



Criminal Law (Mental Impairment) Act 2023 (WA)

PRACTICE NOTE 1 / 2024 – DESIGNATION OF A SUPERVISING OFFICER

The Mental Impairment Review Tribunal

Section 195 of the *Criminal Law (Mental Impairment) Act 2023 (WA)* (the Act) provides that the President may from time-to-time issue, amend or revoke practice notes for regulating the practice and procedures of the Mental Impairment Review Tribunal (the Tribunal).

Designating a Supervising Officer

Section 99 provides that, when designating a supervising officer, the Tribunal must be satisfied that the person to be designated is suitably qualified and experienced, and other matters under that section.

- **Leave of absence orders**

Section 78(3) of the Act provides that the Tribunal must, under section 99, designate a person as the supervising officer for the supervised person.

- **Community supervision orders**

Section 85 of the Act provides that within 5 working days after the day on which a court makes a community supervision order, the Tribunal must, under section 99, designate a person as a supervising officer for the supervised person.

Notes for the Tribunal

When the Tribunal is designating a supervising officer for the purposes of section 78(3) or 85, the preferred and accepted option for the Tribunal is to designate a supervising officer as a Community Corrections Officer with Adult Community Corrections or a Youth Justice Officer with Youth Justice Services. The designation of an alternative supervising officer must be discussed with the President or a Deputy President of the Tribunal prior to a hearing, in consultation with the proposed supervising officer.

It is not the preferred option for the Tribunal to designate the treating psychiatrist of the supervised person as a supervising officer. This dual role is likely to be outside the scope of a health practitioner, and may create ethical implications for a health practitioner with their therapeutic treating obligations, and may also breach professional registration obligations.

Terms of the Practice Note

This practice notes takes effect on and from the date of signing and shall remain in full force and effect until such time as it is revoked by further instrument in writing signed by the President.

Signed

The Honourable Jeremy Curthoys
PRESIDENT
MENTAL IMPAIRMENT REVIEW TRIBUNAL

2 September 2024