2
<b>SUB-TOTALS 2006</b>	<b>330</b>	<b>216</b>	<b>546</b>	<b>130</b>	<b>11</b>	<b>382</b>	<b>23</b>
<b>SUB-TOTALS 2005</b>	<b>242</b>	<b>185</b>	<b>427</b>	<b>119</b>	<b>4</b>	<b>283</b>	<b>21</b>
<b>Public Hospital Units</b>							
Albury	2	1	3	-	-	3	-
Bankstown	13	19	32	16	1	15	-
Blacktown	12	17	29	10	-	16	3
Campbelltown	20	16	36	15	2	18	1
Coffs Harbour	8	5	13	1	-	11	1
Gosford	17	5	22	9	-	12	1
Goulburn Base	19	17	36	12	-	22	2
Greenwich	2	6	8	3	-	5	-
Hornsby	11	8	19	5	-	14	-
John Hunter	1	6	7	-	-	7	-
Lismore	9	4	13	6	-	7	-
Liverpool	29	37	66	30	1	34	1
Maitland	6	13	19	6	1	12	-
Manly	13	10	23	11	-	12	-
Nepean	13	18	31	11	1	15	4
Port Kembla	6	2	8	5	-	3	-
Prince Henry	-	2	2	1	1	-	-
Prince of Wales	44	38	82	37	3	42	-
Royal North Shore	17	13	30	7	-	23	-
RPA Missenden Unit	12	15	27	6	1	20	-
Shellharbour	19	17	36	17	-	19	-
St George	8	20	28	13	1	14	-
St Joseph's	3	10	13	3	-	10	-
St Vincent's	26	26	52	18	1	32	1
Sutherland	12	10	22	9	-	12	1
Tamworth	8	14	22	7	-	15	-
Taree	10	8	18	6	-	12	-
Tweed Heads	1	2	3	-	-	3	-
Wagga Wagga	12	10	22	8	-	11	3
Westmead AA Unit	3	1	4	1	-	3	-
Westmead AP Unit	5	6	11	3	-	8	-
Westmead Childrens	-	4	4	2	-	2	-
Wollongong	11	5	16	3	-	13	-
Wyong	16	11	27	7	-	20	-
<b>SUBTOTALS 2006</b>	<b>388</b>	<b>396</b>	<b>784</b>	<b>288</b>	<b>13</b>	<b>465</b>	<b>18</b>
<b>SUBTOTALS 2005</b>	<b>402</b>	<b>392</b>	<b>794</b>	<b>288</b>	<b>4</b>	<b>493</b>	<b>9</b>
<b>COMBINED TOTALS 2006</b>	<b>718</b>	<b>612</b>	<b>1330</b>	<b>418</b>	<b>24</b>	<b>847</b>	<b>41</b>
<b>COMBINED TOTALS 2005</b>	<b>644</b>	<b>577</b>	<b>1221</b>	<b>407</b>	<b>8</b>	<b>776</b>	<b>30</b>

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

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**Table 6**

**Demographic profile of temporary patients reviewed under section 56 during 2006 and combined totals for 2005.**

	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	18	185	215	152	81	46	18	3	718
Female	15	103	143	116	84	68	48	35	612
<b>TOTALS 2006</b>	<b>33</b>	<b>288</b>	<b>358</b>	<b>268</b>	<b>165</b>	<b>114</b>	<b>66</b>	<b>38</b>	<b>1330</b>
<b>TOTALS 2005</b>	<b>45</b>	<b>321</b>	<b>333</b>	<b>204</b>	<b>137</b>	<b>90</b>	<b>67</b>	<b>24</b>	<b>1221</b>

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**Table 7**

Temporary patients whose cases were further reviewed under s58 during the period January to December 2006 and combined totals for 2005.

Major Psychiatric Hospitals	Tribunal Reviews under section 58			Tribunal Determinations		
	M	F	T	Adjourned	Discharge or Reclassify to Informal	Reclassified as CTP*
Bloomfield	15	16	31	11	1	19
Cumberland	34	24	58	16	1	41
James Fletcher	17	15	32	10	-	22
Kenmore	5	4	9	2	-	7
Macquarie	26	6	32	2	-	30
Morisset	14	6	20	2	-	18
Rozelle	20	11	31	10	1	20
<b>SUB-TOTALS 2006</b>	<b>131</b>	<b>82</b>	<b>213</b>	<b>53</b>	<b>3</b>	<b>157</b>
<b>SUB-TOTALS 2005</b>	<b>122</b>	<b>76</b>	<b>198</b>	<b>50</b>		<b>148</b>
<b>Public Hospital Units</b>						
Albury	2	-	2	1	-	1
Bankstown	2	4	6	1	-	5
Blacktown	3	4	7	-	-	7
Campbelltown	2	2	4	-	1	3
Coffs Harbour	1	1	2	-	-	2
Gosford	5	-	5	-	-	5
Goulburn Base	6	2	8	3	-	5
Greenwich	2	-	2	-	1	1
Hornsby	1	6	7	3	-	4
John Hunter	-	1	1	-	-	1
Lismore	-	1	1	-	1	-
Liverpool	6	7	13	4	-	9
Maitland	1	3	4	1	-	3
Manly	3	3	6	4	-	2
Nepean	3	6	9	3	-	6
Port Kembla	-	1	1	1	-	-
Prince of Wales	13	12	25	13	1	11
Royal North Shore Hosp.	5	3	8	7	-	1
RPA Missenden Unit	4	6	10	5	-	5
Shellharbour	4	4	8	4	-	4
St George	2	5	7	2	-	5
St Joseph's	-	5	5	3	-	2
St Vincents	7	5	12	4	-	8
Sutherland	2	5	7	3	-	4
Tamworth	1	4	5	2	-	3
Taree	3	2	5	4	-	1
Tweed Heads	1	-	1	-	1	-
Wagga Wagga	-	1	1	-	-	1
Westmead AA Unit	-	2	2	1	-	1
Westmead AP Unit	-	2	2	1	-	1
Westmead Children's	-	2	2	1	-	1
Wollongong	3	2	5	2	-	3
Wyong	4	3	7	3	-	4
<b>SUB-TOTALS 2006</b>	<b>86</b>	<b>104</b>	<b>190</b>	<b>76</b>	<b>5</b>	<b>109</b>
<b>SUB-TOTALS 2005</b>	<b>71</b>	<b>85</b>	<b>156</b>	<b>56</b>		<b>100</b>
<b>COMBINED TOTALS</b>						
<b>ALL HOSPITALS 2006</b>	<b>217</b>	<b>186</b>	<b>403</b>	<b>129</b>	<b>8</b>	<b>266</b>
<b>COMBINED TOTALS</b>						
<b>ALL HOSPITALS 2005</b>	<b>193</b>	<b>161</b>	<b>354</b>	<b>106</b>		<b>148</b>

**Table 8**

Demographic profile of temporary patients reviewed under section 58 for the period January to December 2006 and totals for 2005.

	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	4	70	74	28	21	9	10	1	217
Female	6	37	33	36	21	31	13	9	186
<b>TOTALS 2006</b>	<b>10</b>	<b>107</b>	<b>107</b>	<b>64</b>	<b>42</b>	<b>40</b>	<b>23</b>	<b>10</b>	<b>403</b>
<b>TOTALS 2005</b>	<b>12</b>	<b>102</b>	<b>102</b>	<b>62</b>	<b>33</b>	<b>17</b>	<b>16</b>	<b>10</b>	<b>354</b>

**Table 9**

Reviews of the cases of continued treatment patients at major psychiatric hospitals during the period January to December 2006 under s62 by hospital, age group and numbers of reviews and combined totals for 2005.

<i>Major Psychiatric Hospitals</i>		0-19 yrs.	20-29 yrs.	30-39 yrs.	40-49 yrs.	50-59 yrs.	60-69 yrs.	70-79 yrs.	80+ yrs.	Total Patient Reviews
Bloomfield	Male	-	1	4	1	8	6	1	3	24
	Female	-	3	4	8	13	2	4	-	34
	Total	-	4	8	9	21	8	5	3	58
Cumberland	Male	-	22	39	47	13	9	-	-	130
	Female	-	11	23	19	12	11	-	-	76
	Total	-	33	62	66	25	20	-	-	206
James Fletcher	Male	-	4	9	-	-	-	4	-	17
	Female	-	-	-	-	5	1	3	-	9
	Total	-	4	9	-	5	1	7	-	26
Kenmore	Male	-	1	2	2	-	-	2	6	13
	Female	-	3	-	-	2	4	-	-	9
	Total	-	4	2	2	2	4	2	6	22
Macquarie	Male	-	30	26	29	34	39	13	-	171
	Female	-	2	14	8	34	22	11	2	93
	Total	-	32	40	37	68	61	24	2	264
Morisset	Male	-	27	34	6	14	7	1	-	89
	Female	-	2	5	11	4	3	3	-	28
	Total	-	29	39	17	18	10	4	-	117
Rozelle	Male	-	6	10	4	7	3	-	-	30
	Female	-	-	6	3	3	2	4	2	20
	Total	-	6	16	7	10	5	4	2	50
<b>COMBINED TOTALS</b>	<b>Male</b>	-	<b>91</b>	<b>124</b>	<b>89</b>	<b>76</b>	<b>64</b>	<b>21</b>	<b>9</b>	<b>474</b>
<b>MAJOR PSYCHIATRIC</b>	<b>Female</b>	-	<b>21</b>	<b>52</b>	<b>49</b>	<b>73</b>	<b>45</b>	<b>25</b>	<b>4</b>	<b>269</b>
<b>HOSPITALS 2006</b>	<b>Total</b>	-	<b>112</b>	<b>176</b>	<b>138</b>	<b>149</b>	<b>109</b>	<b>46</b>	<b>13</b>	<b>743</b>

**Table 10**

**Reviews of continued treatment patients at public hospital units during the period January to December 2006 under s62 by hospital, age group and numbers of reviews.**

<i>Public Hospital Units</i>		0-19 yrs.	20-29 yrs.	30-39 yrs.	40-49 yrs.	50-59 yrs.	60-69 yrs.	70-79 yrs.	80+ yrs.	Total Reviews
Albury	Male	-	-	1	-	-	-	-	-	1
	Female	-	-	-	-	-	-	-	-	-
	Total	-	-	1	-	-	-	-	-	1
Bankstown	Male	-	-	-	2	-	-	-	-	2
	Female	-	-	-	-	1	-	-	-	1
	Total	-	-	-	2	1	-	-	-	3
Blacktown	Male	-	2	-	-	-	-	-	-	2
	Female	-	-	1	-	-	-	-	-	1
	Total	-	2	1	-	-	-	-	-	3
Campbelltown	Male	1	-	-	-	-	-	-	-	1
	Female	-	-	-	-	-	-	-	-	-
	Total	1	-	-	-	-	-	-	-	1
Coffs Harbour	Male	2	-	-	-	-	-	-	-	2
	Female	1	-	-	-	-	-	-	-	1
	Total	3	-	-	-	-	-	-	-	3
Gosford	Male	-	3	-	-	-	-	-	-	3
	Female	-	-	-	-	-	-	-	-	-
	Total	-	3	-	-	-	-	-	-	3
Goulburn	Male	-	-	2	-	-	-	2	-	4
	Female	-	-	-	-	-	2	-	-	2
	Total	-	-	2	-	-	2	2	-	6
Greenwich	Male	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	-	2	-	2	4
	Total	-	-	-	-	-	2	-	2	4
Hornsby	Male	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	2	-	1	-	3
	Total	-	-	-	-	2	-	1	-	3
Lismore	Male	-	2	2	-	-	-	-	-	4
	Female	-	-	-	-	-	-	-	-	-
	Total	-	2	2	-	-	-	-	-	4
Liverpool	Male	-	3	5	2	-	-	-	-	10
	Female	-	-	-	3	1	-	-	-	4
	Total	-	3	5	5	1	-	-	-	14
Maitland	Male	-	2	-	-	-	2	-	-	4
	Female	-	-	-	1	-	-	2	-	3
	Total	-	2	-	1	-	2	-	2	7
Nepean	Male	-	1	-	-	-	-	-	-	1
	Female	-	-	-	-	-	-	1	-	1
	Total	-	1	-	-	-	-	1	-	2
Prince of Wales	Male	-	-	6	-	2	-	-	-	8
	Female	-	-	2	1	-	-	-	-	3
	Total	-	-	8	1	2	-	-	-	11
Royal North Shore	Male	-	-	1	-	-	1	-	-	2
	Female	-	-	-	-	-	-	-	-	-
	Total	-	-	1	-	-	1	-	-	2
RPA Missenden	Male	-	-	-	-	-	-	-	-	-
	Female	-	-	-	1	-	-	-	-	1
	Total	-	-	-	1	-	-	-	-	1
St Vincent's	Male	-	1	2	-	4	-	-	-	7
	Female	-	-	1	-	-	2	-	-	3
	Total	-	1	3	-	4	2	-	-	10
Sutherland	Male	-	-	-	-	-	-	-	-	-
	Female	-	1	-	-	-	-	-	-	1
	Total	-	1	-	-	-	-	-	-	1
Tamworth	Male	-	-	-	-	1	-	-	-	1
	Female	-	-	-	-	-	-	-	-	-
	Total	-	-	-	-	1	-	-	-	1
Taree	Male	-	1	-	-	-	-	-	-	1
	Female	-	-	-	-	-	-	-	-	-
	Total	-	1	-	-	-	-	-	-	1
Tweed Heads	Male	-	-	1	-	-	-	-	-	1
	Female	-	-	-	-	-	-	-	-	-
	Total	-	-	1	-	-	-	-	-	1
Wollongong	Male	-	-	-	-	-	3	-	-	3
	Female	-	-	-	-	-	-	-	-	-
	Total	-	-	-	-	-	3	-	-	3
Wyong	Male	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	-	3	1	-	4
	Total	-	-	-	-	-	3	1	-	4
<b>COMBINED TOTALS</b>	<b>Male</b>	<b>3</b>	<b>15</b>	<b>20</b>	<b>4</b>	<b>7</b>	<b>6</b>	<b>2</b>	<b>-</b>	<b>57</b>
<b>PUBLIC HOSPITAL</b>	<b>Female</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>9</b>	<b>3</b>	<b>4</b>	<b>32</b>
<b>Units 2006</b>	<b>Total</b>	<b>4</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>11</b>	<b>15</b>	<b>5</b>	<b>4</b>	<b>89</b>
<b>COMBINED TOTALS</b>	<b>Male</b>	<b>3</b>	<b>106</b>	<b>144</b>	<b>93</b>	<b>83</b>	<b>70</b>	<b>23</b>	<b>9</b>	<b>531</b>
<b>ALL HOSPITALS</b>	<b>Female</b>	<b>1</b>	<b>22</b>	<b>56</b>	<b>55</b>	<b>77</b>	<b>54</b>	<b>28</b>	<b>8</b>	<b>301</b>
<b>2006</b>	<b>Total</b>	<b>4</b>	<b>128</b>	<b>200</b>	<b>148</b>	<b>160</b>	<b>124</b>	<b>51</b>	<b>17</b>	<b>832</b>

**Table 11**

**Outcome of Tribunal reviews of Continued Treatment patients under s62 for the calendar years 2006 and 2005.**

<i>Tribunal Determinations</i>	<i>2006 Reviews</i>	<i>2005 Reviews</i>
Continue to be detained as a continued treatment patient	774	765
Adjournment	49	29
Discharge and deferred discharge	2	3
Patient allowed to be absent from Hospital	2	5
Reclassify to Informal Patient status	5	6
Discharge under CTO or CCO	-	-
<b>TOTAL ORDERS MADE</b>	<b>832</b>	<b>808</b>

**Table 12**

**Demographic profile of temporary patients and continued treatment patients who appealed under section 69 during the period January to December 2006 and totals for 2005.**

	<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	2	21	26	21	10	2	3	1	86
Female	-	15	21	14	7	16	3	2	78
<b>TOTALS 2006</b>	<b>2</b>	<b>36</b>	<b>47</b>	<b>35</b>	<b>17</b>	<b>18</b>	<b>6</b>	<b>3</b>	<b>164</b>
<b>TOTALS 2005</b>	<b>1</b>	<b>39</b>	<b>55</b>	<b>41</b>	<b>15</b>	<b>10</b>	<b>7</b>	<b>1</b>	<b>169</b>

**Table 13**

**Outcome of s69 appeals by patients against a medical superintendent's refusal of a request for discharge during the period January to December 2006.**

	<i>Tribunal reviews under s69</i>			<i>Determination by Tribunal</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>
<b>Major Psychiatric Hospitals</b>							
Bloomfield	1	-	1	-	-	1	-
Cumberland	18	17	35	-	3	30	2
James Fletcher	8	4	12	-	-	11	1
Kenmore	-	-	-	-	-	-	-
Macquarie	2	-	2	-	-	2	-
Morisset	3	1	4	-	1	3	-
Rozelle	20	13	33	-	9	11	13
<b>SUB-TOTALS 2006</b>	<b>52</b>	<b>35</b>	<b>87</b>	<b>-</b>	<b>13</b>	<b>58</b>	<b>16</b>
Sub-Totals 2005	55	40	95	2	10	70	13
<b>Public Hospital Units</b>							
Bankstown	-	1	1	-	-	1	-
Blacktown	2	1	3	-	-	3	-
Coffs Harbour	-	2	2	-	1	1	-
Gosford	1	1	2	-	-	2	-
Hornsby	1	-	1	-	-	1	-
Lismore	1	3	4	-	2	2	-
Liverpool	-	1	1	-	-	1	-
Maitland	1	-	1	-	-	1	-
Manly	4	2	6	-	2	4	-
Nepean	1	1	2	-	-	1	1
Port Kembla	-	1	1	-	-	1	-
Prince of Wales	2	5	7	-	2	5	-
Royal North Shore	5	4	9	-	-	9	-
RPA Missenden Unit	1	4	5	-	-	4	1
Shellharbour	1	1	2	-	-	2	-
St George	1	-	1	-	-	1	-
St Josephs	2	3	5	-	-	2	3
St Vincents	-	1	1	-	-	1	-
Sutherland	2	-	2	-	-	2	-
Tamworth	1	4	5	-	-	5	-
Taree	2	3	5	-	1	4	-
Tweed Heads	2	4	6	-	1	4	1
Westmead AA	2	-	2	-	1	1	-
Westmead AP Unit	1	-	1	-	-	1	-
Wyong	2	-	2	-	-	2	-
<b>SUB-TOTALS 2006</b>	<b>35</b>	<b>42</b>	<b>77</b>	<b>-</b>	<b>10</b>	<b>61</b>	<b>6</b>
<b>SUB-TOTALS 2005</b>	<b>35</b>	<b>39</b>	<b>74</b>	<b>3</b>	<b>12</b>	<b>52</b>	<b>7</b>
<b>COMBINED TOTALS 2006</b>							
	<b>87</b>	<b>77</b>	<b>164</b>	<b>-</b>	<b>23</b>	<b>119</b>	<b>22</b>
<b>COMBINED TOTALS 2005</b>							
	<b>90</b>	<b>79</b>	<b>169</b>	<b>5</b>	<b>22</b>	<b>122</b>	<b>20</b>

**Table 14****Community counselling orders for gazetted health care agencies made by the Tribunal for the two calendar years 2005 and 2006.**

<i>Health Care Agency</i>	<i>2005 Total CCOs</i>	<i>2006 Total CCOs</i>	<i>Health Care Agency</i>	<i>2005 Total CCOs</i>	<i>2006 Total CCOs</i>
Albury CMHS	-	-	Leeton/Narrandera CHC	-	-
Armidale CMHS	1	-	Lismore MHOPS	-	-
Ashfield CMHS	-	-	Lithgow MHS	-	2
Auburn CHC	2	2	Liverpool MHS	2	-
Bankstown Lidcombe MHS	-	-	Macquarie Area MHS	-	-
Barwon MHS	-	-	Manly Hospital and CMHS	3	-
Batemans Bay DHC & MHS	3	2	Maroubra CMHS	3	6
Bega Valley Counselling & MHS	-	-	Marrickville CMHS	1	-
Blacktown	1	-	Merrylands CHS	-	-
Blue Moutains MHS	2	-	Mid Western CMHS	-	-
Bondi Junction CHC	2	-	Mudgee MHS	-	-
Botany CHC	-	-	New England Dist (Glen Innes) MHS	-	-
Bowral CHS	-	-	New England District (Inverell) MHS	-	-
Camperdown	-	1	Newcastle MHS	2	1
Canterbury CMHS	2	-	Northern Illawarra	-	1
Catherine Mahoney Aged Care P. U.	-	-	Orange CHC	-	-
Central Coast Area MHS	-	-	Orange C. Res/Rehab. Service	-	-
Clarence District HS	2	2	Pambula District Hospital MHS	-	-
Coffs Harbour	-	-	Parramatta CHS	-	1
Cooma MHS	-	-	Penrith MHS	-	1
Cootamundra MHS	-	-	Penrith/Hawkesbury MHS	-	-
Deniliquin District MHS	-	-	Port Macquarie CMHS	-	-
Dundas CHC	-	2	Queanbeyan MHS	-	-
Fairfield MHS	-	-	Redfern/Newtown CMHS	-	-
Far West MHS	1	2	Royal North Shore H & CMHS	-	1
Glebe CMHS	-	-	Ryde Hospital and CMHS	7	10
Goulburn CMHS	-	-	Shoalhaven MHS	-	-
Griffith (Murrumbidgee) MHS	-	-	St George Div of Psych & MH	-	-
Hawkesbury MHS	-	-	St Joseph's Hospital CMACPU	-	-
Hills CMHC	-	-	Sutherland C Adult & Fam MHS	1	1
Hornsby Ku-ring-gai H & CMHS	6	6	Tamworth CMHS	-	-
Hunter	-	-	Taree CMHS	2	2
Illawarra PS	-	-	Tumut CMHS	-	-
Inner City MHS	4	1	Tweed Heads MHS	-	-
James Fletcher Hospital	-	-	Upper Hunter MHS	-	-
Kempsey CMHS	-	-	Wagga Wagga CMHS	-	2
Lake Illawarra MHS	4	4	Young MHS	2	-

TOTAL NUMBER OF COMMUNITY COUNSELLING ORDERS 2006 50 2005 53

**Table 15****Demographic profile of hearings held for persons whose cases were reviewed under section 118 (community counselling order applications) during the period January to December 2006 and totals for 2005.**

	<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	-	5	3	15	12	3	-	-	38
Female	-	3	3	9	10	7	6	3	41
<b>TOTALS 2006</b>	-	<b>8</b>	<b>6</b>	<b>24</b>	<b>22</b>	<b>10</b>	<b>6</b>	<b>3</b>	<b>79</b>
<b>TOTALS 2005</b>	-	<b>6</b>	<b>6</b>	<b>30</b>	<b>23</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>76</b>

**Table 16****Community treatment orders for gazetted health care agencies made by the Tribunal for the two calendar years 2005 and 2006.**

<i>Health Care Agency</i>	<i>2005 Total CTOs</i>	<i>2006 Total CTOs</i>	<i>Health Care Agency</i>	<i>2005 Total CTOs</i>	<i>2006 Total CTOs</i>
Albury CMHS	38	29	Kempsey CMHS	20	24
Armidale MHS	19	10	Lake Illawarra Sector MHS	80	67
Ashfield CMHS	12	3	Lake Macquarie MHS	56	73
Auburn CHC	57	35	Leeton/Narrandera CHC	4	8
Bankstown-Lidcombe MHS	121	138	Lismore MHOPS	59	57
Barwon MHS	3	3	Lithgow MHS	14	19
Batemans Bay DHC & MHS	31	40	Liverpool MHS	122	147
Bega Valley Counselling & MHS	10	11	Macquarie Area MHS	24	30
Blacktown	123	160	Manly Hospital & CMHS	83	96
Blue Mountains MHS	72	75	Maroubra CMH	143	165
Bondi Junction CHC	19	12	Marrickville CMHS	142	177
Bowral CMHS	38	45	Merrylands CHC	116	98
Campbelltown MHS	109	138	Mid Western CMHS	26	38
Camperdown	70	97	Mudgee MHS	12	5
Canterbury CMHS	132	130	Newcastle MHS	75	82
Catherine Mahoney Aged Care P.U	2	-	Northern Illawarra MHS	92	103
Central Coast AMHS	185	200	Nyngan	-	-
Clarence District HS	34	38	Orange CHC	28	21
Coffs Harbour MHOPS	96	96	Orange C Res/Rehab Service	10	15
Cooma MHS	9	9	Parramatta CHS	47	52
Cootamundra MHS	16	9	Penrith MHS	105	124
Croydon	104	122	Penrith/Hawkesbury MHS	15	5
Deniliquin District MHS	5	6	Port Macquarie CMHS	60	80
Dundas CHC	57	58	Queanbeyan MHS	39	23
Fairfield MHS	123	131	Redfern/Newtown CMHS	39	54
Far West MHS	21	24	Royal North Shore H & CMHS	159	150
Glebe CMHS	15	2	Ryde Hospital & CMHS	78	96
Glen Innes	10	9	Shoalhaven MHS	31	44
Goulburn CMHS	41	47	St George Div of Psychiatry & MH	171	205
Griffith (Murrumbidgee) MHS	3	13	St Josephs Hospital CMACPU	-	1
Hawkesbury MHS	29	19	Sutherland C Adult & Fam MHS	144	112
Hills CMHC	26	28	Tamworth CMHS	30	36
Hornsby Ku-ring-gai Hospital & CMHS	106	122	Taree CMHS	107	105
Hunter	89	88	Tumut	6	5
Hunter NE Mehi/McIntyre	-	4	Tweed Heads MHS	53	68
Hunter NE Peel	-	5	Upper Hunter	1	-
Hunter NE Tablelands	-	11	Wagga Wagga CMHS	67	65
Hunter Valley HCA & Psy Rehab Serv.	54	57	Young MHS	18	16
Illawarra Psychiatric Services	15	14			
Inverell	7	7			
Inner City MHS	95	99			
James Fletcher Hospital	-	1			

**TOTAL NUMBER OF COMMUNITY TREATMENT ORDERS 2006 4611**  
**TOTAL NUMBER OF COMMUNITY TREATMENT ORDERS 2005 4272**

**Table 17**

**Demographic profile of hearings held for persons reviewed under section 131 (community treatment order applications) during the period January to December 2006 and totals for 2005.**

	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	29	849	1296	836	364	149	72	18	3613
Female	17	312	507	489	394	266	136	45	2166
<b>TOTALS 2006</b>	<b>46</b>	<b>1161</b>	<b>1803</b>	<b>1325</b>	<b>758</b>	<b>415</b>	<b>208</b>	<b>63</b>	<b>5779</b>
TOTALS 2005	35	1132	1610	1071	645	378	180	55	5106

**Table 18**

**Number of community counselling orders and community treatment orders made by the Tribunal and by Magistrates for the period 1995 to 2006.**

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Magistrate CCOs	8	7	8	4	4	3	60	15	63	36	7	6
Tribunal CCOs	148	167	178	82	66	69	88	54	70	62	53	50
<b>Total CCOs</b>	<b>156</b>	<b>174</b>	<b>186</b>	<b>86</b>	<b>70</b>	<b>72</b>	<b>148</b>	<b>69</b>	<b>133</b>	<b>98</b>	<b>60</b>	<b>56</b>
Magistrate CTOs	349	365	747	747	844	673	1289	563	1096	2056	1535	1579
Tribunal CTOs	1396	2095	2840	2059	2325	2509	2738	3166	3606	3930	4272	4611
<b>Total CTOs</b>	<b>1745</b>	<b>2460</b>	<b>3587</b>	<b>2806</b>	<b>3169</b>	<b>3182</b>	<b>4027</b>	<b>3729</b>	<b>4702</b>	<b>5986</b>	<b>5807</b>	<b>6190</b>
Total Magistrate CCO/CTOs	2357	372	755	751	848	676	1349	578	1159	2092	1542	1585
Total Tribunal CCO/CTOs	1544	2262	3018	2141	2391	2578	2826	3220	3676	3992	4325	4661
<b>Total CCO/CTOs made</b>	<b>1901</b>	<b>2634</b>	<b>3773</b>	<b>2892</b>	<b>3239</b>	<b>3254</b>	<b>4175</b>	<b>3798</b>	<b>4835</b>	<b>6084</b>	<b>5867</b>	<b>6256</b>



**Table 19****Community treatment orders/community counselling orders made by Magistrates for the calendar years 2004, 2005 and 2006.**

<i>Area Health Service/Region</i>	<i>2004 CCOs</i>	<i>2005 CCOs</i>	<i>2006 CCOs</i>	<i>2004 CTOs</i>	<i>2005 CTOs</i>	<i>2006 CTOs</i>
Albury (Nolan House)	-	-	3	72	19	10
Bankstown (Banks House)	-	-	-	59	48	62
Blacktown (Bungarribee House)	-	-	-	68	42	60
Bloomfield	1	-	1	212	110	93
Blue Mountains	-	-	-	-	-	17
Broken Hill (Special Care Suite)	-	-	-	9	10	9
Campbelltown (Waratah House)	-	-	-	14	32	43
Coffs Harbour (Psychiatric Unit)	1	-	-	81	67	70
Cumberland	-	-	-	26	57	93
Dubbo	-	-	-	-	2	20
Gosford (Mandala Clinic)	8	1	-	61	54	49
Greenwich	-	-	-	3	1	3
Hornsby -	-	-	-	153	41	39
James Fletcher	1	-	-	90	95	73
John Hunter	-	-	-	2	-	4
Kenmore	19	-	1	82	19	28
Lismore (Richmond Clinic)	-	-	-	90	57	71
Liverpool Hospital	-	-	-	82	92	88
Macquarie Hospital	-	3	-	34	30	35
Maitland	-	-	-	25	41	48
Manly (East Wing)	1	-	-	13	4	2
Morisset	-	-	-	-	-	2
Mulawa	-	-	-	4	-	-
Nepean (Pialla Unit)	-	1	-	109	97	59
Norma Parker PMS	-	-	-	3	-	-
Prince of Wales (Psychiatric Unit)	-	-	-	35	29	28
Royal North Shore (Cummins Unit)	2	-	-	68	-	1
Royal Prince Alfred (Missenden Unit)	-	-	-	15	13	10
Rozelle	-	-	-	161	116	124
Shellharbour (Psych Unit/Rehab Unit)	1	-	1	143	106	88
St George (Pacific House)	-	-	-	91	70	58
St Josephs (Psychogeriatric Unit)	-	-	-	4	3	4
St Vincents (Caritas Centre)	-	-	-	15	22	29
Sutherland (Psychiatric Unit)	-	1	-	25	26	24
Tamworth (Banksia Unit)	-	-	-	37	32	39
Taree	-	-	-	10	28	24
Tweed Heads	-	-	-	80	59	66
Wagga Wagga (Gissing House)	-	-	-	20	38	40
Westmead Acute Adolescents	-	-	-	-	3	-
Westmead Adult Psych	-	-	-	-	-	5
Westmead Childrens	-	-	-	-	3	2
Westmead (Psych Geriatric)	1	-	-	2	1	10
Wollongong	-	1	-	25	28	24
Wyong	1	-	-	25	28	25
Yasmar	-	-	-	3	-	-
<b>TOTALS</b>	<b>36</b>	<b>7</b>	<b>6</b>	<b>2056</b>	<b>1535</b>	<b>1579</b>

**Table 20**

**Tribunal determinations on ECT applications for patients for the period January to December 2006 and totals for 2005.**

<i>Outcome</i>	<i>Total</i>
Capable and has consented	40
Incapable of giving informed consent	2
ECT determined to be necessary & desirable	472
ECT determined to be NOT necessary & desirable	6
No jurisdiction/withdrawn	4
Adjourned	35
<b>TOTALS 2006</b>	<b>559</b>
<b>TOTALS 2005</b>	<b>491</b>

**Table 21**

**Demographic profile of ECT hearings held for the period January to December 2006 and totals for 2005.**

	<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	26	27	37	33	33	32	6	195
Female	4	33	47	44	58	52	73	53	364
<b>TOTALS 2006</b>	<b>5</b>	<b>59</b>	<b>74</b>	<b>81</b>	<b>91</b>	<b>85</b>	<b>105</b>	<b>59</b>	<b>559</b>
<b>TOTALS 2005</b>	<b>13</b>	<b>45</b>	<b>98</b>	<b>67</b>	<b>66</b>	<b>67</b>	<b>87</b>	<b>48</b>	<b>491</b>

**Table 22**

**Breakdown by age groups of hearings for ECT held during 2006 by number and percentage of involuntary admissions or reclassifications and percentages for 2005.**

	<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 Persons</i>
Persons receiving ECT	5	59	74	81	91	85	105	59	559
Persons admitted involuntarily and inpatients reclassified to involuntary *	948	3636	3769	2544	1356	606	369	150	13378
<b>PERCENTAGE BY AGE GROUP 2006</b>	<b>0.5%</b>	<b>1.6%</b>	<b>2.0%</b>	<b>3.2%</b>	<b>6.7%</b>	<b>14.0%</b>	<b>28.5%</b>	<b>39.3%</b>	<b>4.2%</b>
<b>PERCENTAGE BY AGE GROUP 2005</b>	<b>1.1%</b>	<b>1.1 %</b>	<b>2.4 %</b>	<b>2.2 %</b>	<b>4.8 %</b>	<b>10.4 %</b>	<b>22.6 %</b>	<b>27.7 %</b>	<b>3.3 %</b>

**Table 23****Results of Tribunal ECT hearings by hospital for the period January to December 2006 and combined totals for 2005.**

<b>Major Psychiatric Hospitals</b>	<i>Tribunal reviews under ss185 and 188</i>	<i>Adjournments</i>	<i>ECT approved by Tribunal</i>	<i>ECT not approved/withdrawn</i>	<i>Patient capable and has consented</i>	<i>Person incapable of consenting</i>
Bloomfield	18	-	18	-	-	-
Cumberland	71	10	59	1	1	-
James Fletcher	44	3	39	-	2	-
Kenmore	-	-	-	-	-	-
Macquarie	24	-	20	-	4	-
Morrisset	-	-	-	-	-	-
Rozelle	45	3	37	1	4	-
<b>SUB-TOTALS 2006</b>	<b>202</b>	<b>16</b>	<b>173</b>	<b>2</b>	<b>11</b>	<b>-</b>
SUB-TOTALS 2005	176	9	149	6	12	-
<b>Public Hospital Units</b>						
Albury	6	-	6	-	-	-
Bankstown	31	1	28	1	1	-
Blacktown	14	2	11	-	1	-
Campbelltown	11	-	10	-	1	-
Coffs Harbour	8	-	8	-	-	-
Concord	1	-	1	-	-	-
Gosford	14	-	12	-	2	-
Goulburn	7	-	6	-	1	-
Greenwich	21	4	15	1	1	-
Hornsby	12	-	10	-	1	1
John Hunter	3	-	2	-	1	-
Lismore	16	-	14	1	1	-
Liverpool	11	-	11	-	-	-
Maitland	19	-	18	-	1	-
Manly	14	1	11	-	2	-
Nepean	11	1	8	-	2	-
Port Kembla	-	-	-	-	-	-
Prince of Wales	18	3	13	1	1	-
Royal North Shore	8	-	8	-	-	-
RPA Missenden Unit	4	2	-	1	1	-
Shellharbour	17	1	14	-	2	-
St George	22	-	20	1	1	-
St Josephs	1	-	1	-	-	-
St Vincents (Caritas)	5	-	4	-	1	-
Sutherland	4	-	4	-	-	-
Tamworth	13	-	12	-	-	1
Taree	11	2	5	-	4	-
Tweed Heads	3	-	3	-	-	-
Wagga Wagga	6	1	4	-	1	-
Westmead Acute Adolesc	1	-	1	-	-	-
Westmead Adult Psych	11	1	10	-	-	-
Westmead Children's	2	-	2	-	-	-
Westmead Psych/Geriatric	6	-	6	-	-	-
Wollongong	5	-	4	-	1	-
Wyong	21	-	18	-	3	-
<b>SUB-TOTALS 2006</b>	<b>357</b>	<b>19</b>	<b>300</b>	<b>6</b>	<b>30</b>	<b>2</b>
<b>SUB-TOTALS 2005</b>	<b>315</b>	<b>14</b>	<b>265</b>	<b>1</b>	<b>34</b>	<b>1</b>
<b>COMBINED TOTAL</b>						
<b>ALL HOSPITALS 2006</b>	<b>559</b>	<b>35</b>	<b>473</b>	<b>8</b>	<b>41</b>	<b>2</b>
<b>COMBINED TOTAL</b>						
<b>ALL HOSPITALS 2005</b>	<b>491</b>	<b>23</b>	<b>414</b>	<b>7</b>	<b>46</b>	<b>1</b>

**Table 24**

**Breakdown of Tribunal approvals of surgical operations and special medical treatments (MHA ss205 – 207) during the period January to December 2006.**

<i>Patient</i>	<i>Surgical Procedure</i>
1	Excision and biopsy of sub cutaneous chest lesion
2	Extraction of broken & infected lower teeth under GA
3	Remove squamous cell carcinoma on left foot under GA
4	CT scan and percutaneous biopsy under GA
5	Kidney stone dissappeared
6	Hernia repair,removal lesions right leg and left neck
7	Full dental clearance under GA
8	Insertion of pace maker with anaesthetic as required
9	CT scan with intravenous contrast
10	Right hemi colectomy
11	Colonoscopy and gastroscopy
12	Removal of keratoc canthuma from right eye lid
13	Laparocepic invest and division of adhesions if necessary
14	Cataract Surgery
15	Amputation of second left toe
16	Insert port-a-cath under anaesthetic
17	Cyst extirpation

NOTE: The Tribunal found that it had no jurisdiction in three matters. One matter was withdrawn at hearing.

**Table 25**

**Surgery under the emergency provisions (ss 201 – 203) during the period January to December 2006.**

<i>Patient</i>	<i>Surgical Procedure</i>
1	Exploration of right hand wound repair muscle in hand
2	Laparotomy/ultra sound biliary obstruction
3	Internal fixation of fractured right wrist
4	Laparotomy
5	Cystoscopy removal of polyps
6	Repair of right indirect hernia
7	Hemi aratharoplasty bipolar prosthesis
8	Endoscopy/gastrosepy
9	Incisions and drainage of right leg
10	Laparotomy
11	GA MRI/MRA scan and lumbar puncture
12	Lumba Puncture under GA
13	Closed reduction and internal fixation left ankle
14	Drain pleural effusion
15	Lumba puncture

## 3.2. PROTECTED ESTATES

**Table 26**

**Summary of statistics relating to the Tribunal's jurisdiction under the Protected Estates Act 1983 for the period January to December 2006 and totals for 2005.**

Section of Act	Description of Reviews	Reviews			Adjournments	Order made	No Order made	Interim Order under s20	Revocation Approved	Revocation Declined	Legal Repres.
		M	F	T							
s.17	Referred to Tribunal by Magistrate	60	39	99	31	16	45	7	-	-	74
s.18	Order made on Forensic Patient	4	3	7	-	5	1	1	-	-	6
s.19	On application to Tribunal for Order	125	94	219	28	112	40	39	-	-	181
s.36	Revocation of Order	16	20	36	9	-	-	-	20	7	4
<b>TOTALS 2006</b>		<b>205</b>	<b>156</b>	<b>361</b>	<b>68</b>	<b>133</b>	<b>86</b>	<b>47</b>	<b>20</b>	<b>7</b>	<b>265</b>
<b>TOTALS 2005</b>		<b>170</b>	<b>123</b>	<b>293</b>	<b>49</b>	<b>82</b>	<b>56</b>	<b>82</b>	<b>18</b>	<b>6</b>	<b>219</b>

### 3.3. FORENSIC JURISDICTION

**Table 27**

**Summary of statistics relating to the Tribunal's forensic jurisdiction for the periods January to December 2006 and 2005 for forensic patient case reviews under the Mental Health Act 1990.**

<i>Act and Section</i>	<i>Description of Review</i>	<b>2005 Reviews</b>			<b>2006 Reviews</b>		
		<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	-	-	-	-	-	-
80(1)(a) MHA	After Court inquiry where detention imposed - consider (a) fitness & (b) danger to self or public	-	-	-	1	-	1
80(1)(b) MHA	After special hearing where limiting term and detention imposed - Consider (a) fitness & (b) danger to self or public	6	-	6	4	2	6
81(1)(a) MHA	After special hearing - not guilty by reason of mental illness	1	-	1	3	1	4
81(1)(b)	After Trial - not guilty by reason of mental illness	9	3	12	16	1	17
82 MHA	Regular periodic review of forensic patient	378	31	409	453	49	502
82(s.94) MHA	Following reinvestigation of person apprehended under s93	-	-	-	-	-	-
82(s.96) MHA	Request for transfer to prison	-	-	-	-	-	-
86(1) MHA	Review of person transferred from prison	24	9	33	33	9	42
188	Application for ECT	1	-	1	3	-	3
205C(i)	Application for surgical operation	2	-	2	-	-	-
<b>TOTAL</b>		<b>421</b>	<b>43</b>	<b>464</b>	<b>513</b>	<b>62</b>	<b>575</b>
	<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	31	2	33	30	11	41
24 MHCPA	Determination of mental state following making of a limiting term after a special hearing	5	-	5	4	2	6
<b>TOTAL</b>		<b>36</b>	<b>2</b>	<b>38</b>	<b>34</b>	<b>13</b>	<b>47</b>
<b>COMBINED TOTALS</b>		<b>457</b>	<b>45</b>	<b>502</b>	<b>547</b>	<b>75</b>	<b>622</b>

**Table 28****Outcomes of reviews held under the forensic provisions of the Mental Health Act 1990 from January to December 2006, Tribunal recommendations, and responses of the Executive Government and totals for 2005.**

	<i>Reviews</i>			<i>Approvals</i>			<i>Partial</i>			<i>Not Approved</i>			<i>Pending</i>			<i>N/A</i>		
	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>
No change in conditions of detention	222	24	246	169	23	192	1	-	1	8	-	8	44	1	45	-	-	-
Less restrictive conditions of detention	72	10	82	28	3	31	3	-	3	27	5	32	13	2	15	1	-	1
More restrictive conditions of detention	6	-	6	3	-	3	-	-	-	-	-	-	3	-	3	-	-	-
Conditional release	22	4	26	5	1	6	-	-	-	10	2	12	7	1	8	-	-	-
No change in conditions of release	99	7	106	85	5	90	-	-	-	1	1	2	13	1	14	-	-	-
Less restrictive conditional release	7	1	8	6	1	7	1	-	1	-	-	-	-	-	-	-	-	-
More restrictive conditional release	1	-	1	-	-	-	-	-	-	-	-	-	1	-	1	-	-	-
Unconditional release	5	1	6	4	1	5	-	-	-	1	-	1	-	-	-	-	-	-
Revocation of Conditional Release	-	2	2	-	-	-	-	-	-	-	-	-	-	2	2	-	-	-
Adjournment	65	15	80	-	-	-	-	-	-	-	-	-	-	-	-	65	15	80
Not forwarded or acted upon upon due to changed circumstances	12	1	13	-	-	-	-	-	-	-	-	-	-	-	-	12	1	13
Determined under s.16(1) Person IS FIT to be tried	2	-	2	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2
DETERMINED under s.16(1) Person probably WILL NOT become fit to be tried in 12 months	13	5	18	-	-	-	-	-	-	-	-	-	-	-	-	13	5	18
DETERMINED under s.16(1) Person WILL become fit to be tried within 12 months	6	-	6	-	-	-	-	-	-	-	-	-	-	-	-	6	-	6
DETERMINED under s.24(2) Person IS mentally ill Referring court notified	1	1	2	-	-	-	-	-	-	-	-	-	-	-	-	1	1	2
DETERMINED under s.24(2) Person is NEITHER mentally ill NOR suffering from a mental condition	2	-	2	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2
DETERMINED under s.24(2) Person is suffering from a mental condition treatable in a hospital and objects to being in a hospital	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1
DETERMINED under s.80(2) If person is unfit to be tried and release would endanger public	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Determined under s.80(2) that person is fit to be tried and release would not endanger public	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1
DETERMINED under s.89(2) that patient be reclassified to continued treatment patient status.	9	4	13	-	-	-	-	-	-	-	-	-	-	-	-	9	4	13
<b>TOTAL Recommendations and Outcomes 2006</b>	<b>546</b>	<b>76</b>	<b>622</b>	<b>300</b>	<b>34</b>	<b>334</b>	<b>5</b>	<b>-</b>	<b>5</b>	<b>47</b>	<b>8</b>	<b>55</b>	<b>81</b>	<b>7</b>	<b>88</b>	<b>113</b>	<b>27</b>	<b>140</b>
<b>TOTAL Recommendations and Outcomes 2005</b>	<b>455</b>	<b>45</b>	<b>500</b>	<b>240</b>	<b>20</b>	<b>260</b>	<b>5</b>	<b>1</b>	<b>6</b>	<b>49</b>	<b>9</b>	<b>58</b>	<b>69</b>	<b>4</b>	<b>73</b>	<b>95</b>	<b>8</b>	<b>103</b>

Note The Tribunal also conducted 3 hearings in relation to ECT concerning forensic patients.

**Table 29****Location of forensic patient case reviews held between January and December 2006.**

CUMBERLAND HOSPITAL	81
FRANK BAXTER JUVENILE JUSTICE CENTRE	1
GOULBURN GAOL	2
KENMORE HOSPITAL	8
LONG BAY PRISON HOSPITAL	210
MACQUARIE HOSPITAL	9
MORISSET HOSPITAL	47
METROPOLITAN RECEPTION AND REMAND CENTRE	62
MULAWA CORRECTIONAL CENTRE	11
PRINCE OF WALES	1
TRIBUNAL PREMISES	167
ROZELLE HOSPITAL	21
WINDSOR COLLECTIONS HEALTH	2
TOTAL	622

**Table 30****Location of Forensic Patients as at 31 December 2006.**

BATHURST	1
COMMUNITY	76
CUMBERLAND HOSPITAL	39
GOULBURN GAOL	2
JUVENILE JUSTICE CENTRE	1
KENMORE HOSPITAL	3
LISMORE	1
LONG BAY SPECIAL PURPOSE CENTRE	2
LONG BAY PRISON HOSPITAL	98
MACQUARIE HOSPITAL	3
METROPOLITAN RECEPTION AND REMAND CENTRE	31
MORISSET HOSPITAL	21
MULAWA - PMS	11
ROZELLE HOSPITAL	7
SILVERWATER - PMS	1
WINDSOR	1
YASMAR	1
TOTAL	299



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# APPENDICES

## APPENDIX 1

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### **Patient statistics required under MHA s261(2) concerning people taken to hospital during period January to December 2006**

(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	9123	125	9248
s24	Apprehension by Police	2509	368	2877
s26	Welfare Officer	151	3	154
s142	Breach Community Treatment Order	141	13	154
s23	Request by relative/friend	946	4	950
s25	Order of Court	161	44	1205
s21 via s27	Authorised Doctor's Certificate	110	-	110
<b>TOTAL ADMISSIONS</b>		<b>13141</b>	<b>557</b>	<b>14698</b>
RECLASSIFIED FROM INFORMAL TO INVOLUNTARY		1306	7	1313
<b>TOTAL</b>		<b>14447</b>	<b>546</b>	<b>16011</b>

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

*Persons were detained as mentally ill persons on 9977 occasions and as mentally disordered persons on 3401 occasions.*

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

*A total of 12323 magistrate's inquiries under section 41 were commenced and 5121 of these inquiries were concluded.*

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

*Persons were detained as Temporary Patients at the conclusion of a Magistrate's hearing on 2746 occasions.*

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

*A total of 1733 Temporary Patient reviews were held by the Tribunal under sections 56 and 58. Persons were further detained as temporary patients on 847 occasions and were classified as Continued Treatment Patients on 307 occasions.*

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

### 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

## Mental Health Review Tribunal Members as at 31 December 2006

**FULL-TIME MEMBERS** The Hon. Greg James Q.C (President) Ms M Bisogni (Deputy President) The Hon. Terry Christie (Part Time Deputy President)

**PART-TIME MEMBERS**

**Lawyers**

Mrs C Abela  
Mrs D Barneston  
Ms H M Boyton  
Mrs H Brennan  
Ms C Carney  
Ms J D'Arcy  
Ms L J Emery  
Ms H Gamble  
Mr A Giurissecich  
Mr A Glass  
Mr R Green  
Mr R Gulley  
Ms R Gurr  
Mr K W Hale  
Mr R Handley  
Mr D Hartstein  
Ms D Harvey  
Mr H Heilpern  
Mr J Hislop  
Mr J F Hookey  
Mr T J Kelly  
Ms H L Kramer  
Mr P Krebs  
Ms M MacRae  
Ms C McCaskie  
Ass Prof A Rees  
Ms K Ross  
Ms A Scahill  
Mr J Simpson  
Ms R R Squirchuk  
Mr W Tearle  
Ms M White  
Mr H Woltring

**Psychiatrists**

Dr C Allcock  
Dr A G G Bennett  
Dr B Beottcher  
Dr B Burkitt  
Dr J A Campbell  
Dr J Carne  
Dr S Chaturvedi  
Dr G M DeMoore  
Dr J Donsworth  
Dr C P Doutney  
Dr J Ellard, AM  
Prof J Greenwood  
Dr J Hollis  
Dr R Howard  
Dr K Koster  
Dr D Kral  
Dr L Lampe  
Dr W Lucas  
Dr R McMurdo  
Dr J Miller  
Dr O Nielssen  
Dr G A Rickarby  
Prof P Shea  
Dr J Spencer  
Prof C Tennant  
Dr P W Thiering  
Dr A Walker  
Dr A T Williams  
Dr J Woodforde  
Dr Yuvarajan

**Other**

Mr S Alchin  
Ms E Barry  
Mr P Bazzana  
Mr I Beale  
Ms D Bell  
Mr G Y L Cheung  
Ms G Church  
Dr L Craze  
Ms M Gardner  
Mr M Gerondis  
Mr J Haigh  
Ms S Hong  
Ms L M Houlahan  
Ms S Johnston  
Dr T S Keogh  
Ms J Koussa  
Ms R Kusama  
Mr G Lambert  
Ms J Learmont  
Ms L Manns  
Dr M A Martin  
Ass Prof. M McDaniel  
Mr S J Merritt  
Ms F T Ovadia  
Mr A Owen  
Mr M Ragg  
Mr R Ramjan  
Ms F Reynolds  
Mr A Robertson, PSM  
Ms R H Shields  
Ms A Shires  
Ms M Smith OAM  
Dr S Stone  
Ms P Verrall  
Ms E A Whaite  
Dr R A Witton  
Ass Prof S Woods

The terms of following members expired during 2006. Their contribution as members is acknowledged and appreciated.

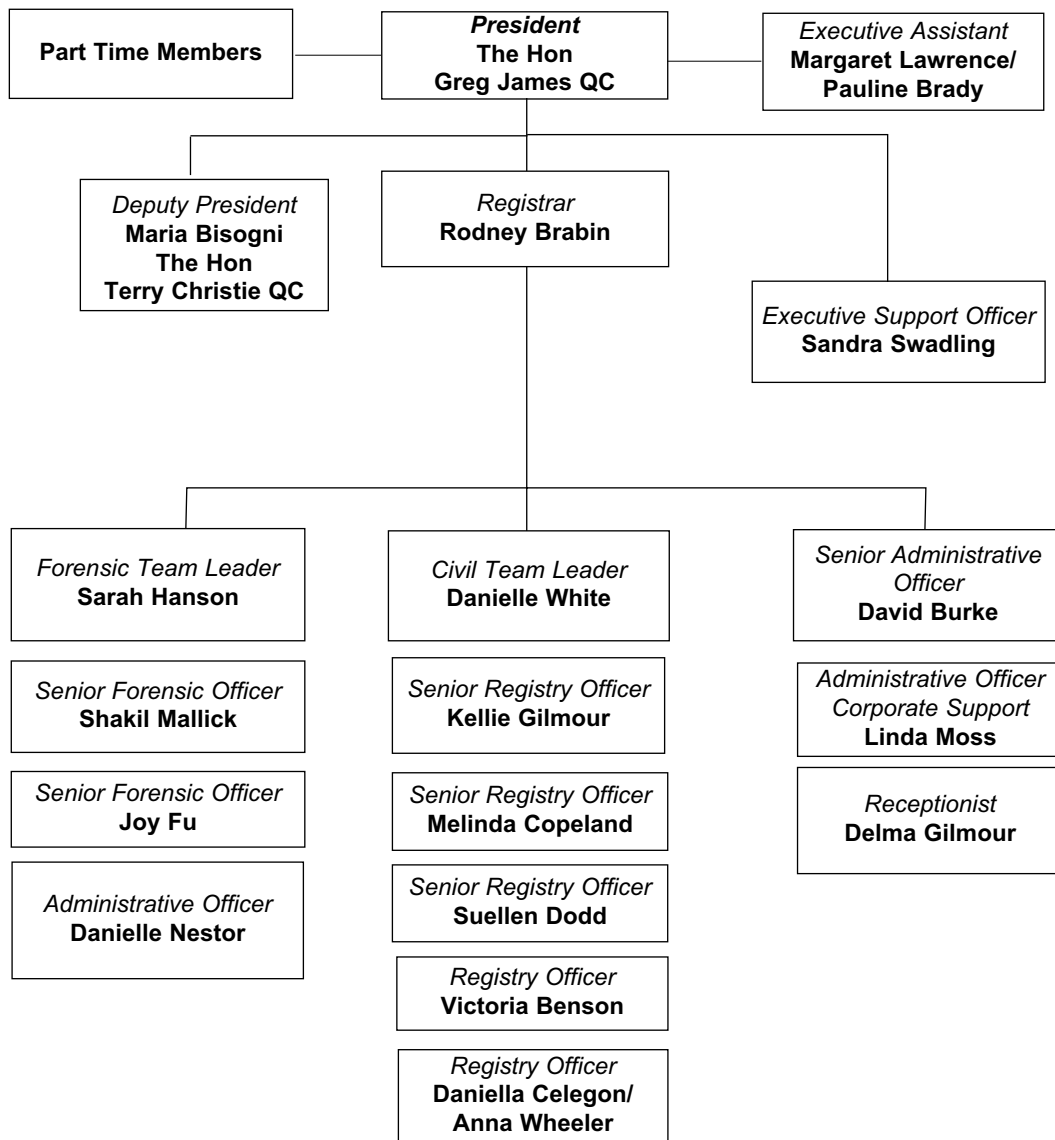
Ms A Beckett  
Ms C Huntsman  
Ms L Re  
Ms A Sekar

Dr R Cole  
Dr B Teoh  
Dr L Tsang  
Dr J Wallace

Ms L Collins  
Ms A Deveson  
Ms B Gilling  
Ms S Taylor

## MENTAL HEALTH REVIEW TRIBUNAL

### Organisational Structure and Staffing as at 31 December 2006



**FINANCIAL SUMMARY**  
**Budget Allocation and Expenditure 2005/2006**

The Tribunal ended the 2005/2006 financial year with a budget surplus of \$5,354. Expenditure during the year was directed to the following areas:

	\$	\$
<b>Tribunal Budget*</b>		<b>\$3,726,915</b>
<b>Revenue</b>		<u><b>11,059</b></u>
		<u><b>3,737,974</b></u>
Salaries and Wages**	3,231,927	
Goods and Services	432,574	
Equipment, repairs and maintenance	52,663	
Depreciation	15,456	
<b>Expenditure</b>	<b>3,732,620</b>	<b>3,732,620</b>
<b>Budget Surplus</b>		<b>-5,354</b>

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\* Includes \$75,000 supplementation received in June 2006

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

APPENDIX 6

**MONTHLY CIVIL HEARING SCHEDULE FOR 2006**

<i>FIRST WEEK</i>	<i>SECOND WEEK</i>	<i>THIRD WEEK</i>	<i>FOURTH WEEK</i>	<i>FIFTH WEEK</i>
<b>MON</b>				
Hurstville	Sutherland + St George	Hurstville	Sutherland + St George	
Blacktown + Westmead	Blacktown	Blacktown + Westmead	Blacktown	
Phone/Video	Phone/Video	Phone/Video	Phone/Video	Phone/Video
<b>TUES</b>				
Rozelle	Rozelle/RPAH	Rozelle	Rozelle/RPAH	Rozelle
James Fletcher	Wyong	James Fletcher	James Fletcher	
	St Vincents + Prince of Wales	Gosford Hospital	St Vincents + Prince of Wales	
		Kenmore Hospital (bi monthly)		
Phone/Video	Phone/Video	Phone/Video	Phone/Video	Phone/Video
<b>WED</b>				
Morisset	Bloomfield (2 days - once every 3 mths)	Morisset		Morisset
Cumberland	Cumberland	Cumberland	Cumberland	Cumberland
Liverpool + Campbelltown		Liverpool + Campbelltown		
Phone/Video x 2	Phone/Video x 2	Phone/Video x 2	Phone/Video x 2	Phone/Video x 2
<b>THURS</b>				
RNSH	Macquarie	RNSH + Manly	Macquarie	
Hornsby	Bankstown - Phone/Video	Hornsby		
Manly & Queenscliff	Bloomfield (2 days - once every 3 months)		Bankstown + Fairfield CHC	
Phone/Video	Phone/Video	Phone/Video	Phone/Video	Phone/Video
<b>FRI</b>				
Phone/Video x 2	Phone/Video x 2	Phone/Video x 2	Phone/Video x 2	Phone/Video
Wollongong		Shellharbour	Wollongong	

APPENDIX 7

**Comparison of methods of referral for persons taken to a hospital, or classified 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 2006 and combined totals for 2005.**

<b>ESB</b>	<b>Male</b>	<b>Female</b>	<b>Total Admissions/ Reclassifications</b>	<b>Needing Interpreter</b>
Certificate of doctor	4571	3728	8299	1
Apprehension by police	1603	954	2557	-
Welfare officer	59	52	111	1
Breach of community treatment order	98	31	129	-
Request by relative/friend	435	375	810	1
Order under Crimes Act	148	40	188	-
Authorised person's order	52	34	86	-
<b>TOTAL ESB ADMITTED</b>	<b>6866</b>	<b>5214</b>	<b>12180</b>	<b>3</b>
<b>ESB RECLASSIFIED TO INVOLUNTARY</b>	<b>655</b>	<b>524</b>	<b>1179</b>	<b>-</b>
<b>GRAND TOTAL ESB 2006</b>	<b>7521</b>	<b>5738</b>	<b>13359</b>	<b>3</b>
<b>GRAND TOTAL ESB 2005</b>	<b>8438</b>	<b>6220</b>	<b>14658</b>	<b>13</b>

<b>NESB</b>	<b>Male</b>	<b>Female</b>	<b>Total Admissions/ Reclassifications</b>	<b>Needing Interpreter</b>
Certificate of doctor	490	460	950	92
Apprehension by Police	190	130	320	24
Welfare Officer	20	23	43	9
Breach community treatment order	14	11	25	3
Request by relative/friend	72	69	141	28
Order under Crimes Act	14	3	17	1
Authorised person's order	15	9	24	1
<b>TOTAL NESB ADMITTED</b>	<b>815</b>	<b>705</b>	<b>1520</b>	<b>158</b>
<b>NESB RECLASSIFIED TO INVOLUNTARY</b>	<b>55</b>	<b>79</b>	<b>134</b>	<b>10</b>
<b>GRAND TOTAL NESB 2006</b>	<b>870</b>	<b>784</b>	<b>1654</b>	<b>168</b>
<b>GRAND TOTAL NESB 2005</b>	<b>1002</b>	<b>833</b>	<b>1835</b>	<b>290</b>



## **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 2006 that related to its administration or policy functions.

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

***AS AT 31 DECEMBER 2006***

#### ***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

Buiding 40, Digby Road  
Gladesville Hospital  
GLADESVILLE NSW 2111  
(PO Box 2019, BORONIA PARK NSW 2111).

Telephone: (02) 9816 5955      Facsimile: (02) 9817 4543

E-mail: [mhrt@doh.health.nsw.gov.au](mailto:mhrt@doh.health.nsw.gov.au)      Website: [www.mhrt.nsw.gov.au](http://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 twelve months.
- The Tribunal can provide a copy of the sound recording, and may provide a transcript of a hearing under certain circumstances, (as outlined in 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.
3. FORENSIC PATIENT REGISTER  
Contains details of all forensic patients who have appeared before the Tribunal.
4. FORENSIC PATIENT REVIEWS

## APPENDIX 8 (continued)

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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 19,500 patient files for both Civil and Forensic matters. Files are identified by a patient's name and a file number. The file contains some information about each patient's clinical history, eg. copies of medical reports and details of each review.

#### *ADMINISTRATIVE FILES*

- The Tribunal currently has 510 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 and a number of information brochures.

#### *REGISTERS*

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

#### *BOOKS*

- The Tribunal maintains its own small reference library.

## APPENDIX 9

### DATA FROM FORENSIC CENSUS 30 June 2006.

#### Category of Forensic Patients as at 30 June 2006

CATEGORY	MALE	FEMALE	TOTAL
Not Guilty by Reason of Mental Illness	186	17	203
Fitness	28	5	33
Limiting Term	12	3	15
Transferee	46	13	59
Total	272	38	310

#### Location of Forensic Patients as at 30 June 2006

BATHURST	1
BLOOMFIELD	1
COMMUNITY	79
CUMBERLAND	36
GOULBURN	2
GRAFTON	1
JUNEE	1
JUVENILE JUSTICE CENTRE	3
KENMORE HOSPITAL	3
LISMORE	1
LITHGOW	1
LONG BAY MMTC	6
LONG BAY SPECIAL PURPOSE CENTRE	3
LONG BAY PRISON HOSPITAL	82
MACQUARIE HOSPITAL	3
MORISSET HOSPITAL	20
MRRC	40
MULAWA	14
ROZELLE HOSPITAL	7
SILVERWATER	2
WINDSOR	1
WYONG	2
YASMAR	1
<b>TOTAL</b>	<b>310</b>

#### Number of Forensic Patients 1991 - 30 June 2006

YEAR	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Forensic Patients	77	88	90	102	123	123	126	144	176	193	223	247	279	277	284	310

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

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