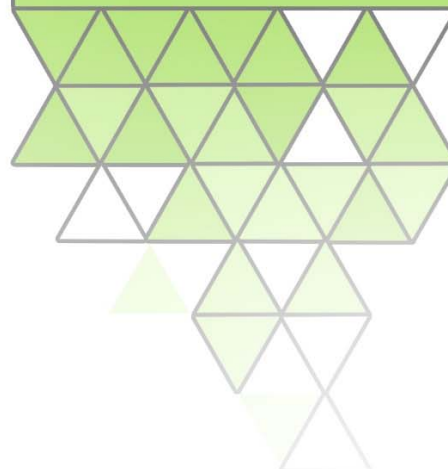


MENTALLY
IMPAIRED
ACCUSED
REVIEW
BOARD

ANNUAL
REPORT
2018/19





FOREWORD

**THE HON. JOHN ROBERT QUIGLEY MLA
ATTORNEY GENERAL; MINISTER FOR COMMERCE**

To the Attorney General,
The Honourable John Robert Quigley

I present to you the Annual Report of the Mentally Impaired Accused Review Board for the year ended 30 June 2019.

This annual report is provided to you in accordance with section 48 of the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA) which stipulates that before 1 October in each year the Board is to give a written report to the Minister on –

- a. the performance of the Board's functions during the previous financial year
- b. statistics and matters relating to mentally impaired accused
- c. the operation of this Act so far as it relates to mentally impaired accused.

A handwritten signature in black ink, reading 'Allan Fenbury'. The signature is written in a cursive, flowing style.

His Honour Allan Fenbury
Chairperson
Mentally Impaired Accused Review Board

CHAIRPERSON'S OVERVIEW

The last financial year was another busy one for the Mentally Impaired Accused Review Board (the Board) which is established under the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA) (the Act).

As at 30 June 2019 there were 42 mentally impaired accused under the Board's jurisdiction:

- 11 were in an authorised hospital (or participating in leaves of absence from an authorised hospital).
- 3 were in a declared place.
- 10 were in prison (or participating in leaves of absence from prison).
- 18 were in the community subject to a Conditional Release Order.



MEMBERSHIP OF THE BOARD



Apart from meeting on twenty five occasions in the past year, the Board also found time to visit the Disability Justice Centre at Bennett Brook. We were most impressed not only with the facilities physical presentation but also its operational systems of caring for its residents.

I would again like to conclude by conveying my personal thanks to the wonderful support staff who are provided by the Department of the Justice and the Board Members. I am most impressed by their dedication, focus and work ethic. So far as the Board members go, they take their roles very seriously, prepare for meetings meticulously, and do their best to apply the relevant provisions of the legislation. The MIARB as a whole is a very competent and cohesive outfit and it has had a busy and excellent year.

A handwritten signature in black ink, which appears to read "Alan Featherman".

Chairperson
Mentally Impaired Accused Review Board

30 August 2019

STATISTICS

As of 30 June 2019, 42 mentally impaired accused were under the statutory authority of the Board. Each accused has an individual set of circumstances which are unique and need to be considered accordingly by the Board. The number of accused under the jurisdiction of the Board changes throughout the financial year period due to the number of custody orders made by the courts and the number of accused discharged from their custody orders.

BOARD MEETINGS PER FINANCIAL YEAR



YEAR	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
NUMBER OF MEETINGS	19	25	30	31	24

For the period from 1 July 2018 to 30 June 2019, the Board met on 24 occasions.

CUSTODY ORDERS MADE BY THE COURTS



A court may determine to place an accused person, who is found unfit to stand trial, on a custody order pursuant to section 16 or section 19 of the Act. A court may determine to place an accused person, who is acquitted on account of unsoundness of mind, on a custody order pursuant to section 21 or 22 of the Act.

Section 25 of the Act stipulates that the Board is then required to review the case of an accused within five working days of a custody order being made by a court.

YEAR	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
NEW CUSTODY ORDERS MADE BY THE COURTS	2	2	4	4	8

PLACE OF CUSTODY ORDERS MADE BY THE BOARD



Section 24(1) of the Act states that a mentally impaired accused is to be detained in an authorised hospital, a declared place, a detention centre or a prison, as determined by the Board, until released by order of the Governor.

The declared place is known as the Bennett Brook Disability Justice Centre.

Place of custody, as at 30 June 2019, for the 42 mentally impaired accused:

AUTHORISED HOSPITAL	PRISON	DECLARED PLACE	NOT IN CUSTODY¹
11	10	3	18



REPORTS TO THE MINISTER

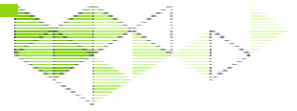
Section 33 of the Act outlines when the Board is required to give the Minister a written report about a mentally impaired accused. These are referred to as statutory reports.



YEAR	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
NUMBER OF REPORTS SUBMITTED TO THE ATTORNEY GENERAL	45	41	47	41	41

¹ Not in custody figure includes accused that are on Conditional Release Orders.

RELEASE OF MENTALLY IMPAIRED ACCUSED PERSONS



NUMBER OF CONDITIONAL RELEASE ORDERS ISSUED BY THE GOVERNOR IN EXECUTIVE COUNCIL FOR 2018-2019	NUMBER OF ACCUSED CURRENTLY ON CONDITIONAL RELEASE ORDERS AS AT 30 JUNE 2019
7 (including amendments to Conditional Release Orders)	18

