

MENTAL IMPAIRMENT REVIEW TRIBUNAL

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

I refer to the Criminal Law (Mental Impairment) Bill 2022 and the proposed establishment of the Mental Impairment Review Tribunal in place of the Mentally Impaired Accused Review Board.

- (1) What substantial change in purpose, function and powers will the tribunal have versus those already exercisable by the board?
- (2) What resource implications will eventuate a consequence of dissolving the board and establishing the tribunal?

I anticipate a long answer!

The PRESIDENT: If you anticipate a long answer, perhaps you could consider the nature of the question. Thank you for fessing up though.

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. It is a long answer and it will take me some time to read it out. The following information has been provided to me by the Attorney General.

- (1) The Mental Impairment Review Tribunal will, at least transitionally, largely be a continuation of the membership of the existing Mentally Impaired Accused Review Board, with significant enhancements in its functions, powers and responsibilities. Presided over by a retired judge of the Supreme Court or District Court, the tribunal will have a specialist membership of experts including psychiatrists and psychologists; community members with knowledge and understanding of relevant issues including the criminal justice system, Aboriginal cultural considerations, victim's interests and forensic mental health and disability; and members from the disability division of the Department of Communities and the corrective services divisions of the Department of Justice. This mix of members will ensure that the tribunal is well placed to manage supervised persons both in custody and in the community.

The tribunal will be responsible for the day-to-day administration and management of custody, leave of absence and community supervision orders. That means the tribunal could impose and vary conditions on community supervision orders, which can be completely tailored to an individual's requirements. Unlike the MIARB, the tribunal will also have the power to directly grant leaves of absence to supervised persons in custody on such conditions and for such periods as it thinks fit. Conditions placed on leave of absence orders can be similarly tailored to the individual. The tribunal will also have extensive powers to compel the production of documents and information. The tribunal will be guided in all its decisions by the overriding consideration of community protection.

- (2) Implementation of the bill, including the establishment of the tribunal in place of the board, will have some cost to government and will be considered as part of budget processes.