



MENTALLY IMPAIRED ACCUSED REVIEW BOARD

ANNUAL REPORT
2012-2013

For the year ended 30 June 2013

CRIMINAL LAW (MENTALLY IMPAIRED ACCUSED) ACT 1996



MENTALLY IMPAIRED ACCUSED REVIEW BOARD

Foreword,

To the Honourable Michael Mischin, MLC, Attorney General; Minister for Commerce,

I present to you the Annual Report of the Mentally Impaired Accused Review Board of Western Australia for the year ended 30 June 2013.

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; and
- (c) the operation of this Act so far as it relates to mentally impaired accused.

A handwritten signature in blue ink, appearing to read 'Robert Cock'.

His Honour Judge Robert Cock QC

CHAIRMAN

MENTALLY IMPAIRED ACCUSED REVIEW BOARD

In line with State Government of Western Australia requirements, the Mentally Impaired Accused Review Board annual report is published in an electronic format with limited use of graphics and illustrations to help minimise download times.



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MENTALLY IMPAIRED ACCUSED REVIEW BOARD

1 *MESSAGE FROM THE CHAIRMAN*

There has been considerable interest in the Government's decision to build two declared places in the metropolitan area. The Mentally Impaired Accused Review Board (the Board) is very pleased with the decision to construct the two facilities, but it must not be forgotten that these facilities are designed only for cognitively impaired accused, which is only half of the cohort for whom the Board has statutory responsibilities. It would be disastrous for the mentally ill accused to be forgotten, as although they are sometimes able to be accommodated at the Frankland Centre, that facility is small, limited to 30 patients at any one time, and not only mentally ill accused are housed there. Many mainstream prisoners too suffer the often debilitating symptoms of mental disease, and must spend some time, often long periods at the State's only high security facility for the mentally ill as well. For this reason, many mentally ill accused are detained in the state's prisons, like the cognitively impaired, and both would be better placed in an appropriate facility, where their special needs can be accommodated, away from the main prison population where both groups are particularly vulnerable.

The Board shares staff and facilities with the Prisoners Review Board. Indeed, all community members of the Prisoners Review Board are, by virtue of that appointment, members of the Mentally Impaired Accused Board. During 2012-13, the Prisoners Review Board planned the move of its operations from rented accommodation in Wembley, which has been the home of the Board and its staff for a number of years, into the Perth Central Business District. The planning was underway throughout the year, with purpose built and refurbished accommodation facilitated by the Department of the Attorney General, designed and fitted out to exactly suit the Board and its processes. Critical in that planning was the decision to locate the Board and its staff in an area proximate to other Departmental offices, so as to create a more harmonious environment for staff as well as to enable managers to more readily utilise other staff and facilities of the Department, something not possible in Wembley. Also important was a desire to increase the level of security, and take advantage of synergies by being able to adopt security screening already installed for other users of the Building. Whilst the actual move occurred on 22 July 2013, after the end of the reporting year, I am delighted with the new offices and understand all members of staff enjoy working in the new environment with new and better facilities.

The weight of files to be taken home by members so that they can prepare for meetings has been gradually increasing as more and varied reports are available regarding mentally impaired accused. The creation of those files and the need to produce separate copies for each member has been a huge burden, not only physically, but financially as well. During the reporting year, considerable efforts have been made by a number of key Board staff, working with members of the Court Technology Group, to develop an "electronic solution" so that shortly all Board files will be created electronically and Board members will be able to access all the files for their meeting electronically through a portal, obviating the need to



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produce multiple paper copies of the files. This is expected to result in a substantial reduction in paper use, less transport problems and cost, as well as improved security of information and ease of access. Although the new system is yet to become operational, as at the time of writing this report, some staff and some members are trialling the new system. It is expected to be fully operational by December 2013.

During the reporting period, the Board has reported to the Honourable Michael Mischin MLC. Relations with the Attorney General have been cordial and the Board staff and I have enjoyed productive relationships with the staff of the Attorney, which has greatly facilitated the Board's work and the presentation of statutory reports in particular. The Board prepares an annual statutory report concerning every accused, and on occasions, particularly when proposing a relaxation in the regime, several reports per year.

Relationships have been maintained, and in several instances considerably improved, with other key agencies, including the Department of the Attorney General, the Department of Corrective Services, the Disability Services Commission, the State Forensic Mental Health Service, as well as numerous non government agencies involved in offering support, assistance, training, programmes and accommodation to offenders. I wish to particularly thank the Director General of the Department of the Attorney General, Ms Cheryl Gwilliam, for her attention to issues confronting the Board, and her consistent support for us, which has allowed us to achieve the move to new accommodation and have the resources to develop and be in a position to shortly introduce an electronic file system for Board meetings.

I have conducted a visit to the Frankland Centre this year, and particularly thank the psychiatrists, particularly the Director, Dr Edward Petch for their hospitality.

We are currently going through a recruitment process to appoint staff to vacant positions, and reduce our reliance on acting arrangements. I am particularly indebted to Robynann Davies, the acting executive manager throughout the reporting year, for her enthusiasm, energy, planning and problem solving skills. Although Robynann recently left the Board to return to her host agency, before her departure she achieved many important improvements in the Board systems, was influential in negotiating the arrangements for the Board's new accommodation and its design, and was the major champion of a new electronic file system.

The Board is well positioned for the challenges which lie ahead. We are excited about our new accommodation and the new systems to be introduced and are even more excited about the prospect of the opening of the first Disability Justice Centre late next year.

Finally, I wish to publicly thank the members of the Board for their conscientious preparation for our meetings, which always involves the need to carefully read a



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considerable volume of material, for their availability for meetings at very short notice and their enthusiasm for a greater engagement with the State Forensic Mental Health Service as we seek to develop a greater case management approach to our role.

A handwritten signature in blue ink, appearing to read 'Robert Cock'.

His Honour Judge Robert Cock QC

CHAIRMAN

MENTALLY IMPAIRED ACCUSED REVIEW BOARD

27 August 2013





MENTALLY IMPAIRED ACCUSED REVIEW BOARD

2. MENTALLY IMPAIRED ACCUSED REVIEW BOARD PROFILE

2.1 PROFILE OF THE BOARD

The Mentally Impaired Accused Review Board (the Board) is established under section 41 of the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA) (the Act) and is governed by the provisions contained within it. The Act relates to criminal proceedings involving intellectually impaired or mentally ill people who are charged with offences and subsequently found unfit to stand trial or acquitted by reason of unsoundness of mind.

The Board meets at least twice per month. As at 30 June 2013, thirty seven mentally impaired accused are under the statutory authority of the Board.

The Magistrates Courts and Tribunals directorate within the Department of the Attorney General provides joint administrative support to the Prisoners Review Board, the Supervised Release Review Board and the Mentally Impaired Accused Review Board.

2.2 MEMBERSHIP OF THE BOARD

Pursuant to section 42(1) of the Act, the Board is established with the following members:

- (a) the person who is the chairperson of the Prisoners Review Board appointed under Section 103(1)(a) of the *Sentence Administration Act 2003* (WA);
- (b) the persons who are community members of the Prisoners Review Board appointed under Section 103(1)(c) of the *Sentence Administration Act 2003* (WA);
- (c) a psychiatrist appointed by the Governor; and
- (d) a psychologist appointed by the Governor.

His Honour Judge Robert Cock QC was appointed as the Chairperson of the Board, effective from 26 March 2012.

Pursuant to section 42A of the Act, the Board is required to have at least the Chairperson and two other members of the Board to constitute a meeting.

In accordance with section 43(1) of the Act, the Board is supported by a Registrar. The role of the Registrar is to oversee the effective facilitation and management of Board meetings and the associated workload. The Registrar also has a pivotal role in providing high level advice to the Chairperson and Board members in relation to mentally impaired accused.

3. OPERATIONS OF THE BOARD

3.1 WHEN THE COURT MAKES A CUSTODY ORDER

Pursuant to section 3 of the *Criminal Law (Mentally Impaired Accused) Regulations 1997* (WA), the Registrar of the court is to immediately notify the Board when a Custody Order



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has been made; and within 2 working days after the order is made give to the Board copies of the following documents:

- Custody Order;
- Prosecution notice or indictment;
- Statement of facts by prosecutor;
- Transcript of proceedings;
- Written summary of the facts prepared by judicial officer who made the order (if no transcript available);
- Criminal record;
- Any pre-sentence report;
- Any other reports considered by court when making the order.

3.2 PLACE OF CUSTODY ORDER

Pursuant to section 25(1) of the Act, the Board is to review the case within five working days and determine the place where the accused is to be detained.

3.3 CUSTODY OPTIONS

Section 24 of the Act requires an accused to be detained in an authorised hospital, a declared place, a detention centre or a prison. However, a mentally impaired accused cannot be detained in an authorised hospital unless the accused has a mental illness that is capable of being treated. Consequently, accused who suffer solely from a cognitive impairment are not suitable for a hospital placement.

Of the 37 accused currently being managed by the Board, 19% suffer from an intellectual impairment which does not require treatment. A further 16% of accused have a dual diagnosis of intellectual impairment and mental illness. A remaining 65% of accused have a mental illness. Depending on the status of the mental illness, some accused persons may not require treatment and cannot be detained in a hospital.

For these accused, the only effective custodial option is prison. However, a prison is often an inappropriate secure placement for an accused whose condition makes him or her extremely vulnerable and who, because of the risk he or she poses to the safety of the community, may spend longer in the prison environment than a prisoner sentenced for similar offences.

The reason why prison is the only effective custodial option is because, at the time of writing, there is no “declared place” in Western Australia. A lack of an appropriate secure residential facility for accused who present too high a risk to the safety of the community for them to be released, even if supervised, has long been recognised by the Board. This issue continues to impede the effective discharge of the Board’s functions.

The Board has recently engaged in discussions with the Disability Services Commission to facilitate the placement of accused with intellectual or cognitive disability in two disability justice centres. These disability justice centres will employ a range of advanced security measures to safeguard the community and ensure the accused resist serious exploitation. The Board is working with Disability Services Commission on legislation to authorise the Commission to own and operate the disability justice centres.



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The establishment of the two disability justice centres will significantly benefit a number of accused who are unable to be released into the community because of the risk they pose to themselves or to the community, but who should not be detained in a prison environment.

3.4 NOTIFICATION OF NEW MENTALLY IMPAIRED ACCUSED PERSONS

The Board is to notify both the Public Advocate and Electoral Commission of all new mentally impaired accused persons.

Pursuant to section 98(1) of the *Guardianship and Administration Act 1990* (WA), the secretary to the Board shall notify the Public Advocate accordingly.

Pursuant to section 59(2)(b) of the Electoral Act 1907 (WA), the secretary to the Board must forward to the Electoral Commissioner;

- (i) a list containing the required information for each person who became a mentally impaired accused during the preceding month; and
- (ii) a list containing the required information for each person who ceased to be a mentally impaired accused during the preceding month.

3.5 RELEASE CONSIDERATIONS

When making a recommendation to the Attorney General for the release of a mentally impaired accused the Board is to have regard for the following factors as outlined in section 33(5) of the Act.

- (a) the degree of risk that the release of the accused appears to present to the personal safety of people in the community or of any individual in the community;
- (b) the likelihood that, if released on conditions, the accused would comply with the conditions;
- (c) the extent to which the accused's mental impairment, if any, might benefit from treatment, training or any other measure;
- (d) the likelihood that, if released, the accused would be able to take care of his or her day to day needs, obtain any appropriate treatment and resist serious exploitation;
- (e) the objective of imposing the least restriction of the freedom of choice and movement of the accused that is consistent with the need to protect the health or safety of the accused or any other person;
- (f) any statement received from a victim of the alleged offence in respect of which the accused is in custody.

3.6 REPORTS TO THE MINISTER

Pursuant to section 33 of the Act, the Board provides the Attorney General with statutory reports that contain the release considerations outlined in section 33 (5) of the Act. There



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are varying circumstances where reports are provided to the Attorney General for consideration. These include:

Section 33(1) - At any time the Minister, in writing, may request the Board to report about a mentally impaired accused.

Section 33(2) - The Board must give the Minister a written report about a mentally impaired accused –

- (a) within 8 weeks after the custody order was made in respect of the accused;
- (b) whenever it gets a written request to do so from the Minister;
- (c) whenever it thinks there are special circumstances which justify doing so; and
- (d) in any event at least once in every year.

Each statutory report prepared by the Board is usually at least fifteen pages in length and contains information gathered from a variety of sources and service providers. Statutory reports critically analyse information pertaining to an accused's criminal and medical history, substance abuse issues, treatment needs, criminogenic factors, social background, protective factors and victim issues.

Initially, the Board will often recommend to the Minister that the Governor be advised to make an order allowing the Board to grant leave of absence to an accused, pursuant to section 27(1) of the Act. When deemed appropriate by the Governor in Executive Council, an accused will be granted access into the community for very short periods over an extended length of time. During such periods, the accused will be subject to conditions which are determined by the Board pursuant to section 28(2)(b) of the Act.

Following, what is often, substantial period of successful community access, the Board will subsequently consider recommend allowing the accused into the community for lengthier periods of time. This measured approach towards release ensures that the accused maintains a validated level of stability and compliance in the community, whilst also aiming to ensure the personal safety of individuals in the community.

3.7 INTERAGENCY COLLABORATION

The management of accused under the authority of the Board requires extensive collaboration between government and non-government agencies throughout the State of Western Australia. The primary reason behind this level of collaboration is the fact that the Board does not have a source of funds to provide an accused with accommodation or with supervision by trained carers. Once a mentally impaired accused is of a sufficiently low risk to the safety of the community, such that he or she may be the subject of a Conditional Release Order, the Board has an obligation to consider the safety and welfare of the accused. The management of mentally impaired accused, including cognitively impaired accused, in the community presents many challenges. They usually have no accommodation and are not able to properly care for themselves.

The Board is to confirm that the appropriate arrangements are in place to ensure that the accused is appropriately cared for in the community and money to pay for that care must



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be found. Consequently, the chronic shortage of resources in the mental health system generally continues to present impediments to the release of accused.

Relationships with the variety of government and non-government agencies involved with mentally impaired accused have continued to improve and the Board now has far greater access to the sort of information required to make informed decisions concerning the risks to the community, the interests of victims and the needs of the accused. This change in approach has also allowed for a far closer scrutiny of cases and, when it is appropriate for an accused to be released into the community, it has allowed for a multi-faceted resolution and shared responsibility with other government departments such as the Disability Services Commission for the particular accused.

Other agencies with which the Board collaborates include, but are not limited to:

- Disabilities Services Commission;
- Mental Health Law Centre;
- Regional Home Care Services;
- Office of the Public Advocate;
- State Administrative Tribunal;
- Legal Aid;
- State Forensic Mental Health Services;
- Western Australian Police Service;
- Victim Notification Register; and
- Victim-Offender Mediation Unit.

As the Board does not have access to a funding stream to pay for housing or the care of mentally impaired accused, considerable time goes into encouraging these working relationships with the agencies that can provide these services. The Board's close working relationship with the Disabilities Services Commission has assisted the Board in gaining more detailed information in relation to community based support services available to mentally impaired accused. Meetings between Board representatives and Disability Services Commission have allowed for a reciprocal relationship between the two agencies. The Board is provided with comprehensive release plans for a mentally impaired accused which have resulted in a better understanding of the operational procedures of the Disabilities Services Commission.

More recently, the Board has been extensively consulted by the Disability Services Commission to facilitate the development of the Declared Places (Mentally Impaired Accused) Bill 2013 (WA). The Board is highly supportive of the establishment of two declared places in the metropolitan area. A declared place will provide the accused with much needed and consistent support from Disability Services Commission, which will ensure the accused has the essential care and support to facilitate his or her rehabilitation and reintegration into the community.



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3.8 VICTIM CONSIDERATIONS

Pursuant to section 33(5)(f) of the Act, the Board is required to consider any statement received from a victim of an alleged offence. Victims can either write directly to the Board or can be contacted through the Victim-Offender Mediation Unit. The Victim-Offender Mediation Unit falls under the jurisdiction of the Department of Corrective Services. The Board often receives reports from the Victim-Offender Mediation Unit which can recommend protective conditions to ensure the rights and safety of both the offender and the victims are protected.

Pursuant to section 33(6) victim of an alleged offences, means –

- (a) a person who suffered injury, loss or damage as a direct result of the alleged offence, whether or not that injury, loss or damage was reasonably foreseeable by the alleged offender; or
- (b) where the alleged offence results in death, any member of the immediate family of the deceased.

Victim submissions are provided in the majority of matters considered by the Board. The Board places great emphasis on these submissions and they are taken into account when the Board determines the conditions of release for a mentally impaired accused.

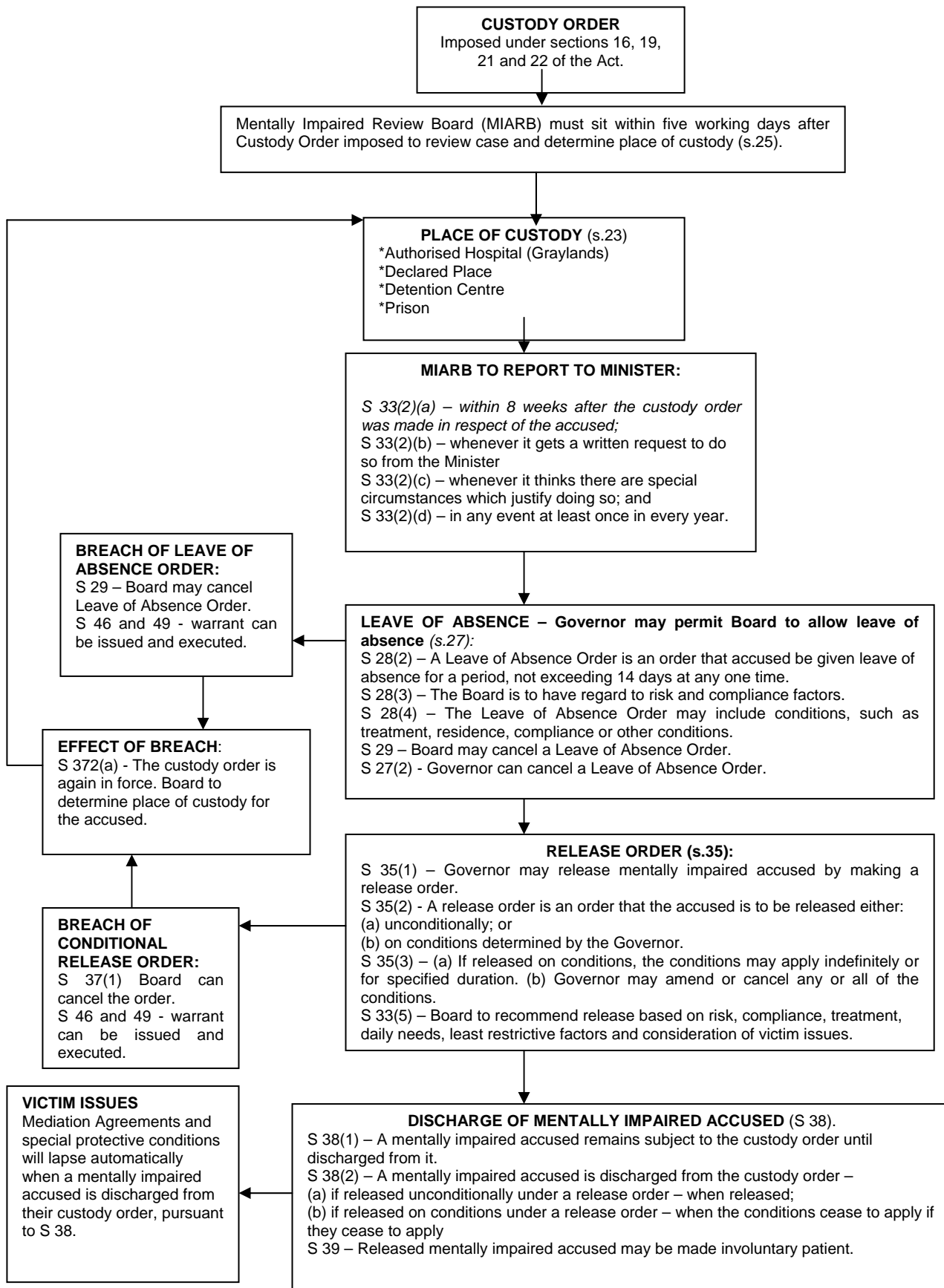
All victim submissions received by the Board are treated with the highest level of confidentiality. In the event that the Board does not receive a written submission from a victim, victim issues are still considered through alternative sources of information.

Victims who are registered with the Victim Notification Register are automatically made aware of any recommendation of the Board. The Victim Notification Register falls under the Department of Corrective Services. As of 30 June 2013, the Victim Notification Registry had advised the Board that 16 of the accused under the Board's authority concerned at least one victim who had an interest which had been registered.



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FIGURE 1.0: FLOWHCART DEMONSTRATING THE MANAGEMENT OF AN ACCUSED ON A CUSTODY ORDER





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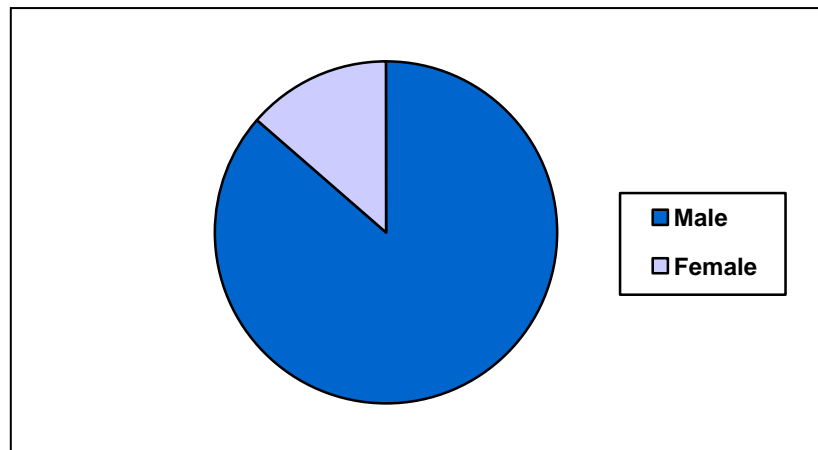
4. MENTALLY IMPAIRED ACCUSED INDIVIDUALS PROFILE

As of 30 June 2013, thirty seven mentally impaired accused were under the statutory authority of the Board. Each accused has a distinctive set of circumstances which are unique and need to be considered accordingly by the Board.

4.1 GENDER

During the period 1 July 2012 to 30 June 2013, the Board had under its statutory authority five female mentally impaired accused (13.5%) and 32 male mentally impaired accused (86.5%).

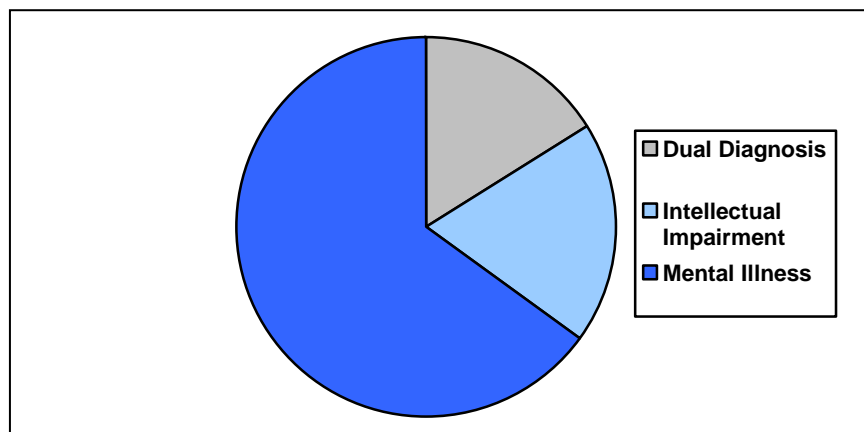
Figure 2.0 – The ratio of male to female mentally impaired accused persons as of 30 June 2013.



4.2 DIAGNOSIS

During the period 1 July 2012 to 30 June 2013, the Board had under its statutory authority 24 accused with a diagnosed mental illness (65%), seven accused with a diagnosed intellectual impairment (19%) and six accused with a dual diagnosis of a combined intellectual impairment and mental illness (16%).

Figure 3.0 – The identification of diagnoses of mentally impaired accused persons as of 30 June 2013.



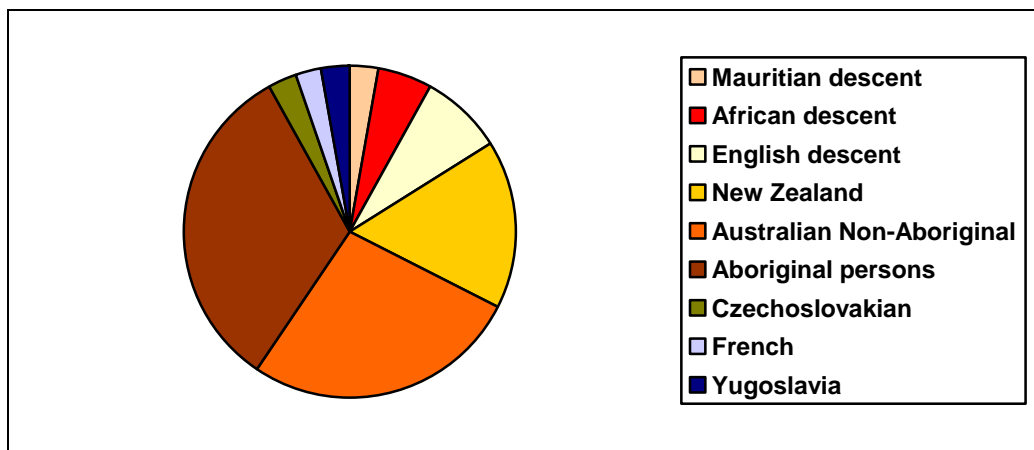


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4.3 ETHNICITY

During the period 1 July 2012 to 30 June 2013, the Board had under its statutory authority one person of Mauritian descent (2.7%), one person of Czechoslovakian descent (2.7%), one person of Yugoslavian descent (2.7%), one person of French descent (2.7%), two persons of African descent (5.4%), three persons of English descent (8.2%), six persons from New Zealand (16.2%), ten Australian non-Aboriginal persons (27%), and twelve Australian Aboriginal persons (32.4%).

Figure 4.0 Ethnicity of mentally impaired accused persons as of 30 June 2013.





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5.1 OFFENCE(S) FOR WHICH A CUSTODY ORDER WAS ISSUED

Type of offence	Number of offences
Wilful murder	12
Murder	4
Attempted murder	10
Manslaughter	2
Sexual penetration of child (Under 13 Years of Age)	3
Sexual penetration of child (Under 16 Years of Age)	8
Indecent dealings with a child (Under 16 years of age)	3
Using electronic communication with intent to procure	1
Indecent assault	2
Indecent act with intent to offend	1
Trespass	1
Steal motor vehicle	3
Going armed in public	1
Stealing	2
Assault a public officer	1
Unlawful wounding	3
Grievous bodily harm	3
Assault occasioning bodily harm	6
Aggravated armed robbery	2
Aggravated burglary	1
Arson	1
Unlawful damage	1
Breach of bail	2
Common assault	1
Reckless driving	2
Unlawful act causing bodily harm	1

It should be noted that the total number of offences exceeds the total number of accused under the statutory authority of the Board, as each accused may have had a custody order issued for more than one offence.

It should also be noted that a custody order may be issued to an accused for a combination of serious offences and minor offences which form part of the custody order. Additionally, while one of the offences contained on the custody order may include a minor offence, the circumstances surrounding the minor offence may have been regarded as serious, for example, a pattern of repetitive or similar behaviour in the past which may have escalated over time.

It is further noted that one mentally impaired accused may have more than one custody order imposed on them if they were effectively discharged from their first custody order.



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5.2 BOARD MEETINGS PER FINANCIAL YEAR

Year	2008 - 2009	2009-2010	2010-2011	2011-2012	2012-2013
Number of Meetings	10	14	16	25	31

During the period 1 July 2011 to 30 June 2012, the Board met on 25 occasions. For the period from 1 July 2012 to 30 June 2013, the Board met more frequently, for a total of 31 meetings during the financial year.

The increase in Board meetings for the 2012 to 2013 financial period is attributed to the increase in number of Board quorums. The Board has a close working relationship with the prisons and State Forensic Mental Health, who are able to ask the Board at short notice for amendments to existing Leave of Absence Orders or permission to exercise compassionate, medical, religious or emergency grounds.

5.3 CUSTODY ORDERS MADE BY THE COURTS

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

Year	2008 - 2009	2009 - 2010	2010-2011	2011-2012	2012-2013
New custody orders made by the courts	2	4	1	3	3

During the period of 1 July 2012 to 30 June 2013 the Board received three custody orders issued by the courts under the Act and accordingly determined the accused's place of custody within five working days.



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5.4 PLACE OF CUSTODY DETERMINED 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 an order of the Governor.

Place of custody as at 30 June 2013 for the thirty seven mentally impaired accused:

Authorised Hospital	Prison	Juvenile Detention Centre	Interstate	Declared Place	In the community
8	17	0	4	0	8
21.6%	46%		10.8%		21.6%

Authorised Hospital

Pursuant to section 21 of the *Mental Health Act 1996* (WA), Graylands Hospital and the Frankland Centre are considered to be the only authorised hospitals as both have the facilities to cater for long term and high risk mentally impaired accused persons.

Declared Place

Pursuant to section 23 of the Act, a declared place is a place for the detention of mentally impaired accused as determined by the Governor. There is currently no declared place in the State of Western Australia.

5.5 REPORTS TO MINISTER

Year	2008 - 2009	2009 - 2010	2010-2011	2011-2012	2012-2013
Number of reports submitted to the Attorney General	19	18	17	19	40

Pursuant to section 33(2)(d) of the Act, the Board is required to give the Minister a written report about a mentally impaired accused in any event at least once in every year. These are referred to as statutory reports. During the period 1 July 2012 to 30 June 2013, the Board submitted a total of 40 statutory reports to the Attorney General for consideration.

The information contained within the statutory report is comprehensive and provides an overview of the accused from a diverse range of service providers. The reports are well researched and contain analysis. These reports commonly address issues of a complex



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medical nature and can include an identification of the accused's criminogenic needs, based on expert opinion evidence, as well as the identification of risk factors. The work involved in producing these reports may involve liaison with representatives of other agencies and working towards the resolution of competing interests including accessing public funds or public housing. More detailed and thorough statutory reports not only allow the Attorney General to be well informed of an accused's situation, they also provide the foundation for more detailed consideration of an accused's case when making a decision. Significantly, the quality of statutory reports means that each report contains sufficient information for the Attorney General to make an independent decision following a recommendation of the Board.

In addition, pursuant to section 33(2)(c) of the Act, the Board must give the Minister a written report about a mentally impaired accused whenever it thinks are special circumstances which justify doing so. For the financial period ending 30 June 2013, the Board provided an additional three reports in accordance with section 33(2)(c) of the Act.

5.6 LEAVE OF ABSENCE ORDERS

Number of accused for whom Leave of Absence Orders were permitted by Governor under section 27 of the Act	Number of Leave of Absence Orders issued by the Board under section 28 of the Act
3	27

A Leave of Absence Order may be granted to an accused for emergency medical treatment, or on compassionate grounds, such as attending a funeral. It also enables the accused to participate in rehabilitation programs leading to his or her gradual reintegration back into the community.

Pursuant to section 27(2)(a) of the Act, the Governor in Executive Council provides authorisation for the Board to issue Leave of Absence Orders, not exceeding 14 days, with or without conditions. Once it is authorised to do so, prior making a Leave of Absence Order, the Board is required to have regard for the degree of risk the accused presents to the safety of the community and the likelihood of the accused's compliance with conditions. The Board may, at any time, cancel a Leave of Absence Order and issue a new Leave of Absence Order to reflect any change in the accused's circumstances.



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5.7 RELEASE OF MENTALLY IMPAIRED ACCUSED PERSONS

Number of Conditional Release Orders issued by the Governor in Executive Council for 2012-2013	Number of Conditional Release Orders amended by the Governor in Executive Council	Number of Conditional Release Orders Cancelled by the Board	Number of accused currently on Conditional Release Orders
0	4	1	10

Pursuant to section 35 of the Act, the Governor in Executive Council may order the release of an accused into the community with or without specific conditions.

The Board provides the Attorney General with a statutory report which focuses on the release considerations outlined in section 33(5) of the Act. The Governor in Executive Council, on recommendation from the Attorney General, then determines the suitability for the conditional release of a mentally impaired accused. As at 30 June 2013, there were a total of ten mentally impaired accused on Conditional Release Orders. For the financial year 1 July 2012 to 30 June 2013, the Governor in Executive Council, on the recommendation of the Board, amended a total of four Conditional Release Orders, pursuant to section 35(3)(b) of the Act.



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5.8 YEAR TO YEAR COMPARISON

YEAR	2008 - 2009	2009 - 2010	2010-2011	2011-2012	2012-2013
Board Workload					
• Meetings	10	14 ¹	16	25	31
• Number of Decisions Made	105	69	81	81	132
Custody Orders (Courts)	(2)	(4)	(1)	(3)	(3)
• Section 16 (Unfit to Stand Trial – Lower Court)	1	1	0	0	1
• Section 19 (Unfit to Stand Trial – Superior Court)	0	2	1	1	0
• Section 21 (Schedule 1 – Unsoundness of Mind)	1	1	0	2	2
• Section 22 (Unsoundness of Mind)	0	0	0	0	0
Place of Custody Orders issued by the Board (total)	(2)	(4)	(2)	(3)	(3)
• Authorised Hospital	1	0	0	3	1
• Prison	1	4	2	0	2
• Juvenile Detention Centre	0	0	0	0	0
• Declared Place	0	0	0	0	0
• Combined	0	0	0	1	0
Reports to the Minister	19	18	17	19	40
Number of accused for whom a Leave of Absence Order permitted by the Governor in Executive Council	2	0	2	1	3
Leave of Absence Orders issued by the Board	8	15	13	7	27

¹ The frequency of MIARB meetings changed in 2008/09 from two meetings per month to one meeting per month. Two special meetings were held during 2009/2010.



MENTALLY IMPAIRED ACCUSED REVIEW BOARD

YEAR	2008 - 2009	2009 - 2010	2010-2011	2011-2012	2012-2013
Conditional Release Orders approved by the Governor in Executive Council	2	0	1	2	0
Unconditional Release Orders approved by the Governor in Executive Council	1	0	0	0	0
Cancellation of Conditional Release Orders by the Board	0	3	2	1	2
Number of mentally impaired accused discharged from a Custody Order	1	0	0	0	0
Number of mentally impaired accused on Conditional Release Orders	10	9	7	7	10
Accused persons in custody	(14)	(19)	(23)	(25)	(25)
• Prison and/ or Detention Centre	7	12	15	15	17
• Authorised Hospital	7	7	8	10	8
Total number of mentally impaired accused	25	31	32	33	37