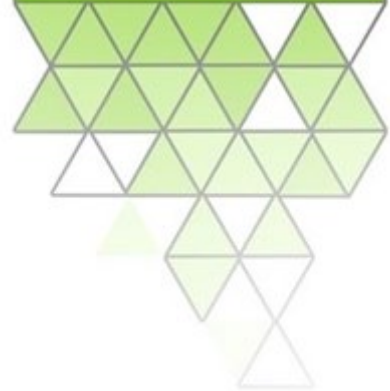
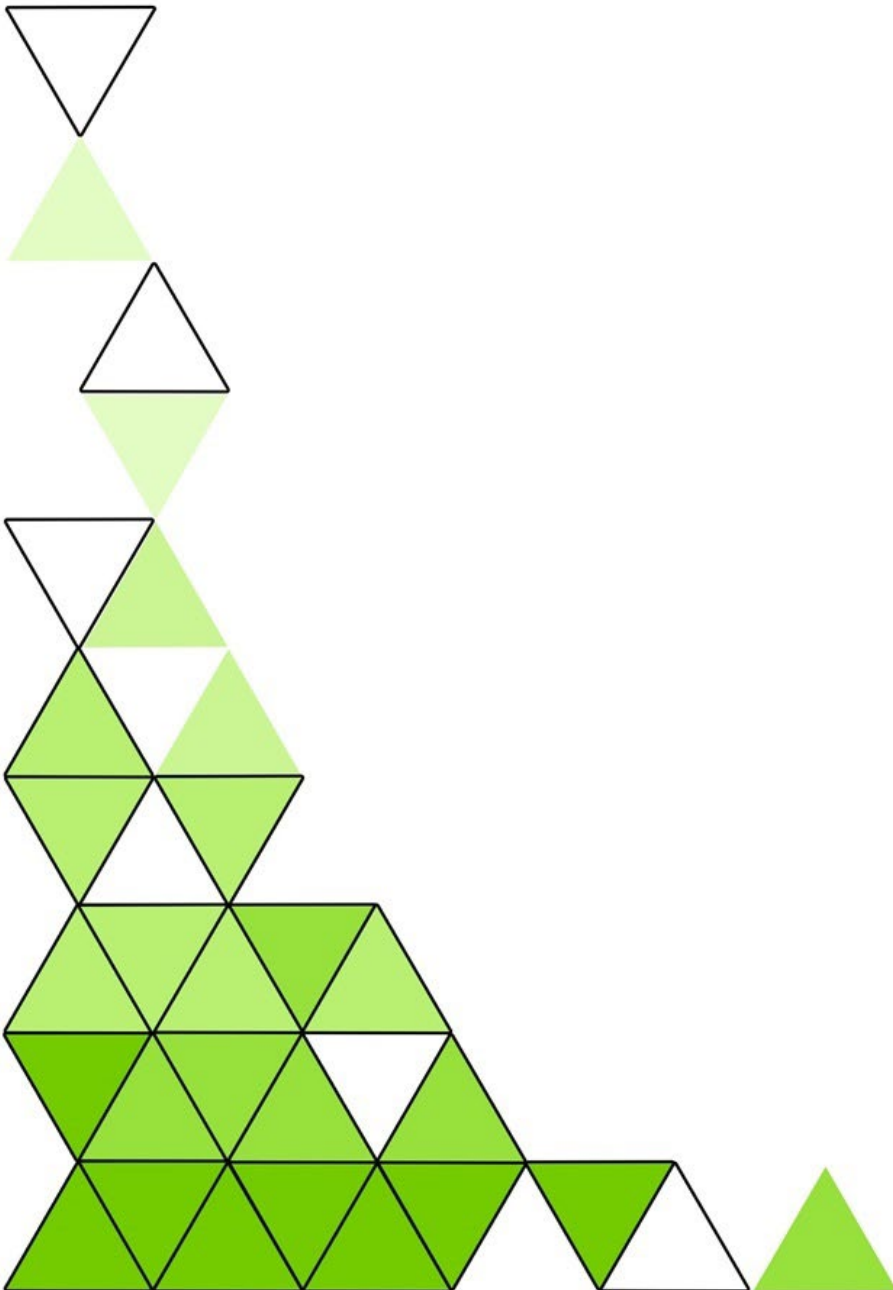
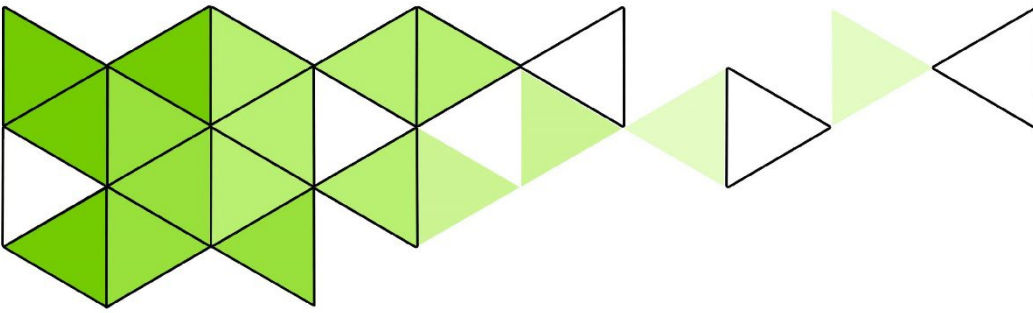




MENTALLY
IMPAIRED
ACCUSED
REVIEW
BOARD

ANNUAL
REPORT
2023/24





FOREWORD

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

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

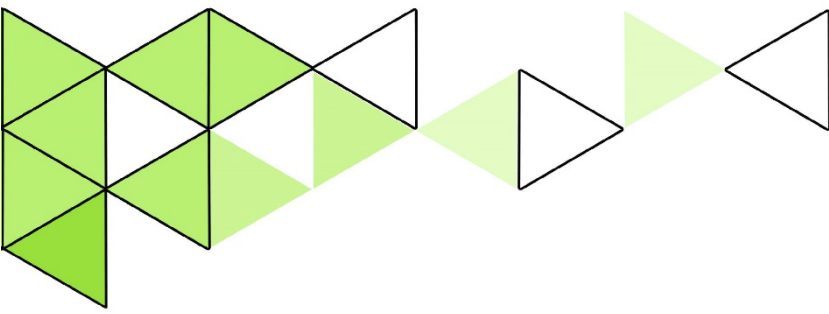
I present to you the Annual Report of the Mentally Impaired Accused Review Board for the year ending 30 June 2024.

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

September 2024



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 2023 to 30 June 2024.

On 1 September 2024 the *Criminal Law (Mental Impairment) Act 2023 (WA)* (the Act) came into effect. The Board is replaced by the Mental Impairment Review Tribunal (the Tribunal).

The Tribunal will be, at least in a transitional sense, a continuation of the Board, but with significant enhancements. The Tribunal will operate quite differently from the Board with an increased workload and more responsibilities that will require additional judicial and administrative resources, new procedures, and enhancements to Information Technology systems.

The decisions of the Board have been, at times, adversely impacted by a number of external factors. Many such factors have been of concern to the Board for several years. There is a significant difficulty in finding housing in the community which is appropriate for mentally impaired accused persons with complex and diverse needs. The overwhelming effects of substance abuse continues, both in the custodial setting and the community.

Many of the challenges faced by the Board are common to other government departments.

A shortage of beds at the Frankland Centre remains an ongoing problem resulting, in some cases, in persons remaining in prison when they should be housed and treated at the Frankland Centre. The transfer of wards on the Graylands site has gone some way to alleviating the problem in the short term. It is recognised that there is no simple solution, as the long-term solution requires planning and building a new, or extended, facility.

On the other hand, the Disability Justice Centre (10 beds) remains significantly underutilised.

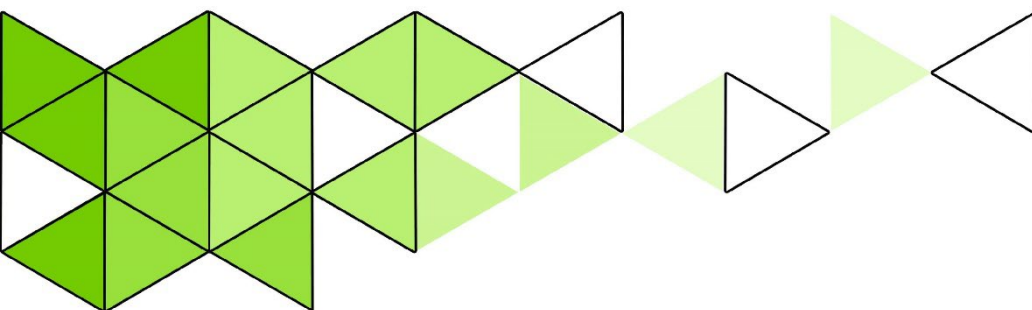
I would like to express my sincere appreciation to the members of the Board, and the dedicated support staff provided by the Department of Justice. The members of the Board are always thoroughly prepared for the Board meetings ensuring that each matter receives a detailed and thorough consideration. The Board's task is supported by the great work done by the staff.

I would also like to thank those who prepare, and analyse, the detailed reports for the Board's consideration, including the dedicated staff from the State Forensic Mental Health Service, Community Forensic Mental Health Service, Department of Communities and Disability Justice Service, the Corrective Services division of the Department of Justice, the Office of the Public Advocate and the numerous support services and agencies that undertake important work to support mentally impaired accused persons as they transition from their place of custody to the community.

A handwritten signature in black ink, appearing to read 'J. Curthoys', written in a cursive style.

The Honourable Jeremy Curthoys
Chairperson
Mentally Impaired Accused Review Board

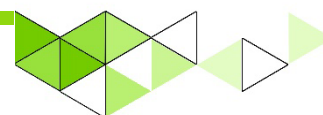
September 2024



STATISTICS

As of 30 June 2024, 55 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	2019-20	2020-21	2021-22	2022-23	2023-24
NUMBER OF MEETINGS	38	37	30	28	29

For the period from 1 July 2023 to 30 June 2024, the Board met on 29 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	2019-20	2020-21	2021-22	2022-23	2023-24
NEW CUSTODY ORDERS MADE BY THE COURTS	11	6*	7	5	4

*One mentally impaired accused received two custody orders on the same date. Both have since been quashed upon appeal.

PLACE OF CUSTODY ORDERS MADE BY THE BOARD

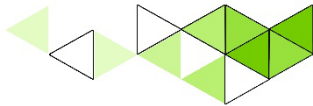


Section 24(1) of the Act states that a mentally impaired accused is to be detained in an authorised hospital, a declared place, a detention centre or a prison, as determined by the Board, until released by order of the Governor.

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

Place of custody, as at 30 June 2024, for the 55 mentally impaired accused:

AUTHORISED HOSPITAL	PRISON	DECLARED PLACE
42	7	6

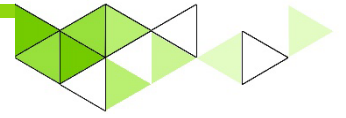


REPORTS TO THE MINISTER

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	2019-20	2020-21	2021-22	2022-23	2023-24
NUMBER OF REPORTS SUBMITTED TO THE ATTORNEY GENERAL (Statutory Reports)	58	64	64	57	97

The substantial increase in the number of reports provided to the Minister in the 2023-2024 financial year can be attributed to the request made by the Minister on 23 June 2023, to provide updates regarding mentally impaired accused who have a Leave of Absence Order (LOA Order) in place. From 1 July 2023, in addition to meeting the statutory reporting requirements contained within section 33(2) of the Act, the Board provided the Minister with a report, pursuant to section 33(1) of the Act, each time there was a new LOA Order issued to a mentally impaired accused.



RELEASE OF MENTALLY IMPAIRED ACCUSED PERSONS

NUMBER OF CONDITIONAL RELEASE ORDERS ISSUED BY THE GOVERNOR IN EXECUTIVE COUNCIL FOR 2023-2024*	NUMBER OF ACCUSED CURRENTLY ON CONDITIONAL RELEASE ORDERS AS AT 30 JUNE 2024
5	16

*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.

