

CRIMINAL LAW (MENTALLY IMPAIRED ACCUSED) ACT — CUSTODY ORDERS

179. Hon TJORN SIBMA to the parliamentary secretary representing the Attorney General:

I refer to the Criminal Law (Mentally Impaired Accused) Act 1996.

- (1) As at 31 December 2021, how many of the 56 persons subject to an order under this act were subject to a custody order of indefinite length?
- (2) What was the offence for which the indefinite custody order was made?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following information has been provided to me by the Attorney General.

- (1) All 56 persons subject to an order under the Criminal Law (Mentally Impaired Accused) Act 1996 are subject to a custody order of indefinite length. The data is as at 31 December 2022 and not 2021. There are no persons on community orders. Although some of the cohort are accessing conditional release or leave of absence in the community, an indefinite custody order remains underlying all those orders.
- (2) This part of the question is in tabular form and I seek leave to have it incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

Snapshot of persons managed under the *Criminal Law (Mentally Impaired Accused) Act 1996*

As at 31 December 2022

Total	Reason	Current Place of Custody Order	Current Order ²	Offence for which order was made ³
56 persons subject to orders under the CLMIA Act	25 persons Unfit to Stand Trial	11 persons Frankland Centre	2 persons Custody Order	4 persons Murder or Wilful Murder
			8 persons Leave of Absence Order	1 person Attempted Murder
			1 person Conditional Release Order	7 persons Sexual offences (e.g indecent dealing / sexual penetration of a child;sexual penetration without consent)
		3 persons Graylands Hospital	1 person Leave of Absence Order	3 persons Criminal damage by fire / arson
			2 persons Conditional Release Order	4 persons Assault occasioning bodily harm, grievous bodily harm, assault public officer or similar
		6 persons Prison	2 persons Custody Order	2 persons Common assault
			2 persons Leave of Absence Order	3 persons Burglary-type offences
			2 Person Conditional Release Order	1 person Driving offences
		5 persons Disability Justice Centre	3 persons Leave of Absence Order	
			2 persons Conditional Release Order	
	31 persons Not Guilty Due to Unsoundness of Mind ¹	12 persons Frankland Centre	2 persons Custody Order	23 persons Murder or Wilful Murder
			10 persons Leave of Absence Order	3 persons Attempted Murder
		11 persons Graylands Hospital	5 persons Leave of Absence Order	2 persons Assault occasioning bodily harm
			6 persons Conditional Release Order	1 person Aggravated sexual assault
		8 persons Prison	3 persons Custody Order	1 person Indecent dealing with a child
			3 persons Leave of Absence Order	1 person Common assault
			2 Person Conditional Release Order	

¹ One of the 56 persons is subject to two custody orders. The first is due to 'Unsoundness of Mind'; the second is due to 'Unfit to Stand Trial'. The person has been counted once only, in the 'Unsoundness of Mind' category.

Extract from *Hansard*
[COUNCIL — Tuesday, 14 March 2023]
p774d-775a
Hon Tjorn Sibma; Hon Matthew Swinbourn

² All current orders are underpinned by a custody order, but a person may have a leave of absence or conditional release order in place.

³ Some persons were charged with multiple counts of the same offence, or multiple different offences. The most serious offence / offence type only is listed.
