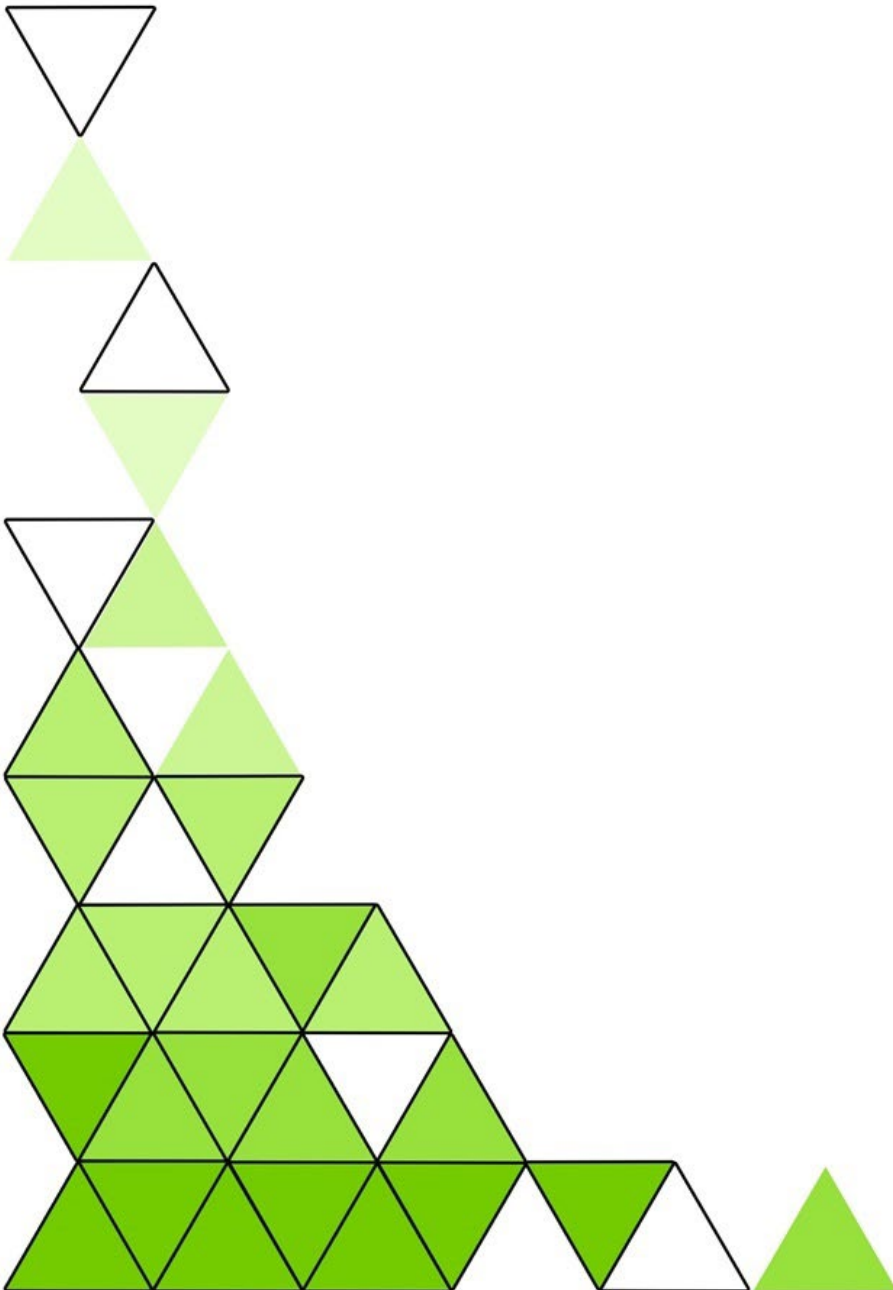
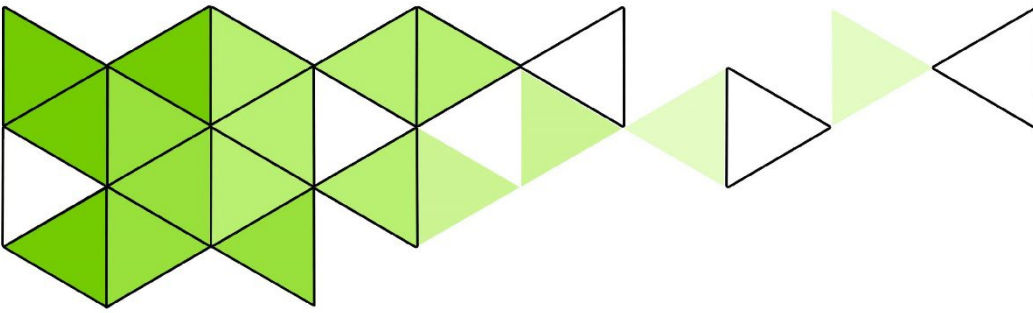




MENTALLY
IMPAIRED
ACCUSED
REVIEW
BOARD

ANNUAL
REPORT
2022/23





FOREWORD

**THE HON. JOHN ROBERT QUIGLEY LLB JP MLA
ATTORNEY GENERAL**

To the Attorney General,
The Hon. John Robert Quigley MLA LLB JP

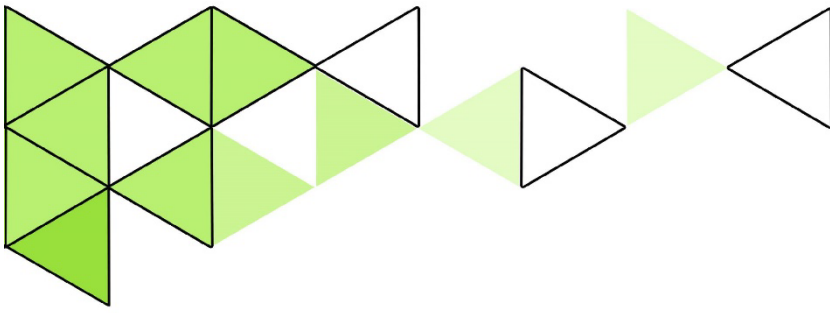
I present to you the Annual Report of the Mentally Impaired Accused Review Board for the year ending 30 June 2023.

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.

The Honourable Jeremy Curthoys
Chairperson
Mentally Impaired Accused Review Board

August 2023



CHAIRPERSON'S OVERVIEW



I am pleased to present the annual report of the Mentally Impaired Accused Review Board (the Board) for the reporting period from 1 July 2022 to 30 June 2023. This report highlights the significant achievements and milestones we have reached in fulfilling our role of ensuring a just pathway for mentally impaired accused individuals while prioritising community safety.

Since my appointment in January 2023, I have been impressed by the remarkable quantity of matters considered each year.

I was appointed to the position of Chairperson of the Board on 9 January 2023, replacing His Honour Kevin Sleight who had been Chairperson since 29 April 2022. His Honour Kevin Sleight, is now enjoying a well-deserved retirement.

1. Board Operations and Stakeholder Engagement

Throughout the year, the Board has successfully maintained strong relationships with our external stakeholders. We have collaborated closely with the dedicated staff at Graylands Hospital, the Frankland Centre and the Disability Justice Centre to foster collaboration and cooperation in our collective efforts. These partnerships have been crucial in our ability to provide

comprehensive support to individual mentally impaired accused.

It is important to note that the specific pathway for reintegrating mentally impaired accused individuals may vary depending on the available resources and the individual's unique circumstances. Working closely with legal and mental health professionals can help tailor the approach to best meet the individual's needs while ensuring community safety.

2. Advisory Role in Legislative Changes

An important aspect of our work has been providing advice to the State Government on proposed changes to the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)* (the Act). We have actively engaged in this process, advocating for amendments that promote a fairer and more just system. Our goal is to facilitate the safe reintegration of mentally impaired accused into the community.

3. Acknowledgements

I would like to extend my deepest gratitude to the administration staff and all members of the Board for their unwavering dedication and commitment. Your dedicated work and contributions have been pivotal in the achievements of the Board during this reporting period. Together, we have made considerable progress in upholding the principles of justice and safeguarding the rights of mentally impaired accused.

4. Outlook for the Future

Looking ahead, the Board will continue its pursuit of excellence in serving the community. We strive to build upon existing partnerships and develop new collaborations to further enhance the support system for mentally impaired accused. Our commitment to providing valuable advice to the State Government on legislative matters remains steadfast.

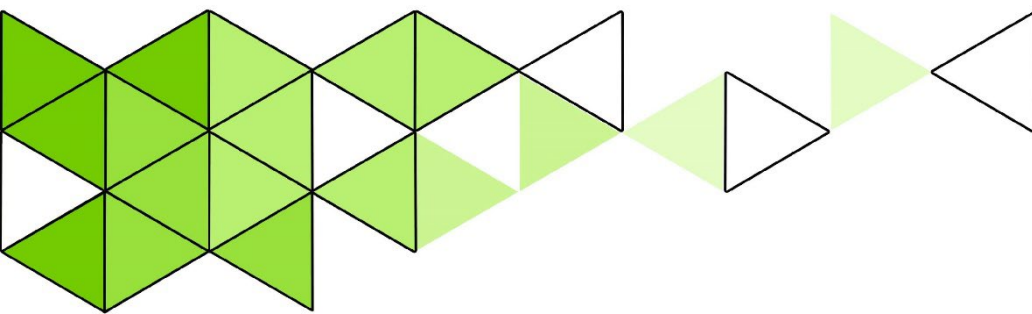
By allocating appropriate funding and resources, the Government can prioritise the well-being and successful reintegration of mentally impaired accused, fostering safer communities and promoting positive outcomes for all stakeholders involved.

In closing, I am confident the Board will continue to thrive under the guidance of our esteemed Members. The commitment and passion demonstrated by each Member is an inspiration and I am honoured to work alongside such dedicated individuals and staff. Together, we will continue to make a positive impact in the lives of mentally impaired accused and the community at large.



The Honourable Jeremy Curthoys
Chairperson
Mentally Impaired Accused Review Board

August 2023



STATISTICS

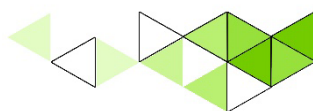
As of 30 June 2023, 57 mentally impaired accused were under the statutory authority of the Board. Each accused has an individual set of circumstances which are unique and need to be considered accordingly by the Board. The number of accused under the jurisdiction of the Board changes throughout the financial 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 | 2018-2019 | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
|--------------------|-----------|---------|---------|---------|---------|
| NUMBER OF MEETINGS | 24 | 38 | 37 | 30 | 28 |

For the period from 1 July 2022 to 30 June 2023, the Board met on 28 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 | 2018-2019 | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
|---------------------------------------|-----------|---------|---------|---------|---------|
| NEW CUSTODY ORDERS MADE BY THE COURTS | 8 | 11 | 6* | 7 | 5 |

*One mentally impaired accused received two custody orders on the same date. Both are subject to appeal.

PLACE OF CUSTODY ORDERS MADE BY THE BOARD

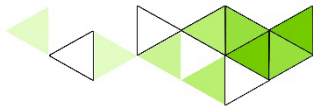


Section 24(1) of the Act states that a mentally impaired accused is to be detained in an authorised hospital, a declared place, a detention centre or a prison, as determined by the Board, until released by order of the Governor.

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

Place of custody, as at 30 June 2023, for the 57 mentally impaired accused:

| AUTHORISED HOSPITAL | PRISON | DECLARED PLACE |
|----------------------------|---------------|-----------------------|
| 41 | 11 | 5 |

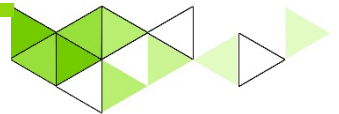


REPORTS TO THE MINISTER

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.

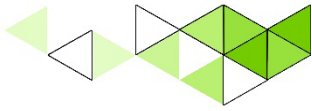
| YEAR | 2018-2019 | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
|--|------------------|----------------|----------------|----------------|----------------|
| NUMBER OF REPORTS SUBMITTED TO THE ATTORNEY GENERAL (Statutory Reports) | 41 | 58 | 64 | 64 | 57 |

RELEASE OF MENTALLY IMPAIRED ACCUSED PERSONS



| NUMBER OF CONDITIONAL RELEASE ORDERS ISSUED BY THE GOVERNOR IN EXECUTIVE COUNCIL FOR 2022-2023* | NUMBER OF ACCUSED CURRENTLY ON CONDITIONAL RELEASE ORDERS AS AT 30 JUNE 2023 |
|--|---|
| 8 | 17 |

*Includes amendments to Conditional Release Orders



BOARD REMUNERATION

Information relating to the remuneration of Board Members this year is contained with the Annual Report of the Department of Justice. The Department of Justice provides administrative support to the Board and is responsible for remunerating Board Members where such payment is incurred.

