
MENTAL HEALTH REVIEW TRIBUNAL



The Hon M lemma, MP
Minister for Health
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister,

I enclose the Annual Report of the Mental Health Review Tribunal, for the calendar year 2002, as required by section 261 of the Mental Health Act 1990.

Yours sincerely,

A handwritten signature in black ink that reads 'Duncan Chappell'.

Duncan Chappell
President.

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MENTAL HEALTH REVIEW TRIBUNAL ANNUAL REPORT 2002

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The MENTAL HEALTH REVIEW TRIBUNAL is a quasi-judicial body constituted under the Mental Health Act 1990.

The Tribunal has some 33 heads of jurisdiction, considering the disposition and release of persons acquitted of crimes by reason of mental illness; determining matters concerning persons found unfit to be tried, and prisoners transferred to hospital for treatment; reviewing the cases of detained patients (both civil and forensic), and long-term voluntary psychiatric patients; hearing appeals against a medical superintendent's refusal to discharge a patient; making, varying and revoking community treatment and community counselling orders; determining applications for certain treatments and surgery; and making orders for financial management where people are unable to make competent decisions for themselves because of psychiatric disability.

In performing its role the Tribunal actively seeks to pursue the objectives of the Mental Health Act, including delivery of the best possible kind of care to each patient in the least restrictive environment; and the requirements of the United Nations principles for the protection of persons with mental illness and the improvement of mental health care, including the requirement that "the treatment and care of every patient shall be based on an individually prescribed plan, discussed with the patient, reviewed regularly, revised as necessary and provided by qualified professional staff".

1. INTRODUCTION

The Mental Health Act 1990 (hereafter MHA) requires the Tribunal to report, and provide statistical data relating to persons taken to hospital under MHA Part 2 of Chapter 4, in relation to each previous calendar year. This Annual Report 2002 meets the reporting requirements of the MHA in relation to the calendar year 2002.

As in previous reports it is not an aim of this Report to describe the New South Wales mental health care system and its legal regulation. For ease of comparison this report follows the same format as used in previous years.

2. PAST, PRESENT AND FUTURE

2.1 GENERAL OBSERVATIONS ABOUT THE TRIBUNAL'S ACHIEVEMENTS TO DATE.

An examination of all of the annual reports produced by the Tribunal since its first full year of operation would reveal an almost continuous increase in the number of hearings. In 1991 the Tribunal conducted 2232 hearings. In 2002 the Tribunal conducted 7613, representing a 241% increase (see Table A).

Table A

Total number of hearings (including adjournments, reports on emergency ECT and surgery for twelve year period 1991 – 2002)

	<i>Civil Patient Case Reviews</i>	<i>Protected Estates Act Reviews</i>	<i>Forensic Patient Case Reviews</i>	<i>Totals per year</i>	<i>% Increase over previous Year</i>
1991	1986	61	185	2232	%
1992	2252	104	239	2595	+16.26%
1993	2447	119	278	2844	+ 9.60%
1994	2872	131	307	3310	+16.39%
1995	3495	129	282	3906	+18.01%
1996	4461	161	294	4916	+25.86%
1997	5484	183	346	6013	+22.31%
1998	4657	250	364	5271	-12.34%
1999	5187	254	390	5831	+10.62%
2000	5396	219	422	6037	+ 3.48%
2001	6151	304	481	6936	+ 14.8%
2002	6857	272	484	7613	+ 9.8%
12 YEAR TOTAL	51245	2187	4072	57504	

During this period the number of registry staff established to support the Tribunal and enable it to function effectively and efficiently has only increased from 11 to 15. There has been a growing reliance on the use of technology, telephone and video conferencing, and computerisation of the Tribunal's hearing scheduling system, with panel members performing associated administrative tasks. During 2002 a restructure of the registry was commenced.

In 1998 the Tribunal had a regular schedule of 47 Tribunal panels per month to conduct reviews at health facilities of all types and at the Tribunal premises. In 2002 the schedule has expanded to approximately 70 regular panels per month. The Tribunal continues to organise additional panels at short notice to deal with urgent applications such as permission to perform ECT, or to review a forensic patient believed to be in breach of their conditional release order.

2.2 DETAILS OF ACTIVITY IN 2002

Some significant developments, achievements, and observations of the period from the Tribunal's perspective are set out below:

- In the financial year of July 2001 – June 2002, the Tribunal recorded a budget deficit of \$36,549.
- In November 2001 Mandala Consulting was employed to conduct an external review of the operations of the Tribunal. The final report was made available in April 2002 and noted the significant challenges facing the Tribunal in terms of its physical facilities, organisational structure, systems and processes, and its financial and human resources. The report also noted that the Tribunal had experienced almost a tripling of its workload since its first full year of operation in 1991, without any budget enhancement in direct recognition of this increase.
- The recommendations of the review set the agenda for significant change at the Tribunal. As well as dealing with a further 9.8% increase in workload during 2002, much of the year was focused on the implementation of the report's recommendations. Significant achievements include: additional supplementation to the Tribunal's budget for 2001/2002; the planning and relocation of the Tribunal to its new premises in the grounds of Gladesville Hospital; the implementation of a new organisational structure including the recruitment of two new Team Leader positions; the design, development and implementation of a new client database; the commencement of a review of the Tribunal's hearing processes in both its civil and forensic jurisdictions and the recruitment and induction of 27 new part time members.
- In early 2002 two key appointments were made to the management of the Tribunal. In January 2002, Ms Diane Robinson commenced as the second Deputy President. In February 2002 Mr Rodney Brabin commenced as Registrar. Along with the Tribunal's President, Professor Duncan Chappell, these two appointments were instrumental in driving the change agenda established by the Mandala Consultancy report.
- In June 2002 the Tribunal made a submission and gave evidence to the NSW Legislative Council Select Committee on Mental Health.
- The Tribunal has introduced a professional development programme for its part time members. Regular evening sessions are conducted to discuss key legal, policy, clinical and procedural issues.

-
- In late 2002 the Tribunal transferred the management of its Forensic Patient Victim Register to the Centre for Mental Health. Further details are provided elsewhere in this Report.

In 2002 the Tribunal conducted:

- 6857 civil patient case reviews (for details see table 4).
- 484 forensic patient case reviews (for details see table 32).
- 272 reviews under the Protected Estates Act 1983 (for details see table 31).

Panels were convened for hearings at 64 venues across New South Wales. Of the 6857 civil hearings, 4310 were live; 885 by video conference and 1662 were by phone.

In 2002, the Tribunal increased its use of video conferencing to conduct hearings for clients in rural or non metropolitan areas. The programme commenced in February 1997 and by the end of December 1997 over 193 Tribunal meetings or hearings in rural areas had been conducted by video conferencing. In 2002 this increased to 885 using 68 different venues (see Table B). Working in cooperation with the NSW Health Telemedicine Project, the Tribunal has established video links with most of the network of video conferencing sites established in rural psychiatric services. The Tribunal is one of the largest health users of video conferencing

Table B**Tribunal hearings using video conferencing 2002**

VENUES	2002	VENUES	2002
Albury	39	Nepean Hospital	81
Armidale	11	Orange CHC	8
Barwon	1	Pambula District MHS	1
Batemans Bay	7	Parkes	1
Bega	4	Patients Home	1
Bloomfield	62	Penrith MHS	1
Blue Mountains MHS	3	Port Macquarie	19
Broken Hill	12	Queanbeyan	24
Canterbury	2	Royal North Shore	1
Clarence District HS	1	RPA Missenden	1
Cobar CHC	1	Rozelle	1
Coffs Harbour	76	Shellharbour	8
Cooma CHC	6	St George MH Unit	1
Coonabarabran HS	1	St Vincents	1
Cootamundra	3	Tamworth	53
Cowra	5	Taree CHC	38
Dareton	1	Tweed Heads CHC	16
Deniliquin CHC	4	Wagga Wagga	78
Dubbo	7	Walgett Hospital	1
Foster CHC	11	Warren Hospital	1
Glen Innes CHC	1	Wilcannia District Hospital	2
Goulburn	128	Yass CHC	1
Grafton Base Hospital	8	Young CHC	1
Griffith	7		
Hawkesbury	2		
Hornsby	2		
James Fletcher Hospital	1		
Katoomba	8		
Kempsey	11		
Kenmore	4		
Lightning Ridge	8		
Lismore	54		
Lithgow	2		
Liverpool	8		
Long Bay Prison Hospital	1		
Macksville Hospital	2		
Macquarie Area MHS	11		
Maitland Hospital	2		
Marrickville CHC	1		
Merrylands CHC	2		
Mid Western CMHS	7		
Moree	2		
Moruya CHC	11		
Mudgee MHS	4		
Murwillumbah	1		
TOTAL 2002		885	
TOTAL 2001		575	
TOTAL 2000		482	

In 1997, the Tribunal abandoned its practice of organising hearings for the public psychiatric facilities on an ad hoc basis and instead, developed a regular schedule in its civil jurisdiction for hospital hearings as outlined in Table 1. However the Tribunal is frequently obliged to organise extra hearings at venues all over the State at short notice, for emergency matters.

Table 1

MONTHLY HEARING SCHEDULE FOR 2002

	<i>FIRST WEEK</i>	<i>SECOND WEEK</i>	<i>THIRD WEEK</i>	<i>FOURTH WEEK</i>	<i>FIFTH WEEK</i>
MON	Rockdale	Sutherland + St George	Rockdale CHC	Sutherland + St George	
	Blacktown Hospital	Blacktown CHC	Blacktown Hospital	Blacktown CHC	
	Phone/Video	Phone/Video	Phone/Video	Phone/Video	Phone/Video
TUES	Rozelle	Rozelle/RPAH (pm)	Rozelle	Rozelle/RPAH	Rozelle
	James Fletcher	James Fletcher	James Fletcher	James Fletcher	
		St Vincents + Prince of Wales	Gosford Hospital Kenmore Hospital	St Vincents + Prince of Wales	
	Phone/Video	Phone/Video	Phone/Video/ Comm Forensic	Phone/Video	Phone/Video
WED	Morisset	Bloomfield (2 day - once every 3 mths)	Morisset		Morisset
	Cumberland + Westmead	Cumberland	Cumberland + Westmead	Cumberland	Cumberland
	Liverpool + Campbelltown		Liverpool + Campbelltown		
	Port Kembla + Shellharbour		Port Kembla + Shellharbour	Port Kembla + Shellharbour	
	Phone/Video	Phone/Video	Phone/Video	Phone/Video	Phone/Video
THURS	RNSH + Ryde CHC	Macquarie	RNSH + Manly	Macquarie	
	Hornsby	Bankstown - (Hospital + CHC)	Hornsby	Long Bay Prison Hosp - (forensics)	
	Manly & Queenscliff (once a month)	Bloomfield - (once every 3 months)	Long Bay Prison Hospital	Bankstown + Fairfield CHC (once a month)	
	Phone/Video	Phone/Video	Phone/Video	Phone/Video	Phone/Video
FRI	Phone/Video	Phone/Video	Phone/Video	Phone/Video	Phone/Video

2.3 MAJOR TRIBUNAL ISSUES IN 2002

2.3.1 FORENSIC ISSUES

The year 2002 saw a continuation in the trend of increasing forensic patient numbers. Although the forensic jurisdiction comprises only a small proportion of the patient reviews conducted by the Tribunal it represents by far the most sensitive, difficult and potentially contentious work performed by the Tribunal. Community concerns about forensic patients are quite often the subject of public dialogue and debate. Victims of the events which lead to a person becoming a forensic patient are also likely to be both anxious and fearful about the possibility of further harm being committed, should that person be allowed back into the community. Thus decisions made by the Tribunal, even though couched in the term of recommendations to the Minister, are always subject to close scrutiny and potential challenge.

In its submission to the NSW Legislative Council Select Committee the Tribunal highlighted a number of issues in relation to its forensic jurisdiction. These included:

- Community supervision - A lack of clarity persists about where responsibility rests for the monitoring of forensic patients released into the community.
- Responsibility for breaching and the impact of breaching - A related issue is the current lack of a clear and documented procedure for the breaching of forensic patients.
- Overlapping jurisdiction - Currently, the ongoing clinical management and rehabilitation of a small number of forensic patients under the *Mental Health Act 1990* and the *Crimes (Mental Disorder) Amendment Act 1983* is affected by the decision-making process of the Serious Offender Review Committee (SORC).
- Need for comprehensive integrated statewide forensic mental health services - a key issue in balancing the rights of forensic patients with the rights of the community is the provision of high quality clinical mental health treatment and services and non-clinical support services both while a forensic patient is detained and while the forensic patient is subject to conditional release. Treatment and disability support services are just not required for people with mental illness. Services must recognise the increasing proportion of developmentally disabled and dual diagnosis people throughout the criminal justice system e.g. mental illness and substance abuse, mental illness and acquired brain damage, mental illness and developmental disability, developmental disability and substance abuse, etc.

2.3.2 DATA COLLECTION - FORM 19A AND FORM 19B

Section 261 of the MHA concerns the preparation of the Tribunal annual report and requires, inter alia, the Tribunal to collect information concerning the number of involuntary admissions, the provisions of the Act under which they were taken to hospital and admitted and the number of magistrate's inquiries.

These details are collected by means of two forms which all hospitals are required to forward to the Tribunal (form 19A and 19B under the Mental Health Regulation 2000) with respect to each involuntary referral and magistrates inquiry.

Because the previous system of collating a single form for each patient had not proved to be reliable the Mental Health Regulation 2000 changed the reporting process by separating out the returns to be provided

by the hospitals into its two natural stages: one return to be provided at the admission stage, and the second and final return to be provided at the magistrate's inquiry stage.

The collection and data entry of these returns from all hospitals remains a huge workload for the Tribunal. There continues to be some problems with the actual forms which will need to be investigated further. The Tribunal is also looking at systems to better monitor and follow up the timeliness of the returns from hospitals.

2.3.3 VICTIMS RIGHTS

The Victims Rights Act 1996 established the Charter of Victims Rights which identified standards for the appropriate treatment of victims of crime, and is designed to protect and promote their rights. As part of its ongoing commitment to victims, the Tribunal has always maintained an informal Victim's Register to allow victims, and others concerned, access to information relating to the sentencing and disposition of forensic patients. This register was formalised in 1998. In October 2002 the management of the Forensic Patient Victims Register was transferred to the Centre for Mental Health. The Tribunal continues close liason with the Centre for Mental Health and key victims groups to facilitate the appropriate involvement of victims in forensic hearings.

2.3.4 TELEHEALTH

Telehealth in New South Wales has continued to grow and so has the number of Tribunal video conference hearings, and the number of sites, serviced by the Tribunal. In 2002, the Tribunal conducted 885 hearings via video conference with 68 venues. This was more than a 50% increase in hearings from 2001 and reflects an increased acceptance and usage of telehealth facilities throughout New South Wales. Since February 2000, the Tribunal's video conference unit has also been utilised by the Northern Territory Mental Health Review Tribunal. The Tribunal participates in the Department of Health's Telehealth data collection survey and is a major user of video conference resources within the New South Wales health environment.

2.3.5 MEMBER ISSUES

2.3.5.1 Large Pool Required

The Tribunal's membership at December 2002 is set out in Appendix 3. At that date the Tribunal had 3 full-time members, 36 part-time lawyers, 38 part-time psychiatrists, 36 part-time members with other suitable qualifications or experience, including two part-time members selected from a group of persons who were nominated by consumer organisations (MHA s253(1)(c)). Of the lawyer members, 19 were female, and of the members with other suitable qualifications or experience, 25 were female. As for the psychiatrist members, only 13 were female, but this was an improvement on the general gender imbalance in New South Wales psychiatry. Twelve members of the Tribunal were from non-English speaking backgrounds, and three were of indigenous background.

The Tribunal maintains a large and diverse membership in order to provide immediately for the exigencies of any given situation, including the need to ensure consumer and carer representation; appropriate gender balance; and for the needs of people from culturally and linguistically diverse backgrounds and from indigenous backgrounds.

The membership pool must therefore inevitably be much larger than would be required for a routine jurisdiction with hearings of cases that are able to be scheduled well in advance in an orderly, routine way.

The heads of all mental health review tribunals and boards throughout Australia now meet on an annual basis to discuss common issues. In 2002 the meeting was held in Melbourne and attended by both the President and Registrar. The meeting for 2003 will be held in New South Wales.

2.3.5.2 Aboriginal Mental Health Policy

The Tribunal is an active supporter of the NSW Aboriginal Mental Health Policy, and will be seeking in the future, through the support and cooperative endeavour provided by the Policy, to secure the appointment of additional Aboriginal part-time members.

2.3.6 TRIBUNAL ORGANISATION

As can be seen from Table A the workload of the Tribunal has increased by over 240% since 1991, which was the Tribunal's first full operating year.

In 2002 the Tribunal organised a total of 7612 patient reviews, including preliminary pre-hearing investigation and follow up, at an average cost of approximately \$352 per case.

Mental health legislation imposes on the Tribunal's registry staff a need to respond promptly to applications received from hospitals and community health centres throughout the State. A small registry team is able to cope with the requirements of a high volume workload and is able to organise hearings often on the same day as the application is received. It has been possible to achieve this objective through the highly computerised client database and a flexible approach to staff management which necessitates multi-skilling of staff to achieve maximum output in hearing organisation. This flexible approach to hearing organisation has meant, in practice, that staff are expected to change tasks at short notice depending on the nature of the situation that may present itself to the Tribunal.

As mentioned elsewhere in this report, the Tribunal implemented an organisational restructure during 2002. This involved the evaluation, creation and recruitment for two new Team Leader positions to manage the civil and forensic teams. These two positions have been critical in providing a much needed professional supervisory structure for the Tribunal's staff. The positions also play an active role in the review of the Tribunals' case processing systems as well as liaison with key stakeholder and consumer groups.

The restructure also involved the evaluation of most of the other staffing positions and the eventual regrading of a number of key positions in both the civil and forensic teams.

The Tribunal is extremely appreciative of the positive manner in which its staff participated in the restructure process.

Legal, governmental and other requirements and policies for affirmative action and equal employment opportunity, to prevent harassment, discrimination and other practices within the workplace, are strongly inculcated at the Tribunal.

3. ADMISSION TO, AND CARE IN, HOSPITALS

3.1. INFORMAL PATIENTS

Since September 1990, and as of 31 December 2002, 189 persons have been referred to the Guardianship Tribunal, and most have been “admitted” to the hospitals in which they reside. Of this number, 18 were referred during the period September to December 1990, a further 123 during 1991, 26 during 1992, 9 during 1993, 2 during 1994, 0 during 1995, 4 during 1996, 5 during 1997, and 2 in 2001.

The following tables provide information about informal patient case reviews in 2002 (Table 2), interpreter needs for informal patients (Appendix 12), and the number of occasions on which long-term informal patients will have had their case reviewed by the end of 2002 (Table 13).

During 2002 the Tribunal conducted a total of 151 reviews of 147 informal patients. These figures for 2002 represent a decrease over the figures for 2001 when the Tribunal conducted 155 reviews of 142 patients. The demographic data on long-term informal patients whose cases were reviewed by the Tribunal during 2002 is presented in Table 2. To facilitate comparison, the combined total figures for the 2001 calendar year are also provided in the Table.

Table 2

Reviews of Informal patient cases during the period January to December 2002 under s63 by hospital, age group, numbers of reviews and patients, and combined totals for 2002 and 2001.

		0-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-69 yrs	70-79 yrs	80+ yrs	Combined Total Patients	Total Patient Reviews
Bloomfield	Male	-	-	1	3	3	8	4	8	27	29
	Female	-	-	-	-	4	6	6	5	21	21
	Total	-	-	1	3	7	14	10	13	48	50
Cumberland	Male	-	-	6	7	2	-	-	-	15	16
	Female	-	1	2	5	6	2	-	-	16	16
	Total	-	1	8	12	8	2	-	-	31	32
Kenmore	Male	-	-	2	-	-	5	7	1	15	16
	Female	-	-	-	-	1	-	-	1	2	2
	Total	-	-	2	-	1	5	7	2	17	18
Macquarie	Male	-	-	1	1	4	4	2	1	13	13
	Female	-	-	1	2	2	2	2	1	10	10
	Total	-	-	2	3	6	6	4	2	23	23
Morisset	Male	-	-	-	2	1	1	-	-	4	5
	Female	-	-	-	2	-	1	-	-	3	3
	Total	-	-	-	4	1	2	-	-	7	8
Rozelle	Male	-	-	3	2	1	3	3	3	15	14
	Female	-	1	-	-	-	-	4	-	5	5
	Total	-	1	3	2	1	2	7	3	20	19
St Vincents	Male	-	-	-	-	-	-	-	-	0	0
	Female	-	-	-	1	-	-	-	-	1	1
	Total	-	-	-	1	-	-	-	-	1	1
COMBINED	Male	-	-	14	15	11	20	16	13	89	93
TOTALS ALL	Female	-	3	3	10	13	11	11	7	58	58
HOSPITALS 2002	Total	-	3	17	25	24	31	27	20	147	151
COMBINED	Male	-	1	10	13	12	20	18	11	85	92
TOTALS ALL	Female	-	3	3	11	12	11	11	6	57	63
HOSPITALS 2001	Total	-	4	13	24	24	31	29	17	142	155

3.2. DETAINED MENTALLY ILL PERSONS

Table 3 charts the progress of involuntary patients through the various stages of the civil commitment process during the period January to December 2002. A disturbing statistic in table 3 is that the percentage of involuntary patients that remain in hospital long enough to be seen by the Magistrate has increased from 49.2% in 2000 to 73.8% in 2001 and 76.9% in 2002. Prior to 2000 the highest percentage recorded by the Tribunal was 48.4% in 1994. Are patients taking longer to recover, are patients more ill when they come in to hospital or have hospital policies changed? These are the three questions that seem to hold the key to this dramatic change.

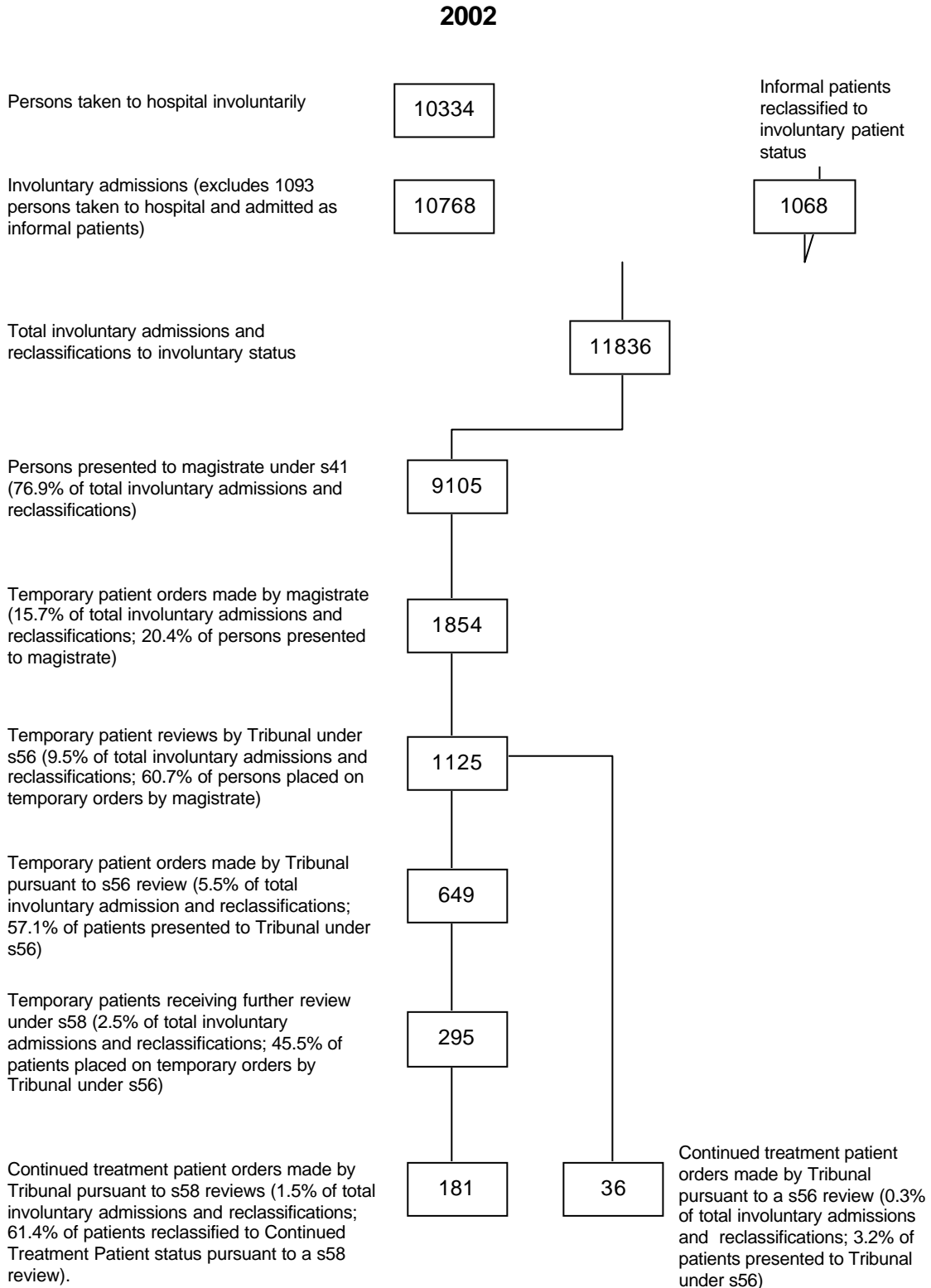
Further research in this area is needed to understand what has happened. The results may confirm what many Tribunal members see day to day at hospitals - an increase in dual diagnosis of patients.

There was an increase in the number of continued treatment patient case reviews, from 625 in 2001 to 682 in 2002 (see table 4). The number of applications to the Tribunal regarding temporary patients (sections 56 and 58) increased from 1258 in 2001 to 1410 in 2002. In 1991, after the first full year of operation of the MHA, there were 371 temporary patient case reviews at the eight major psychiatric hospitals, compared with 74 reviews at the general hospital units. In 2002, there were 566 temporary patient case reviews at the major psychiatric hospitals, and 844 at the general hospital units, (see tables 6 and 8) representing more than an elevenfold increase in activity at general hospital units during the 12 year period.

- **Increasing reviews.** The Tribunal's civil (ie. non-forensic) patient jurisdiction under the MHA provides it with its greatest workload. This is summarised in Table 4, which provides an overview of civil reviews under the MHA conducted during 2002. Excluded from this table are details of the Tribunal's exercise of its jurisdiction under the Protected Estates Act 1983, and of its forensic jurisdiction under the MHA and the Mental Health (Criminal Procedure) Act 1990, henceforth MHCPA. The number of civil patient case reviews under the MHA has risen dramatically since 1991, with the total number of MHA civil patient reviews in 1991 having been 1986, and the total number in 2002, being 6857, making an increase from 1991 of 4871, or a 345% increase (see Table A).
- **Interpreters and legal representation.** Both the proportion of patients requiring interpreters and the percentage of persons with legal representation in hearings held under the civil provisions decreased during 2002. The percentage of persons with legal representation decreased from 20% to 18.3% (see table 4). The percentage of persons requiring interpreters decreased from 3.5% to 2.9%.
- **Women before the Tribunal.** The percentage of women coming before the Tribunal under its civil jurisdiction during 2002 increased from 41.7% in 2001 to 42.3% in 2002 (see table 4).

Table 3

Flow chart showing progress of involuntary patients admitted during the period January to December 2002.



Note: Continued treatment patients are subject to six monthly periodic reviews by the Tribunal under s.62

Table 4

Summary of statistics relating to the Tribunal's civil jurisdiction under the Mental Health Act 1990 for the period January to December 2002 and combined totals for 2001.

Section of Act	Description of Review	Reviews (Including Adjudgments)			% Reviewed by Sex		Number Requiring Interpreters	Number Legally Represented	% Legally Represented
		M	F	Total	M	F			
s56	Review prior to expiry of magistrate's order for temporary patient status	564	551	1115	50.6	49.4	35	747	67.0
s58	Review prior to expiry of Tribunal order for temporary patient status	170	125	295	57.6	42.4	6	216	75.8
s62	Continued treatment patient	429	253	682	52.9	37.1	31	31	4.5
s63	Informal patient	93	58	151	61.6	38.4	3	1	0.7
s69	Appeal against refusal to discharge by medical superintendent	63	58	121	52.1	47.9	2	101	78.3
s118	Community counselling order	34	41	75	45.3	54.7	7	4	5.3
s131	Community treatment order	2328	1417	3745	62.2	37.8	92	107	2.8
s143A	Detained person under CTO	2	1	3	66.7	33.3	1	2	66.7
s148	Variation or revocation of a CCO or CTO	108	66	174	62.1	37.9	0	1	0.6
s151(2)	Appeal against magistrate's CCO or CTO	13	9	22	59.1	40.9	1	3	13.6
s185	ECT application – informal patient	0	0	0	0.0	0.0	0	0	0.0
s188	ECT application – involuntary patient	139	301	440	31.6	68.4	19	37	8.4
s203	Notice to Tribunal of performance of surgical operation	6	6	12	50.0	50.0	1	0	0.0
s207(i)	Application and Determination for surgical operation	5	10	15	32.3	66.7	0	1	6.6
s207(ii)	Application and Determination for special medical treatment	2	5	7	28.6	71.4	0	4	57.1
TOTALS 2002		3956	2901	6857	57.7	42.3	198	1255	18.3%
TOTALS 2001		3586	2565	6151	58.3	41.7	215	1233	20.0

Table 5**Involuntary admissions and magistrate's inquiries held under s41 of the Mental Health Act 1990 from January to December 2002 and combined totals for 2001 (Hospitals and Units)**

Major Psychiatric Hospitals	<i>Persons taken Invol.</i>	<i>No. of Invol. Admiss.</i>	<i>Number Reclass Invol</i>	<i>Magist Inquiry Started</i>	<i>Adjourned Not Resumed</i>	<i>Magist. Inquiry Completed</i>	<i>Discharged or Reclass.</i>	<i>CCO* or CTO</i>	<i>Temp. Patient Order</i>
Bloomfield	695	647	69	529	85	194	46	50	98
Cumberland	1177	868	250	690	120	431	47	41	343
James Fletcher	1136	704	424	661	176	269	154	10	105
Kenmore	109	105	1	208	5	130	3	46	81
Macquarie	255	237	14	228	59	87	19	25	43
Morisset	26	20	-	1	1	7	3	-	4
Rozelle	1056	959	54	626	176	257	139	28	90
SUB-TOTALS 2002	4454	3540	812	2951	622	1375	411	200	764
SUB-TOTALS 2001	4373	3779	710	2644	756	1145	55	425	665
Public Hospital Units									
Albury	82	73	17	45	6	33	19	1	13
Bankstown	834	375	-	347	90	114	35	12	67
Blacktown	271	202	5	324	98	114	62	4	48
Broken Hill	49	43	2	-	-	-	-	-	-
Campbelltown	309	276	9	187	41	114	50	9	55
Coffs Harbour	372	370	-	287	49	117	40	18	59
Dubbo	25	9	5	-	-	-	-	-	-
Gosford	577	473	3	325	69	134	44	15	75
Goulburn	284	277	8	27	10	15	-	5	10
Greenwich	40	40	-	46	13	30	3	2	25
Hornsby	302	282	5	294	52	107	7	52	48
Lismore	505	481	24	512	154	149	9	101	39
Liverpool	406	405	14	388	113	128	14	31	83
Long Bay Prison	70	64	12	-	-	-	-	-	-
Maitland	251	220	78	280	85	99	56	7	36
Manly	314	309	-	286	107	91	31	21	39
Nepean	437	421	2	358	115	117	38	13	66
Prince of Wales	505	443	4	332	107	132	96	1	35
Royal North Shore	84	84	-	71	9	41	16	4	21
RPA Missenden Unit	88	88	-	145	53	72	53	-	19
Shellharbour	940	881	25	564	139	228	98	32	98
St. George	235	233	1	238	70	105	8	28	69
St. Josephs	47	45	19	82	4	52	39	3	10
St. Vincents	456	415	3	292	58	160	123	1	36
Sutherland	271	270	2	232	42	133	79	3	51
Tamworth	224	205	-	190	68	61	35	3	23
Taree	34	34	4	31	-	22	-	2	20
Tweed Heads	55	51	-	51	-	22	-	8	14
Wagga Wagga	145	110	-	144	35	77	49	2	26
Westmead Acute Adol.	-	-	-	3	2	1	1	-	-
Westmead Adult Psych.	35	31	8	42	4	29	25	-	4
Westmead Psychogeriatric	20	18	6	31	-	31	30	-	1
SUB-TOTALS 2002	8267	7228	256	6154	1593	2528	1060	378	1090
SUB-TOTALS 2001	8340	7988	209	6720	1931	2883	66	924	1893
TOTALS 2002	10334	10768	1068	9105	2215	3903	1471	578	1854
TOTALS 2001	12713	11767	919	9364	2687	4028	121	1349	2558

* Community counselling or community treatment orders

3.2.1. TEMPORARY PATIENT CASES BROUGHT BEFORE THE TRIBUNAL PRIOR TO THE EXPIRY OF A MAGISTRATE'S ORDER (MHA s56)

In 2002, 1115 cases were presented to the Tribunal by hospitals seeking a further order. Details of such reviews by the Tribunal are presented in Table 6 which shows the number of persons whose cases were reviewed under this provision during 2002 are less for residents of the larger "stand alone" hospitals than residents of gazetted units within general hospitals. In 1991 following commencement of the new Act only 19% of such reviews were held in general hospital units. Although slightly less than last year, the percentage of such reviews conducted in general hospitals remains high at 62.3%.

The trend of all previous years (except 1995) towards an increasing number of cases being brought before the Tribunal under MHA s56 continues.

Table 6

Patient cases reviewed by the Mental Health Review Tribunal prior to expiry of a temporary patient order made by a magistrate under section 56 of the Mental Health Act 1990 for the period January to December 2002

Major Psychiatric Hospitals	Tribunal Reviews under section 56			Tribunal Determinations			
	M	F	T	Adjourn	Disch. or Reclassify to Informal	Extend Magist. Temp. Order	Reclassify to Continued Treatment Patient
Bloomfield	15	12	27	4	-	21	2
Cumberland	61	54	115	26	1	68	14
Gladesville-Macquarie	26	5	31	5	-	22	1
James Fletcher	60	47	107	39	2	63	1
Kenmore	7	6	13	-	-	11	2
Morisset	21	8	29	4	-	23	1
Rozelle	52	46	98	36	1	55	1
SUB-TOTALS 2002	242	178	420	114	4	263	22
SUB-TOTALS 2001	207	157	364	134	3	215	11
Public Hospital Units							
Albury	4	5	9	3	-	6	-
Bankstown	13	10	23	12	-	11	-
Blacktown	12	19	31	6	-	24	1
Campbelltown	27	30	57	24	-	31	1
Coffs Harbour	9	9	18	7	-	11	-
Concord	-	-	-	-	-	-	-
Gosford	7	3	10	4	-	5	1
Goulburn Base	17	11	28	7	-	18	1
Greenwich	1	6	7	2	-	5	-
Hornsby	11	9	20	8	-	12	-
Lismore	1	5	6	3	-	3	-
Liverpool	4	3	7	3	-	4	-
Maitland	5	12	17	6	-	11	-
Manly	12	17	29	12	-	14	3
Nepean	6	10	16	4	-	9	1
Port Kembla	-	3	3	2	-	1	-
Prince Henry	-	1	1	-	-	1	-
Prince of Wales	29	48	77	44	1	29	3
Royal North Shore	19	28	47	17	-	30	-
RPA Missenden Unit	18	14	32	13	-	16	-
Shellharbour	33	16	49	25	1	22	-
St George	13	21	34	15	-	18	-
St Joseph's	-	13	13	4	-	8	-
St Vincent's	23	24	47	16	-	28	2
Sutherland	27	18	45	19	-	25	1
Tamworth	6	4	10	3	-	7	-
Taree	2	3	5	2	-	3	-
Wagga Wagga	17	9	26	9	-	14	-
Westmead AA Unit	3	16	19	4	-	15	-
Westmead AP Unit	3	4	7	4	-	3	-
Westmead PG Unit	-	2	2	-	-	2	-
SUBTOTALS 2002	322	373	695	278	2	386	14
SUBTOTALS 2001	355	310	665	265	5	373	17
COMBINED TOTALS 2002	564	551	1115	392	6	649	36
COMBINED TOTALS 2001	562	467	1029	399	8	588	28

Note : Excludes hospitals at which no reviews under section 56 were held.
 * Includes 2 matters where the Tribunal determined it had no jurisdiction.

Table 7**Demographic profile of temporary patients reviewed under section 56 during 2002**

	0-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-69 yrs	70-79 yrs	80+ yrs	PATIENT TOTAL
Male	35	177	105	72	32	21	6	2	450
Female	32	103	95	55	63	48	30	15	441
TOTALS 2002	67	280	200	127	95	69	36	17	891
TOTALS 2001	46	228	204	136	74	56	30	10	785

Demographic Profile

The demographic profile is based on individual patients irrespective of the number of admissions at one or more hospitals each patient may have had during the year.

3.2.2. TEMPORARY PATIENTS WHOSE CASES WERE AGAIN BROUGHT BEFORE THE TRIBUNAL, WHERE THE PATIENT HAD ALREADY BEEN DETAINED UNDER A PREVIOUS TRIBUNAL TEMPORARY PATIENT ORDER (MHA s58)

There was a 29% increase in 2002 for the number of reviews conducted by the Tribunal under this section. It continues to be the case that medium-term patients (i.e., patients whose involuntary hospital detention may proceed through a magistrate's order, and a further temporary patient order - hereafter referred to as a TPO), are on the whole staying in hospital for less than the maximum periods that could be imposed under the legislation. In 2002, of the 295 reviews, 181 were classified as continued treatment patients. This is a 13.1% increase as compared to 2001.

Table 8

Temporary patients whose cases were further reviewed under s58 during the period January to December 2002

Major Psychiatric Hospitals	Tribunal Reviews under section 58			Tribunal Determinations		
	M	F	T	Adjourned	Discharge or Reclassify to Informal	Reclassified as CTP*
Bloomfield	1	4	5	2	-	3
Cumberland	27	17	44	9	1	34
James Fletcher	20	4	24	8	-	16
Kenmore	7	2	9	3	-	6
Gladesville/Macquarie	14	2	16	-	-	15
Morisset	12	3	15	5	-	10
Rozelle	18	15	33	18	1	13
SUB-TOTALS 2002	99	47	146	45	2	97
SUB-TOTALS 2001	61	51	112	26	0	86
Public Hospital Units						
Albury	-	3	3	1	-	2
Bankstown	5	3	8	5	-	3
Blacktown	4	7	11	3	-	8
Campbelltown	6	9	15	5	-	9
Coffs Harbour	2	1	3	1	-	2
Gosford	-	1	1	1	-	-
Goulburn Base	12	1	13	3	-	9
Greenwich	-	-	-	-	-	-
Hornsby	2	2	4	1	-	3
Lismore	2	-	2	1	-	1
Liverpool	1	-	1	-	-	1
Maitland	-	4	4	3	-	1
Manly	1	2	3	2	-	1
Nepean	-	3	3	1	-	2
Prince of Wales	6	8	14	8	-	6
Royal North Shore Hosp.	6	9	15	4	-	11
RPA Missenden Unit	9	1	10	5	-	5
Shellharbour	3	3	6	4	-	2
St George	3	2	5	3	-	2
St Josephs	-	4	4	2	-	2
St Vincents	3	5	8	5	-	3
Sutherland	3	3	6	2	-	3
Tamworth	2	-	2	-	-	2
Wagga Wagga	1	1	2	-	-	2
Westmead AA Unit	-	6	6	2	-	4
SUB-TOTALS 2002	71	78	149	62	0	84
SUB-TOTALS 2001	62	55	117	43	0	74
COMBINED TOTALS						
ALL HOSPITALS 2002	170	125	295	107	2	181
<i>COMBINED TOTALS</i>						
ALL HOSPITALS 2001	123	106	229	69	0	160

* Continued treatment patient.

Note: Excludes hospitals at which no reviews under section 58 were held.

Demographic Profile

The following table provides a demographic profile of medium-stay involuntary patients in the psychiatric hospitals and units throughout New South Wales.

Table 9

Demographic profile of temporary patients reviewed under section 58 for the period January to December 2002

	0-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-69 yrs	70-79 yrs	80+ yrs	PATIENT TOTAL
Male	10	70	31	15	7	3	2	1	139
Female	11	20	22	14	17	7	4	2	97
TOTALS 2002	21	90	53	29	24	10	6	3	236
TOTALS 2001	4	75	45	23	25	14	9	0	195

3.3. REVIEW, DISCHARGE, LEAVE, AND TRANSFER OF PERSONS IN HOSPITALS (MHA CHAPTER 4, PART 3)

The Tribunal pays particular attention to the cases of long-term continued treatment and informal patients. Its processes are aimed at securing intensive, ongoing analysis of each patient's situation, effective communication with the patient's relatives and friends where appropriate, effective liaison with hospital staff, and ongoing discussion with hospital review and drug review committees.

3.3.1. REVIEWS OF CONTINUED TREATMENT PATIENT CASES BY THE TRIBUNAL (MHA s62)

As shown in Tables 4, 10 and 11, the Tribunal conducted a total of 682 reviews in 2002 of continued treatment patients' cases, the great majority of patients being residents of the major psychiatric hospitals. The Tribunal discharged 6 patients at its reviews of continued treatment patients during 2002. It should be noted that a continued treatment patient might have ceased to present symptoms of active mental illness, but may, because of his or her continuing condition (MHA s9(2)), continue to require involuntary patient status.

Table 10

Outcome of Tribunal reviews under s62 for the calendar years 2001 and 2002

<i>Tribunal Determinations</i>	<i>2001 Reviews</i>	<i>2002 Reviews</i>
Continue to be detained as a continued treatment patient	584	635
Adjournment	40	41
Discharge and deferred discharge	1	6
TOTAL ORDERS MADE	625	682

Table 11

Reviews of the cases of continued treatment patients at major psychiatric hospitals during the period January to December 2002 under s62 by hospital, age group, numbers of reviews and patients

<i>Major Psychiatric Hospitals</i>		<i>0-19 yrs.</i>	<i>20-29 yrs.</i>	<i>30-39 yrs.</i>	<i>40-49 yrs.</i>	<i>50-59 yrs.</i>	<i>60-69 yrs.</i>	<i>70-79 yrs.</i>	<i>80+ yrs.</i>	<i>Combined Total Patients</i>	<i>Total Patient Reviews</i>
Bloomfield	Male	0	1	3	3	4	4	1	1	17	28
	Female	0	2	1	2	2	4	0	0	11	17
	Total	0	3	4	5	6	8	1	1	28	45
Cumberland	Male	0	13	15	14	11	2	0	0	55	90
	Female	1	2	9	14	9	3	0	0	38	66
	Total	1	15	24	28	20	5	0	0	93	156
James Fletcher	Male	1	3	2	1	0	0	0	0	7	10
	Female	1	1	0	2	0	0	0	0	4	6
	Total	2	4	2	3	0	0	0	0	11	16
Kenmore	Male	0	1	1	0	3	0	3	1	9	15
	Female	0	0	0	1	1	2	0	0	4	5
	Total	0	1	1	1	4	2	3	1	13	20
Macquarie	Male	0	13	8	19	19	20	3	0	82	136
	Female	0	1	4	12	14	6	3	0	40	73
	Total	0	14	12	31	33	26	6	0	122	209
Morisset	Male	0	11	11	11	7	1	1	0	42	83
	Female	0	5	2	3	7	1	0	0	18	33
	Total	0	16	13	14	14	2	1	0	60	116
Rozelle	Male	0	2	1	6	2	4	1	0	16	25
	Female	0	2	4	1	4	2	5	1	19	25
	Total	0	4	5	7	6	6	6	1	35	50
COMBINED TOTALS	Male	1	44	41	54	46	31	9	2	228	387
MAJOR PSYCHIATRIC	Female	2	13	20	35	37	18	8	1	134	225
HOSPITALS 2002	Total	3	57	61	89	83	49	17	3	362	612

Table 11A

Reviews of the cases of continued treatment patients at public hospital units during the period January to December 2002 under s62 by hospital, age group, numbers of reviews

<i>Public Hospital Units</i>		0-19 yrs.	20-29 yrs.	30-39 yrs.	40-49 yrs.	50-59 yrs.	60-69 yrs.	70-79 yrs.	80+ yrs.	Combined Total Patients	Total Patient Reviews
Bankstown	Male	-	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	1	-	-	-	1	1
	Total	-	-	-	-	1	-	-	-	1	1
Blacktown	Male	-	3	1	1	-	-	-	-	5	8
	Female	-	1	1	-	-	-	-	1	3	4
	Total	-	4	2	1	-	-	-	1	8	12
Campbelltown	Male	-	1	1	-	-	-	-	-	2	2
	Female	-	-	-	-	-	-	-	-	-	-
	Total	-	1	1	-	-	-	-	-	2	2
Coffs Harbour	Male	-	-	-	-	-	-	-	-	-	-
	Female	-	-	1	-	-	-	-	-	1	4
	Total	-	-	1	-	-	-	-	-	1	4
Gosford	Male	-	-	1	-	-	1	-	-	2	2
	Female	-	-	-	-	-	-	-	-	-	-
	Total	-	-	1	-	-	1	-	-	2	2
Goulburn	Male	-	2	-	-	1	1	-	-	4	6
	Female	-	-	-	-	1	-	-	-	1	2
	Total	-	2	-	-	2	1	-	-	5	8
Greenwich	Male	-	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	-	-	2	-	2	4
	Total	-	-	-	-	-	-	2	-	2	4
Hornsby	Male	-	1	-	-	-	-	-	-	1	1
	Female	-	1	-	1	-	1	-	-	3	5
	Total	-	2	-	1	-	1	-	-	4	6
Liverpool	Male	-	1	-	-	-	-	-	-	1	4
	Female	-	-	-	-	-	-	-	-	-	-
	Total	-	1	-	-	-	-	-	-	1	4
Maitland	Male	-	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	-	-	1	-	1	2
	Total	-	-	-	-	-	-	1	-	1	2
Manly	Male	-	-	-	-	-	-	-	-	-	-
	Female	1	-	-	-	-	-	-	-	1	1
	Total	1	-	-	-	-	-	-	-	1	1
Nepean	Male	-	1	-	-	1	-	-	-	2	3
	Female	-	-	-	-	-	1	-	-	1	1
	Total	-	1	-	-	1	1	-	-	3	4
Prince of Wales	Male	-	1	-	-	-	-	-	-	1	1
	Female	-	1	-	-	-	-	-	-	1	1
	Total	-	2	-	-	-	-	-	-	2	2
Royal North Shore	Male	-	1	-	1	-	1	-	-	3	4
	Female	-	-	-	-	-	-	-	-	-	-
	Total	-	1	-	1	-	1	-	-	3	4
RPA Missenden Unit	Male	-	2	1	1	-	-	-	-	4	6
	Female	-	-	-	-	-	-	-	-	-	-
	Total	-	2	1	1	-	-	-	-	4	6
Shellharbour	Male	-	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	-	-	2	-	2	4
	Total	-	-	-	-	-	-	2	-	2	4
St George	Male	-	1	-	-	-	-	-	-	1	3
	Female	-	-	-	-	-	-	-	-	-	-
	Total	-	1	-	-	-	-	-	-	1	3
St Vincents	Male	-	1	1	-	-	-	-	-	2	2
	Female	-	-	-	-	-	-	-	-	-	-
	Total	-	1	1	-	-	-	-	-	2	2
Wagga Wagga	Male	-	-	-	-	-	-	-	-	-	-
	Female	-	-	-	1	-	-	-	-	1	1
	Total	-	-	-	1	-	-	-	-	1	1
COMBINED TOTALS	Male	0	15	5	3	2	3	0	0	28	422
PUBLIC HOSPITAL	Female	1	3	2	2	2	2	5	1	18	252
UNITS 2002	Total	1	18	7	5	4	5	5	1	46	674
COMBINED TOTALS	Male	1	59	46	57	48	34	9	2	256	429
ALL HOSPITALS	Female	3	16	22	38	40	20	11	2	152	255
2002	Total	4	75	66	94	87	51	20	4	408	684

The number of reviews of continued treatment patients' cases continued to increase in 2002: 515 in 1995, 468 in 1996, 513 in 1997, 522 in 1998, 548 in 1999, 593 in 2000, 625 in 2001 and 682 in 2002.

Data regarding long-term patients

Tables 12 and 13 provide a history of appearances of continued treatment and long-term informal patients who were reviewed in 2002.

Table 12

Continued treatment patient cases scheduled for Tribunal review under s62 to be held between January and December 2002

<i>Hospital</i>	<i>*0 prior reviews</i>	<i>1-2 prior reviews</i>	<i>3-4 prior reviews</i>	<i>5-6 prior reviews</i>	<i>7-8 prior reviews</i>	<i>9 or more prior reviews</i>	<i>Patients</i>
Bankstown	1	-	-	-	-	-	1
Blacktown	3	3	1	-	-	-	7
Bloomfield	4	7	2	1	1	10	29
Campbelltown	4	-	-	-	-	-	4
Coffs Harbour	-	1	-	-	-	-	1
Cumberland	10	12	23	15	6	26	92
Goulburn Base	-	1	-	-	-	-	1
Gosford	2	-	-	-	-	-	2
Greenwich	1	1	-	-	-	-	2
Hornsby	-	2	-	-	-	-	2
James Fletcher	4	1	-	-	-	-	5
Kenmore	2	1	2	-	-	10	15
Lismore	-	1	-	-	-	-	1
Liverpool	-	1	-	-	-	-	1
Macquarie	1	11	11	6	4	54	87
Maitland	-	1	-	-	-	-	1
Manly	-	2	-	-	-	-	2
Morisset	5	2	10	2	2	20	41
Nepean	1	-	1	-	-	-	2
Prince of Wales	1	1	-	-	-	-	2
Royal North Shore	1	2	-	-	-	-	3
Rozelle	5	7	7	5	2	10	36
RPA Missenden Unit	2	1	-	-	-	-	3
Shellharbour	-	-	-	1	1	-	2
St George	2	-	-	-	-	-	2
St Vincents	-	1	-	-	-	-	1
Tamworth	1	-	-	-	-	-	1
Wagga Wagga	-	2	-	-	-	-	2
TOTALS 2002	54	61	57	30	16	130	348
TOTALS 2001	41	52	36	15	29	117	290

* Column headed "0 prior reviews" refers to patients who have been reclassified to CT status following a s56 or s58 review.

3.3.2. REVIEWS OF LONG TERM INFORMAL PATIENT CASES BY THE TRIBUNAL (MHA s63)

As shown in Tables 2 and 4 the Tribunal conducted a total of 151 reviews in 2002. This was 4 less than in 2001 when 155 such reviews were conducted.

Table 13

Long-term informal patient cases scheduled for Tribunal review under s63 to be held between January and December 2002

<i>Hospital</i>	<i>1 prior review</i>	<i>2 prior reviews</i>	<i>3 prior reviews</i>	<i>4 prior reviews</i>	<i>5 prior reviews</i>	<i>6-prior reviews</i>	<i>7 or more prior reviews</i>	<i>Patients</i>
Bloomfield	4	1	1	2	2	2	31	43
Cumberland	8	2	1	2	1	1	8	23
Hornsby	1	-	-	-	-	-	-	1
Kenmore	3	1	1	2	1	1	5	14
Macquarie	1	2	2	1	4	1	8	19
Morisset	1	-	-	2	-	-	3	6
Rozelle	3	2	-	1	3	-	2	11
St Vincents	1	-	-	-	-	-	-	1
TOTALS 2002	22	8	5	10	11	5	57	118
TOTALS 2001	16	7	10	12	7	8	57	117

3.3.3. APPEALS AGAINST MEDICAL SUPERINTENDENT'S REFUSAL TO DISCHARGE (MHA s69)

In 2002, the Tribunal conducted 121 reviews under this provision. In only 3 of these reviews (2.5%) was the appeal upheld and the patient discharged. The Tribunal's exercise of this jurisdiction is summarised in Table 14 below.

Table 14

Outcome of s69 appeals by patients against a medical superintendent's refusal of a request for discharge during the period January to December 2002

	<i>No. of persons reviewed under s69</i>			<i>Tribunal reviews under s69</i>			<i>Determination by Tribunal</i>			
	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>Discharged</i>	<i>Adjourned</i>	<i>Appeal Dismissed</i>	<i>Dismissed and no further Appeal to be heard prior to next scheduled review</i>
Major Psychiatric Hospitals										
Bloomfield	1	-	1	1	-	1	-	-	-	1
Cumberland	9	14	23	11	14	25	1	5	9	13
James Fletcher	6	1	7	5	1	6	-	-	1	5
Kenmore	-	-	-	-	-	-	-	-	-	-
Macquarie	1	-	1	1	-	1	-	1	-	-
Morisset	3	-	3	4	-	4	-	-	1	3
Rozelle	12	9	21	13	8	21	1	1	3	18
SUB-TOTALS 2002	32	24	56	35	23	58	2	7	14	40
SUB-TOTALS 2001	36	20	56	38	23	61	1	2	7	51
Public Hospital Units										
Blacktown	1	-	1	2	-	2	-	2	-	-
Campbelltown	4	2	6	4	3	7	-	1	4	2
Coffs Harbour	2	1	3	2	1	3	-	-	1	2
Gosford	1	1	2	-	2	2	-	2	-	1
Goulburn	2	7	9	2	7	9	1	3	2	4
Greenwich	-	1	1	-	1	1	-	1	-	-
Hornsby	1	1	2	1	1	2	-	-	-	2
Liverpool	2	1	3	2	1	3	-	-	1	2
Manly	1	-	1	1	-	1	-	-	-	1
Prince of Wales	-	3	3	-	3	3	-	-	-	3
Royal North Shore	3	3	6	3	3	6	-	-	1	5
RPA Missenden Unit	-	2	2	-	2	2	-	-	-	2
Shellharbour	1	-	1	1	-	1	-	-	-	1
St George	1	1	2	1	2	3	-	1	-	2
St Josephs	-	1	1	-	1	1	-	-	-	1
St Vincents	1	2	3	1	2	3	-	-	-	3
Sutherland	3	2	5	3	2	5	-	-	-	5
Tamworth	2	2	4	2	2	4	-	-	1	3
Wagga Wagga	1	-	1	1	-	1	-	-	-	1
Westmead AA Unit	1	1	2	1	1	2	-	-	-	2
Westmead AP Unit	-	1	1	-	1	1	-	-	1	-
Westmead PG Unit	1	-	1	1	-	1	-	-	-	1
SUB-TOTALS 2002	28	32	60	28	35	63	1	10	11	43
SUB-TOTALS 2001	42	31	73	51	33	84	0	12	15	56
COMBINED TOTALS 2002	60	56	115	63	58	121	3	16	24	83
COMBINED TOTALS 2001	78	51	129	89	56	145	1	14	22	107

* Includes 1 review where the Tribunal determined it had no jurisdiction

The MHA requires that as soon as practicable after a person has been involuntarily detained, the receiving hospital must give to the person so detained an oral explanation and a written statement (Form 1 under the Mental Health Regulation 2000) of the person's legal rights and entitlements. Compliance with this provision would have involved hospital staff advising more than 10,768 involuntarily detained persons of their legal rights during 2002. However, during 2002 only about 1% of involuntary patients from all hospitals appealed to the Tribunal against a medical superintendent's refusal to discharge. This pattern has remained fairly consistent since the proclamation of the Act in 1990.

Table 15

Demographic profile of temporary patients and continued treatment patients who appealed under section 69 during the period January to December 2002

	0-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-69 yrs	70-79 yrs	80+ yrs	PATIENT TOTAL
Male	3	21	20	9	4	1	2	1	61
Female	1	12	16	8	8	3	6	2	56
TOTALS 2002	4	33	36	17	12	4	8	3	117
TOTALS 2001	2	36	41	28	16	4	1	1	129

3.4. COMPARISON OF INVOLUNTARY ADMISSIONS TO ALL ADMISSIONS

For the twelve month period July 2001 to June 2002 there were 20828 voluntary and involuntary admissions to gazetted general hospital psychiatric units compared to 20843 in the previous year. Also from July 2001 to June 2002 there were 6166 involuntary admissions to the seven large psychiatric institutions and 5711 in the previous year (Table 16). The figures for admissions to all facilities are gathered by the Department of Health and are reported in its Annual Report for each financial year. Involuntary admissions represent approximately 40% of all admissions (excluding those patients who have been reclassified from informal to involuntary status).

Table 16**Comparison of involuntary admissions (Jan 2002 - Dec 2002) and total admissions (July 2001 - Jun 2002) in public psychiatric facilities**

Major Psychiatric Hospitals	<i>Taken to hospital Involuntarily and Admitted (Jan 2002 to Dec 2002)</i>	<i>Total Admissions (Jul 2001 to Jun 2002)</i>	<i>Percentage Involuntary Admissions</i>
Bloomfield	647	1057	61.2
Cumberland	868	1675	51.8
James Fletcher/Morisset	724	1415	51.2
Kenmore	105	73	214.3
Macquarie	237	344	68.9
Rozelle	959	1602	59.9
SUB-TOTAL 2002	3540	6166	57.4
<i>SUB-TOTAL 2001</i>	<i>3699</i>	<i>5711</i>	<i>64.8</i>
Public Hospital Units			
Albury	73	458	15.9
Armidale	-	470	-
Bankstown	375	1026	36.5
Blacktown	202	545	37.1
Bowral	-	77	-
Broken Hill	43	153	28.1
Campbelltown	276	507	54.4
Coffs Harbour	370	511	72.4
Dubbo	9	134	6.7
Gosford	473	785	60.3
Goulburn	277	530	52.3
Greenwich	40	250	19
Hornsby	282	602	46.8
Lismore	481	1432	33.6
Liverpool	405	899	45.1
Long Bay	64	389	16.5
Maitland	220	696	31.6
Manly	309	1012	30.5
Mudgee	-	21	-
Nepean	421	754	55.8
Prince of Wales	443	953	46.5
Queanbeyan	-	11	-
Royal North Shore	84	480	17.5
RPA Missenden	88	869	10.1
Shellharbour	881	2672	33
St George	233	1011	23
St Joseph's	45	126	35.7
St Vincent's	415	585	70.9
Sutherland	270	518	52.1
Taree	34	97	35.1
Tweed Heads	51	-	-
Tamworth	205	772	26.6
Wagga Wagga	10	411	2.4
Westmead Acute Adolescent Unit	-	339	-
Westmead Adult Psychiatric Unit	134	658	20.4
Westmead Psychogeriatric Unit	18	75	24
SUB-TOTAL 2002	7228	20828	34.7
<i>SUB-TOTAL 2001</i>	<i>7988</i>	<i>20843</i>	<i>38.3</i>
COMBINED TOTALS ALL HOSPITALS 2002	10768	26994	39.9
<i>COMBINED TOTALS ALL HOSPITALS 2001</i>	<i>11687</i>	<i>26554</i>	<i>44</i>

1 Source: Department of Health Annual Report 2001/2002.
2 Source: Department of Health Annual Report 2000/2001.

Table 17

Number of community counselling orders and community treatment orders made by the Tribunal and by Magistrates for the eleven year period 1992 to 2002

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Magistrate CCOs	2	4	4	8	7	8	4	4	3	60	15
Tribunal CCOs	32	52	125	148	167	178	82	66	69	88	54
Total CCOs	34	56	129	156	174	186	86	70	72	148	69
Magistrate CTOs	110	166	247	349	365	747	747	844	673	1289	563
Tribunal CTOs	364	554	848	1396	2095	2840	2059	2325	2509	2738	3166
Total CTOs	474	720	1095	1745	2460	3587	2806	3169	3182	4027	3729
Total Magistrate CCO/CTOs	112	170	251	357	372	755	751	848	676	1349	578
Total Tribunal CCO/CTOs	396	606	973	1544	2262	3018	2141	2391	2578	2826	3220
Total CCO/CTOs made	508	776	1224	1901	2634	3773	2892	3239	3254	4175	3798

Table 18**Community counselling orders for gazetted health care agencies made by the Tribunal for the two calendar years 2001 and 2002**

<i>Health Care Agency</i>	<i>2001 Total CCOs</i>	<i>2002 Total CCOs</i>	<i>Health Care Agency</i>	<i>2001 Total CCOs</i>	<i>2002 Total CCOs</i>
Albury CMHS	1	-	Leeton/Narrandera CHC	-	-
Armidale CMHS	-	-	Lismore MHOPS	-	-
Ashfield CMHS	-	-	Lithgow MHS	-	-
Auburn CHC	4	4	Liverpool MHS	2	-
Bankstown Lidcombe MHS	3	-	Macquarie Area MHS	-	-
Barwon MHS	-	-	Manly Hospital and CMHS	5	-
Batemans Bay DHC & MHS	3	2	Maroubra CMHS	4	2
Bega Valley Counselling & MHS	-	-	Marrickville CMHS	-	-
Blacktown & Mt Druitt PS	1	-	Merrylands CHS	-	-
Blue Moutains MHS	-	-	Mid Western CMHS	2	1
Bondi Junction CHC	2	2	Mudgee MHS	-	-
Botany CHC	-	-	New England Dist (Glen Innes) MHS	-	-
Bowral CHS	-	-	New England District (Inverell) MHS	-	-
Campbelltown MHS	2	3	Newcastle MHS	1	-
Canterbury CMHS	2	2	Orana MHS - Dubbo Base Hospital	-	-
Catherine Mahoney Aged Care P. U.	-	1	Orange CHC	-	-
Central Coast Area MHS	4	3	Orange C. Res/Rehab. Service	-	-
Clarence District HS	1	-	Pambula District Hospital MHS	-	-
Coffs Harbour MH Out/pt Serv	2	-	Parramatta CHS	1	1
Cooma MHS	-	-	Penrith MHS	-	-
Cootamundra MHS	-	-	Penrith/Hawkesbury MHS	-	-
Deniliquin District MHS	-	-	Port Macquarie CMHS	1	-
Dundas CHC	-	-	Queanbeyan MHS	-	-
Fairfield MHS	2	4	Redfern/Newtown CMHS	-	-
Far West MHS	-	-	Royal North Shore H & CMHS	2	4
Glebe CMHS	-	-	Ryde Hospital and CMHS	13	8
Goulburn CMHS	-	-	Shoalhaven MHS	1	-
Griffith (Murrumbidgee) MHS	-	-	St George Div of Psych & MH	8	3
Hawkesbury MHS	-	-	St Joseph's Hospital CMACPU	2	-
Hills CMHC	1	-	Sutherland C Adult & Fam MHS	-	2
Hornsby Ku-ring-gai H & CMHS	6	4	Tamworth CMHS	-	-
Hunter Valley HCA	-	-	Taree CMHS	-	-
Illawarra PS	4	7	Tumut CMHS	1	-
Inner City MHS	2	1	Tweed Heads MHS	-	-
James Fletcher Hospital	-	-	Upper Hunter MHS	-	-
Kempsey CMHS	-	-	Wagga Wagga CMHS	4	-
Lake Macquarie MHS	-	-	Young MHS	-	-

TOTAL NUMBER OF COMMUNITY COUNSELLING ORDERS 2002 54
 Total number of Community Counselling Orders 2001 88

Table 19

Demographic profile of persons whose cases were reviewed under section 118 (community counselling order applications) during the period January to December 2002

	<i>0-19 yrs</i>	<i>20-29 yrs</i>	<i>30-39 yrs</i>	<i>40-49 yrs</i>	<i>50-59 yrs</i>	<i>60-69 yrs</i>	<i>70-79 yrs</i>	<i>80+ yrs</i>	<i>PATIENT TOTAL</i>
Male	-	7	6	5	4	-	-	-	22
Female	1	3	4	9	5	5	1	1	29
TOTALS 2002	1	10	10	14	9	5	1	1	51
TOTALS 2001	1	14	12	24	6	5	1	1	64

Table 20**Community treatment orders for gazetted health care agencies made by the Tribunal for the two calendar years 2001 and 2002**

<i>Health Care Agency</i>	<i>2001 Total CTOs</i>	<i>2002 Total CTOs</i>	<i>Health Care Agency</i>	<i>2001 Total CTOs</i>	<i>2002 Total CTOs</i>
Albury CMHS	25	23	Leeton/Narrandera CHC	4	7
Armidale MHS	13	15	Lismore MHOPS	37	38
Ashfield CMHS	72	70	Lithgow MHS	2	-
Auburn CHC	45	57	Liverpool MHS	53	59
Bankstown-Lidcombe MHS	114	87	Macquarie Area MHS	24	29
Barwon MHS	1	4	Manly Hospital & CMHS	95	102
Batemans Bay DHC & MHS	30	20	Maroubra CMH	49	45
Bega Valley Counselling & MHS	6	8	Marrickville CMHS	70	84
Blacktown & Mt Druitt PS	104	133	Merrylands CHC	81	113
Blue Mountains MHS	53	49	Mid Western CMHS	45	49
Bondi Junction CHC	81	70	Mudgee MHS	-	4
Botany CHC	-	-	New England Dist (Glen Innes) MHS	8	4
Bowral CMHS	20	16	New England Dist (Inverell) MHS	12	9
Campbelltown MHS	84	74	Newcastle MHS	59	74
Canterbury CMHS	63	93	Orana MHS - Dubbo Base Hospital	-	-
Catherine Mahoney Aged Care P.U	2	-	Orange CHC	4	4
Central Coast Area MHS	91	89	Orange C Res/Rehab Service	2	6
Clarence District HS	6	9	Pambula District Hospital MHS	-	-
Coffs Harbour MHOPS	45	60	Parramatta CHS	20	35
Cooma MHS	1	6	Penrith MHS	66	76
Cootamundra MHS	4	6	Penrith/Hawkesbury MHS	2	4
Deniliquin District MHS	-	6	Port Macquarie CMHS	28	25
Dundas CHC	16	31	Queanbeyan MHS	11	28
Fairfield MHS	61	87	Redfern/Newtown CMHS	22	30
Far West MHS	14	25	Royal North Shore H & CMHS	89	122
Glebe CMHS	60	58	Ryde Hospital & CMHS	85	71
Goulburn CMHS	32	49	Shoalhaven MHS	24	27
Griffith (Murrumbidgee) MHS	9	11	St George Div of Psychiatry & MH	133	159
Hawkesbury MHS	19	29	St Josephs Hospital CMACPU	-	1
Hills CMHC	9	20	Sutherland C Adult & Fam MHS	117	156
Hornsby Ku-ring-gai Hospital & CMHS	77	77	Tamworth CMHS	22	34
Hunter Valley HCA & Psy Rehab Serv.	46	96	Taree CMHS	31	43
Illawarra Psychiatric Services	111	98	Tumut CMHS	1	1
Inner City MHS	81	95	Tweed Heads MHS	17	26
Inverell	-	1	Upper Hunter MHS	-	-
James Fletcher Hospital	11	5	Wagga Wagga CMHS	39	56
Kempsey CMHS	14	17	Young MHS	5	3
Lake Macquarie MHS	50	48			

TOTAL NUMBER OF COMMUNITY TREATMENT ORDERS 2002 **3166**
Total number of Community Treatment Orders 2001 2738

Table 21

Demographic profile of persons reviewed under section 131 (community treatment order applications) during the period January to December 2002

	<i>0-19 yrs</i>	<i>20-29 yrs</i>	<i>30-39 yrs</i>	<i>40-49 yrs</i>	<i>50-59 yrs</i>	<i>60-69 yrs</i>	<i>70-79 yrs</i>	<i>80+ yrs</i>	<i>PATIENT TOTAL</i>
Male	44	505	481	264	129	60	22	6	1511
Female	19	201	221	193	176	101	54	12	977
TOTALS 2002	63	706	702	457	305	161	76	18	2488
TOTALS 2001	60	541	563	381	244	110	60	10	1969

Table 22**Community treatment orders/community counselling orders made by Magistrates for the calendar years 2000, 2001 and 2002**

<i>Area Health Service/Region</i>	<i>2000 CCOs</i>	<i>2001 CCOs</i>	<i>2002 CCOs</i>	<i>2000 CTOs</i>	<i>2001 CTOs</i>	<i>2002 CTOs</i>
Albury (Nolan House)	-	-	-	14	-	1
Bankstown (Banks House)	-	-	-	32	59	12
Blacktown (Bungarribee House)	-	-	-	22	37	4
Bloomfield	-	-	-	21	93	50
Broken Hill (Special Care Suite)	-	-	-	13	9	-
Campbelltown (Waratah House)	-	-	-	7	9	9
Coffs Harbour (Psychiatric Unit)	-	-	1	18	38	17
Cumberland	-	8	-	6	123	41
Gosford (Mandala Clinic)	-	5	-	45	70	15
Goulburn	-	16	-	11	51	5
Greenwich	-	-	-	2	10	2
Hornsby (Palmerston Unit)	-	6	-	16	37	52
James Fletcher	-	-	-	46	69	10
Kenmore	-	1	9	-	9	37
Lismore (Richmond Clinic)	1	8	-	68	117	101
Liverpool Hospital	-	6	-	56	99	31
Macquarie Hospital	-	-	-	12	27	25
Maitland	-	-	-	12	29	7
Manly (East Wing)	-	-	4	19	34	17
Morisset	-	-	-	-	1	-
Nepean (Pialla Unit)	-	4	-	18	41	13
Port Kembla	1	-	-	4	-	-
Prince of Wales (Psychiatric Unit)	-	1	-	17	18	1
Royal North Shore (Cummins Unit)	-	-	-	9	10	4
Royal Prince Alfred (Missenden Unit)	1	-	-	16	33	-
Rozelle	-	-	-	62	94	28
Shellharbour (Psych Unit/Rehab Unit)	-	1	1	28	46	31
St George (Pacific House)	-	4	-	14	33	28
St Josephs (Psychogeriatric Unit)	-	-	-	1	1	3
St Vincents (Caritas Centre)	-	-	-	10	19	1
Sutherland (Psychiatric Unit)	-	-	-	35	34	3
Tamworth (Banksia Unit)	-	-	-	25	23	3
Taree	-	-	-	-	-	2
Tweed Heads	-	-	-	-	-	8
Wagga Wagga (Gissing House)	-	-	-	12	10	2
Westmead (Acute Adolescent)	-	-	-	1	4	-
Westmead (Psych.Geriatric)	-	-	-	1	2	-
TOTALS	3	60	15	673	1289	563

EXPLANATORY NOTE ABOUT THE NUMBERING OF TABLES:

In order to enable ready comparison with previous annual reports, the number of the table for the relevant set of data for each year has been kept the same. Thus, Table 25 at page 35 of AR95 relates to "Tribunal determinations on ECT applications for involuntary patients", as does Table 25 in this year's report. However, from 1995, there is no equivalent table to Table 23, which last appeared in AR94. There is also no equivalent to Table 24 in this report. Hence the jump in table numbers for AR95 to AR99 from Table 22 to Table 25.

Table 25**Tribunal determinations on ECT applications for involuntary patients for the period January to December 2002**

<i>Capacity of Patient to give Informed Consent</i>	<i>Approved</i>	<i>Determination or Opinion Not Required</i>	<i>Not Approved</i>	<i>Total</i>
Capable and has consented	2	22	-	24
Capable but has neither consented nor refused	6	-	1	7
Capable but has refused	3	-	2	5
Incapable of giving informed consent	367	-	4	371
Incapable of informed consent – has consented	1	-	-	1
Incapable of – has neither consented nor refused	-	-	-	0
Incapable of informed consent – has refused	5	-	-	5
Adjourned	-	16	-	16
No jurisdiction	-	1	-	1
TOTALS 2002	384	39	7	430
TOTALS 2001	408	44	8	460

Table 26**Demographic profile of detained persons receiving ECT following Tribunal approvals (total 298) to perform the procedure for the period January to December 2002**

	<i>0-19</i>	<i>20-29</i>	<i>30-39</i>	<i>40-49</i>	<i>50-59</i>	<i>60-69</i>	<i>70-79</i>	<i>80+</i>	<i>Total</i>
Male	4	21	17	15	17	19	11	8	112
Female	14	22	33	35	42	35	35	22	238
TOTALS 2002	18	43	50	50	59	54	46	30	350
TOTALS 2001	11	42	61	39	54	54	63	29	353

Table 27

**Breakdown of age groups of detained persons receiving ECT during the period
January to December 2002 by number and percentage and percentages for 2001**

	<i>0-19 yrs</i>	<i>20-29 yrs</i>	<i>30-39 yrs</i>	<i>40-49 yrs</i>	<i>50-59 yrs</i>	<i>60-69 yrs</i>	<i>70-79 yrs</i>	<i>80+ yrs</i>	<i>Total Persons</i>
Persons receiving ECT	18	43	50	50	59	54	46	30	350
Persons admitted involuntarily and inpatients reclassified to involuntary *	956	3237	2933	1954	1072	487	303	202	11144
PERCENTAGE BY AGE GROUP 2002	1.9 %	1.3 %	1.7 %	2.6 %	5.5 %	11.1 %	15.2 %	14.9 %	3.1 %
PERCENTAGE BY AGE GROUP 2001	1.2 %	1.3 %	2.0 %	2.2 %	6.0 %	13.4 %	19.1 %	16.5 %	3.3 %

* This total is by individual irrespective of the number of admissions/reclassifications particular individuals may have experienced during 2002

Table 28**Results of Tribunal ECT hearings by hospital for the period January to December 2002 and combined totals for 2001**

Major Psychiatric Hospitals	<i>Tribunal reviews under ss185 and 188</i>	<i>Adjournments</i>	<i>ECT approved by Tribunal</i>	<i>ECT not approved</i>
Bloomfield	17	-	17	-
Cumberland	51	1	43	2
James Fletcher	46	8	34	-
Kenmore	13	1	9	-
Macquarie	3	-	3	-
Morisset	3	-	3	-
Rozelle	26	-	23	1
SUB-TOTALS 2002	159	10	132	3
SUB-TOTALS 2001	149	6	131	3
Public Hospital Units				
Albury	6	-	6	-
Bankstown	10	1	9	-
Blacktown	13	-	13	-
Campbelltown	19	1	14	-
Coffs Harbour	3	-	3	-
Gosford	16	-	15	-
Goulburn	7	-	4	-
Greenwich	6	-	5	-
Hornsby	16	1	14	-
Lismore	18	-	15	1
Liverpool	16	-	16	-
Maitland	16	-	15	1
Manly	1	-	1	-
Nepean	17	2	15	-
Prince of Wales	19	1	17	-
Royal North Shore	3	-	2	1
RPA Missenden Unit	5	1	3	-
Shellharbour	10	1	9	-
St George	24	-	21	1
St Josephs	-	-	-	-
St Vincents (Caritas)	6	-	5	-
Sutherland	9	-	8	-
Tamworth	9	-	7	-
Wagga Wagga	10	-	9	-
Westmead Acute Adolescent	11	1	10	-
Westmead Adult Psychiatry	13	1	11	1
Westmead Psychogeriatric	-	-	-	-
SUB-TOTALS 2002	283	10	247	5
SUB-TOTALS 2001	313	12	277	5
COMBINED TOTAL ALL HOSPITALS 2002	442	20	379	8
COMBINED TOTAL ALL HOSPITALS 2001	462	18	408	8

Table 29

Breakdown of Tribunal approvals of surgical operations and special medical treatments (MHA ss205 – 207) during the period January to December 2002.

<i>Patient</i>	<i>Surgical Procedure</i>
1	Gastroscopy and colonoscopy
2	Mactomy
3	Mactecomy
4	Bronchoscopy
5	Insertion of PEG tube
6	Mactecomy
7	Removal of adrenal pheochromocytoma
8	Dental extractions under GA
9	Insertion of PEG tube
10	Subtotal Thyroidectomy
11	Aspiration of thyroid cyst
12	Skin biopsy
13	Total Thyroidectomy
14	Dental extractions under GA
15	Removal of hardware from back
16	Tubal ligation
17	Hysterectomy

Does not include two applications where the Tribunal refused to give consent and one application that was initially adjourned but then not proceeded with.

Table 30

Surgery under the emergency provisions (ss 201 – 203) during the period January to December 2002

<i>Patient</i>	<i>Surgical Procedure</i>
1	Excision of lesion in lower lip
2	Surgery on thumb
3	Colonoscopy
	Bronchoscopy
	Drainage right plural effusion
4	Plural aspiration/bronchoscopy
5	Repair fractured right hip
6	Bronchoscopy
	Repair fractured femur
	Repair fractured femur
7	VG Scan
8	Repair lower leg fracture

4. MANAGEMENT OF THE INCOME AND PROPERTY OF PATIENTS, PAST AND PRESENT

Table 31

Summary of statistics relating to the Tribunal's jurisdiction under the Protected Estates Act 1983 for the period January to December 2002 and combined totals for 2001

<i>Section of Act</i>	<i>Description of Reviews</i>	<i>Reviews</i>			<i>Adjournments</i>	<i>Order made</i>	<i>Order Declined</i>	<i>Interim Order under s20</i>	<i>Revocation Approved</i>	<i>Revocation Declined</i>	<i>Legal Repres.</i>
		<i>M</i>	<i>F</i>	<i>T</i>							
s.17	Referred to Tribunal by Magistrate	12	17	29	6	7	14	2	0	0	21
s.18	Order made on Forensic Patient	1	-	1	0	1	0	0	0	0	1
s.19	On application to Tribunal for Order	117	94	211	30	89	32	59	0	0	195
s.36	Revocation of Order	19	12	31	6	0	0	0	10	10	3
TOTALS 2002		149	123	272	42	97	46	61	10	10	220
<i>TOTALS 2001</i>		<i>194</i>	<i>110</i>	<i>304</i>	<i>43</i>	<i>103</i>	<i>40</i>	<i>50</i>	<i>25</i>	<i>38</i>	<i>215</i>

In early 2002 the Tribunal introduced a new procedure which required clients to make a formal application and provide supporting evidence to apply for revocation of a Protective Estates Order. This has reduced the number of such applications from 81 in 2001 to 31 in 2002. However, the percentage of such applications that are successful in having the order revoked has increased from 12% in 2001 to 32% in 2002.

5. FORENSIC PATIENTS

Table 32

Summary of statistics relating to the Tribunal's forensic jurisdiction for the periods January to December 2001 and 2002 for forensic patient case reviews under the Mental Health Act 1990

Act and Section	Description of Review	2001 Reviews			2002 Reviews		
		M	F	Total	M	F	Total
<i>Forensic Patient Reviews requiring submission of Tribunal recommendations to Minister under the Mental Health Act 1990</i>							
80(1) MHA	Where a detained person is found unfit to be tried at an inquiry or given a limiting term at a special hearing	-	-	-	-	-	-
80(1)(a) MHA	After Court inquiry where detention imposed - consider (a) fitness & (b) danger to self or public	-	-	-	-	-	-
80(1)(b) MHA	After special hearing where limiting term and detention imposed - Consider (a) fitness & (b) danger to self or public	1	-	1	1	-	1
81(1)(a) MHA	After special hearing - not guilty by reason of mental illness	4	1	5	5	1	6
81(1)(b) MHA	After Trial - not guilty by reason of mental illness	19	-	19	20	2	22
82 MHA	Regular periodic review of forensic patient	335	36	371	348	27	375
82(s.94) MHA	Following reinvestigation of person apprehended under s93	-	-	-	-	-	-
82(s.96) MHA	Request for transfer to prison	-	-	-	-	-	-
86(1) MHA	Review of person transferred from prison	38	12	50	20	5	25
86(2)	Monthly review – (a) trial incomplete or (b) Unfit to be tried/await special hearing	-	-	-	-	-	-
87	Review of person to be transferred from prison	-	-	-	-	-	-
TOTAL		397	49	446	394	35	429
<i>Tribunal Determinations made under the provisions of the Mental Health (Criminal Procedure) Act 1990</i>							
16 MHCPA	Determination of fitness to be tried in next twelve months	25	6	31	38	4	42
24 MHCPA	Determination of mental state following making of a limiting term after a special hearing	4	-	4	10	3	13
TOTAL		29	6	35	48	7	55
COMBINED TOTALS		426	55	481	442	42	484

* Note: The Tribunal also conducted 3 hearings to consider applications for the administration of ECT to Forensic patients under s194 Mental Health Act, 1990.

Table 33**Outcomes of reviews held under the forensic provisions of the Mental Health Act 1990 from January to December 2002, Tribunal recommendations, and responses of the Executive Government**

	<i>Reviews</i>			<i>Approvals</i>			<i>Rejections</i>			<i>Pending</i>			<i>Not Applicable</i>		
	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>
A) No change in conditions of detention	142	9	151	131	8	139	-	-	-	11	-	11	1	-	1
B) Less restrictive conditions of detention	61	6	67	25	3	28	11	1	12	25	1	26	-	1	1
C) More restrictive conditions of detention	4	2	6	2	2	4	1	-	1	-	1	1	-	-	-
D) Conditional release	27	3	30	9	1	10	1	-	1	12	2	14	5	-	5
E) Revocation of conditional release	1	-	1	-	-	-	-	-	-	1	-	1	-	-	-
F) No change in conditions of release	93	6	99	87	6	93	-	-	-	6	-	6	-	-	-
G) Less restrictive conditional release	3	-	3	3	-	3	-	-	-	-	-	-	-	-	-
H) More restrictive conditional release	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
I) Unconditional release	10	2	12	-	-	-	6	2	8	4	-	4	-	-	-
<i>Adjournment</i>	43	2	45	-	-	-	-	-	-	-	-	-	43	2	45
<i>Not forwarded or acted upon due to changed circumstances</i>	9	1	10	-	-	-	-	-	-	-	-	-	9	1	10
<i>DETERMINED under s82(3): if patient has become fit to be tried notify Attorney General</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>DETERMINED under s89(1): that patient be reclassified to continued treatment patient status</i>	2	3	5	-	-	-	-	-	-	-	-	-	2	3	5
															-
TOTAL Recommendations and Outcomes 2002	395	34	429	257	20	277	19	3	22	59	4	63	60	7	67
TOTAL Recommendations and Outcomes 2001	405	55	460	212	28	240	7	-	7	80	10	90	106	17	123

The data provided in Tables 33 and 34 at page 60 of AR94 have been combined into the one table, number 33 in the Annual Reports for 1995 – 2002.

Table 35A**Location of forensic patient case reviews held between January and December 2002**

CUMBERLAND HOSPITAL	62
KENMORE HOSPITAL	5
LITHGOW	1
LONG BAY PRISON HOSPITAL	145
MACQUARIE HOSPITAL	4
MORISSET HOSPITAL	46
MULAWA TRAINING CENTRE	3
PARKLEA - PMS	1
PRIORY - COMMUNITY FORENSICS	84
ROZELLE HOSPITAL	12
SILVERWATER - PMS	3
TOTAL	366

Table 35B**Location of Forensic Patients as at 30 June 2003**

COMMUNITY	79
CUMBERLAND HOSPITAL, PARRAMATTA	32
GOULBURN - PMS	3
GRAFTON	1
KENMORE HOSPITAL	7
LONG BAY (A) - PMS	7
LONG BAY SPECIAL PURPOSE CENTRE	2
LONG BAY PRISON HOSPITAL	96
MACQUARIE HOSPITAL, NORTH RYDE	1
MORISSET HOSPITAL	20
MULAWA - PMS	12
PARKLEA - PMS	1
ROZELLE HOSPITAL, LEICHHARDT	6
SILVERWATER - PMS	11
YASMAR	1
TOTAL	279

6. ENGLISH AND NON-ENGLISH SPEAKING BACKGROUND PATIENTS

Reference is made to Appendices 8, 9 10 and 12.

7. GENERAL OBSERVATIONS AND CONCLUSIONS

As reported elsewhere in this report, the year 2002 was a significant year of change for the Tribunal. It was Professor Duncan Chappell's first full year in his position as President of the Tribunal. It was also the final year of Michael Sterry's term as Deputy President. The Tribunal acknowledges the great contribution made by Mr Sterry to the development and operation of the Tribunal over many years.

Arrangements were finalised for the Tribunal to move from its old premises at the 'Priory' into a newly refurbished building on the grounds of Gladesville Hospital. The Tribunal is to move into these premises in January 2003 when it will reap the benefits of having purpose designed office space and hearing rooms.

The Tribunal now has its new organisational structure well in place. The structure offers clear supervisory and reporting lines. The Tribunal is staffed by a small but dedicated team of people, many of whom have worked here for a number of years often in fairly difficult circumstances. The staff continue to display a strong commitment to the work of the Tribunal.

The appointment by the Minister of 27 new part time members is seen as a very positive move for the Tribunal. This was the first extensive recruitment action carried out for a number of years with more than 400 applications for appointment as members being received. Following an extensive induction, training and hearing observation programme the new members were introduced to the Tribunal's roster of hearings in early 2003.

The Tribunal is very appreciative of the support provided by the Minister and the Department of Health in implementing the recommendations of the Mandala Consulting report. In particular the Tribunal acknowledges the Department's support and commitment to the refurbishment of our new premises. Whilst also acknowledging the budgetary supplementation provided by the Department in 2002 we note that increased recurrent funding is essential for the Tribunal to be able to meet its statutory obligations.

It is anticipated that the year of 2003 will be a year for consolidation of the enormous changes made throughout 2002.

APPENDICES

APPENDIX 1

Patient statistics required under MHA s261(2) concerning people taken to hospital during period January to December 2002

(1) **s261(2)(a)**

The number of persons taken to hospital and the provisions of the Act under which they were so taken.

	<i>Method of Referral</i>	<i>Admitted</i>	<i>Not Admitted</i>	<i>Total</i>
s21	Certificate of Doctor	7278	170	7448
s23	Request by Relative/Friend	831	11	842
s24	Apprehension by Police	2726	586	3312
s25	Order of Court	210	63	273
s26	Welfare Officer	344	17	361
s21 via s27	Authorised Doctor's Certificate	148	1	149
s142	Breach Community Treatment Order	121	11	132
TOTAL ADMISSIONS		11658	859	12517
	RECLASSIFIED FROM INFORMAL TO INVOLUNTARY	1072	5	1077
TOTAL		12730	864	13594

(2) **s261(2)(b)**

Persons were detained as mentally ill persons on 6788 occasions and as mentally disordered persons on 2169 occasions.

(3) **s261(2)(c)**

A total of 9105 magistrate's inquiries under section 41 were commenced and 3903 of these inquiries were concluded.

(4) **s261(2)(d)**

Persons were detained as Temporary Patients at the conclusion of a Magistrate's hearing on 1854 occasions.

5) **s261(2)(e)**

A total of 1420 Temporary Patient reviews were held by the Tribunal under sections 56 and 58. Persons were further detained as temporary patients on 649 occasions and were classified as Continued Treatment Patients on 217 occasions.

Note: Some individuals were taken to hospital on more than one occasion during the year.

TRIBUNAL'S JURISDICTION

The jurisdiction of the Tribunal as set out in the various Acts under which it operates is as follows:

MENTAL HEALTH ACT 1990 MATTERS

• Consideration of temporary orders made by the Magistrate	s56
• Consideration of temporary orders made by the Tribunal	s58
• Review of continued treatment patients	s62
• Review of informal patients	s63
• Appeal against medical superintendent's refusal to discharge	s69
• Review of persons found unfit to be tried	s80
• Review of persons found not guilty on grounds of mental illness	s81
• Continued review of forensic patients	s82
• Review of persons transferred from prison	s86
• Informal review of persons with proceedings still pending	s86(2)
• Informal review of persons to be transferred from prisons	s87
• Classification as continued treatment patient	s89
• Requested investigation of person apprehended for a breach of a condition of an order for release	s94
• Review of forensic patients requesting transfer to prison	s96
• Making of community counselling orders	s118
• Making of community treatment orders	s131
• Review by Tribunal of detained persons	s143A
• Variation of a community counselling order or a community treatment order	s148
• Revocation of a community counselling order or community treatment order	s148
• Review of informal patient's capacity to give informed consent to ECT	s185
• Review report on emergency ECT	s186
• Application to Tribunal to administer ECT with consent to a detained person	s188
• Application to administer ECT without consent to a detained person	s189
• Inspect ECT register	s196
• Review report on emergency surgery	s203
• Application to carry out special medical treatment	s204
• Application to carry out certain operations and treatments other than in emergency	s205

PROTECTED ESTATES ACT 1983 MATTERS

• Order for management	s17, s18, s19
• Interim order for management	s20
• Revocation of order for management of non-patient	s36

MENTAL HEALTH (CRIMINAL PROCEDURE) ACT 1990 MATTERS

• Determination of certain matters where person found unfit to be tried	s16
• Determination of certain matters where person given a limiting term following a special hearing	s24

APPENDIX 3

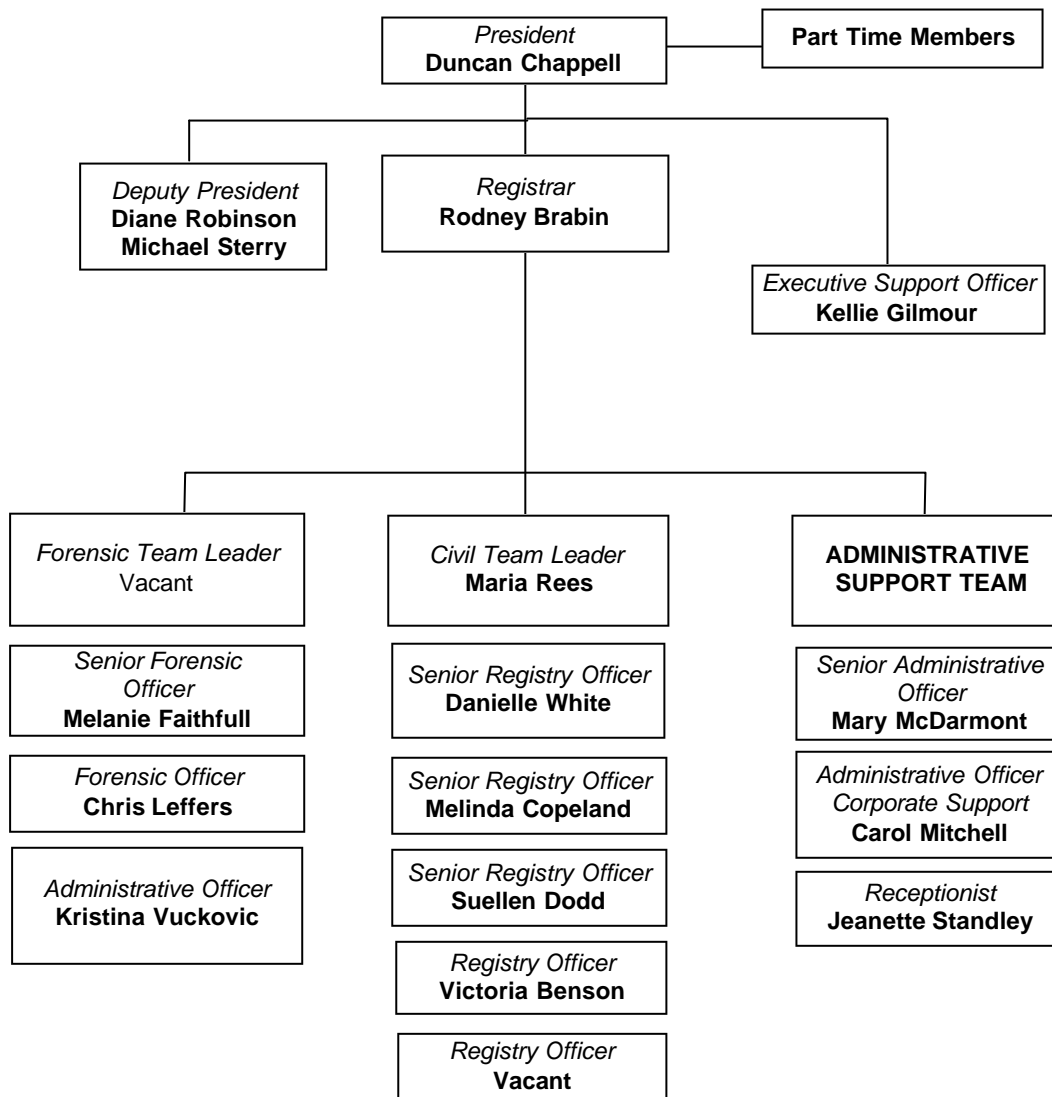
MENTAL HEALTH REVIEW TRIBUNAL

Members as at December 2002

<i>FULL-TIME MEMBERS</i>	<i>Lawyers</i>	<i>Psychiatrists</i>	<i>Other</i>
	Professor D Chappell (President)		
	Mr M Sterry (Deputy President) Ms D Robinson (Deputy President)		
<i>PART-TIME MEMBERS</i>	Mrs C Abela Mr H Ayling Mrs D Barneston Ms A Beckett Mrs M Bisogni Ms H M Boyton Mrs H Brennan Mr B Bromberger Mr P R Coffey Mr G M Cumes Mr E A L de Sousa Ms J D'Arcy Mrs M Dewdney Ms L J Emery Ms A Finlay Mr P Gibney Mr R Green Mr K W Hale Mr J F Hookey Ms C Huntsman Mr T J Kelly Mr J A Kernick Ms H L Kramer Ms M MacRae Ms C McCaskie Mr J H McMillan Ms L Re Professor N R Rees Ms K Ross Mr J Simpson Ms R R Squirchuk Mr W J Tearle Mr R C Thompson Ms M White Mr H Woltring	Dr A G G Bennett Dr B Boettcher Dr R Buskell Dr J A Campbell Dr J Carne Dr S Chaturvedi Dr M J R Cullen Dr G M DeMoore Dr J Donsworth Dr C P Doutney Dr J Ellard, AM Dr C H Greenway Dr J L M Greenwood Dr R Howard Dr D Kral Dr L Lambeth Dr L Lampe Dr W E Lucas Dr F Lumley Professor N McConaghy Dr S Messner Dr J Miller Dr E M O'Brien Dr G A Rickarby Dr M J Sainsbury AM,RFD Dr R Sandig Dr R Schureck Dr D Scott-Orr Dr Y Skinner Dr B Teoh Dr P W Thiering Dr J A Thompson Dr L C K Tsang Dr N Waddy AC,MBE Dr J Westerink Dr R Wilcox Dr A T Williams Dr J Woodforde	Mr S C Alchin, OAM Mrs S Ashton Ms E Barry Dr D P Bell Mr G Y L Cheung Dr L Craze Ms P Delaney Ms A Deveson AO Ms G P Duffy Ms B Gilling Mr J Haigh Ms L M Houlahan Ms S Johnston Mr T S Keogh Mr F Kong Mrs C I Leung Dr C MacLeod Ms L Manns Dr M A Martin Mr S J Merritt Mrs H Opie Ms F T Ovidia Mr A Owen Ms E R Pettigrew Mr V Ponzio Mr R Ramjan Mr A Robertson, PSM Ms J M Said, AM Ms R H Shields Ms M Smith OAM Dr S Srinivasan Ms S Taylor Ms P Verrall Ms E A Whaite Dr R A Witton
The terms of following members expired during 2002. Their contribution as members is acknowledged and appreciated.	Ms V Marcellos Prof R D Harris Ms L Osborn	Dr M Pasfield Ms C Hennessy Ms M Wilson	Dr C Pollock Ms L Norton

MENTAL HEALTH REVIEW TRIBUNAL

Structure as at December 2002



FINANCIAL SUMMARY

Budget Allocation and Expenditure 2001/2002

The Tribunal ended the 2001/2002 financial year with a budget deficit of \$36,549. Expenditure during the year was directed to the following areas:

	\$	\$
Tribunal Budget		\$2,627,536
Revenue		<u>15,684</u>
		<u>2,643,220</u>
Salaries and Wages*	2,083,400	
Goods and Services	494,769	
Equipment, repairs and maintenance	81,455	
Depreciation	20,145	
Expenditure	2,679,769	2,679,769
Budget Deficit		-36,549

* including salaries paid to part-time members of the Tribunal.

Presentation of oral evidence at Tribunal hearings by health professionals for the period 1 January 2002 to 5 December 2002

Major Psychiatric Hospitals	<i>No. of Patient Reviews</i>	<i>Psychiatrist</i>	<i>Psychiatric Registrar or Medical Officer</i>	<i>Social/Welfare Worker</i>	<i>Nurse</i>	<i>Other Health Professional</i>	<i>Friend or Relative</i>
Bloomfield	253	12	63	53	183	37	45
Cumberland	685	74	424	207	497	97	189
Gladesville-Macquarie	399	97	201	232	254	55	92
James Fletcher	448	55	206	117	183	28	100
Kenmore	107	5	77	22	73	17	11
Morisset	211	44	132	84	102	25	49
Rozelle	558	62	278	243	341	96	126
SUB-TOTALS	2661	349	1381	958	1633	355	612
% OF HEARINGS 2002		13 %	52 %	36 %	61 %	13 %	23 %
% OF HEARINGS 2001		19 %	41 %	30 %	61 %	27 %	24 %
Public Hospital Units							
Albury	47	7	23	18	36	15	13
Armidale	6	1	3	2	5	2	-
Bankstown	161	16	61	53	63	18	46
Blacktown	240	28	102	90	69	49	76
Broken Hill	5	-	-	1	4	2	-
Campbelltown	177	39	78	44	116	22	53
Coffs Harbour	110	7	55	43	63	24	43
Dubbo	6	-	1	3	1	1	-
Gosford	159	17	34	47	80	21	29
Goulburn Base	162	15	76	44	102	20	10
Greenwich	34	6	23	9	7	-	7
Hornsby	165	14	54	43	88	7	37
Lismore	101	5	44	40	49	14	22
Liverpool	230	19	48	69	64	17	37
Long Bay	12	-	1	5	4	4	1
Maitland	92	18	40	16	26	5	13
Manly	156	18	34	38	80	17	33
Nepean	217	9	67	66	108	21	40
Port Kembla	50	2	11	17	31	7	14
Prince Henry	13	1	6	5	4	1	-
Prince of Wales	257	30	92	62	69	18	31
Royal North Shore	220	31	95	139	45	25	54
RPA Missenden Unit	151	19	61	56	76	38	30
Shellharbour	183	28	82	48	75	27	41
St George	260	21	83	63	103	18	102
St Josephs	41	6	18	24	12	8	18
St Vincents	202	31	85	68	36	14	23
Sutherland	225	11	109	65	78	25	64
Tamworth	84	9	38	44	57	19	20
Wagga Wagga	122	5	58	38	52	13	19
Westmead Acute Adolescent	65	19	38	37	28	19	29
Westmead Adult Psychiatric	31	5	16	10	8	4	6
Westmead Psychogeriatric	10	5	6	4	4	2	3
SUB-TOTALS	3994	442	1542	1311	1643	497	914
% of Hearings 2002		11 %	39 %	33 %	41 %	12 %	23 %
% of Hearings 2001		13 %	31 %	17 %	43 %	28 %	23 %
COMBINED TOTALS	6655	791	2923	2269	3276	852	1526
% OF ALL HEARINGS 2002		12 %	44 %	34 %	49 %	13 %	23%
% OF ALL HEARINGS 2001		15 %	35 %	22 %	50 %	28 %	24%

Notes: This table includes hearings held at health care agencies associated with the hospitals listed but excludes hospitals where no patient reviews were held during 2001.

Due to a changeover in the Tribunal's client database in December 2002, figures are not available for the full year.

PUBLICATIONS AND OCCASIONAL PAPERS

The Tribunal has, since the passage of the Mental Health Act 1990, prepared a wide range of publications for use in the performance of its public and professional educational roles. A list of currently available publications and other material is available from the Registrar.

Comparison of methods of referral for persons taken to a hospital, or reclassified to involuntary patient status, who are from an English speaking background (ESB) and from a non English speaking background (NESB) for the period January to December 2002

<i>ESB</i>	<i>Male</i>	<i>Female</i>	<i>Total Admissions/ Reclassifications</i>	<i>Needing Interpreter</i>
Breach Community Treatment Order	67	44	111	0
Certificate of doctor	3460	3069	6529	1
Request by relative/friend	340	330	670	5
Apprehension by police	1838	1031	2869	2
Order under Crimes Act	189	59	248	0
Welfare officer	158	141	299	1
Authorised person's order	71	42	113	1
TOTAL ESB ADMITTED	6123	4716	10839	10
ESB RECLASSIFIED TO INVOLUNTARY	474	475	949	0
GRAND TOTAL ESB 2002	6597	5191	11788	10
<i>GRAND TOTAL ESB 2001</i>	<i>6867</i>	<i>4983</i>	<i>11850</i>	<i>4</i>

<i>NESB</i>	<i>Male</i>	<i>Female</i>	<i>Total Admissions/ Reclassifications</i>	<i>Needing Interpreter</i>
Breach community treatment order	9	13	22	5
Certificate of doctor	448	469	917	134
Request by relative/friend	83	91	174	63
Apprehension by police	280	163	443	59
Order under Crimes Act	18	7	25	6
Welfare officer	35	26	61	12
Authorised person's order	20	16	36	11
TOTAL NESB ADMITTED	893	785	1678	290
NESB RECLASSIFIED TO INVOLUNTARY	74	55	129	22
GRAND TOTAL NESB 2002	967	840	1807	312
GRAND TOTAL NESB 2001	978	804	1782	291

Not included for 2002

Interpreter needs for civil patient reviews held by the Tribunal under the Mental Health Act for the period 1 January to 5 December 2002

English Speaking Background

ESB Country	ESB Needing Interpreter	ESB Not Needing Interpreter	ESB Tribunal Reviews			Legal Represent- ation
			M	F	T	
Australia	28	5299	3140	2187	5327	1129
Canada	-	4	2	2	4	1
Ireland	-	12	4	8	12	-
New Zealand	-	81	41	40	81	20
South Africa	-	27	15	12	27	7
Trinidad	-	2	2	-	2	-
United Kingdom	-	103	42	61	103	19
United States	-	11	7	4	11	4
TOTAL ESB 2002	28	5539	3253	2314	5567	1176
TOTAL ESB 2001	12	5329	3157	2184	5341	1223

Non English Speaking Background

NESB Geographical Group	NESB Needing Interpreter	NESB Not Needing Interpreter	NESB Tribunal Reviews			Legal Represent- ation
			M	F	T	
Oceania (excluding Australasia)	6	78	51	33	84	22
Southern Europe	52	244	150	146	296	53
Western & Northern Europe	2	83	39	46	85	16
E. Europe/former USSR/Baltic States	20	90	51	59	110	31
Middle East	25	108	83	50	133	27
North Africa	0	21	19	2	21	2
Africa Excl. N. Africa & S. Africa	3	15	8	10	18	6
South East Asia	43	135	98	80	178	19
North East Asia	23	55	29	49	78	17
Southern Asia	1	50	27	24	51	11
S. & Cent. America & Caribbean	6	30	22	14	36	-
TOTAL NESB 2002	181	909	577	513	1090	208
TOTAL NESB 2001	218	895	626	487	1113	224
TOTAL OF ALL CIVIL REVIEWS ESB & NESB 2002	209	6448	3830	2827	6657	1384
TOTAL OF ALL CIVIL REVIEWS ESB & NESB 2001	230	6224	3783	2671	6454	1447

Note Due to a changeover in the Tribunal's database in December 2002, figures are not available for the full year.

Demographic breakdown of the number of persons admitted to hospital as involuntary patients for the period January to December 2002 and total Admissions/Reclassifications during the same period

Major Psychiatric Hospitals	No. of Admissions / Reclassifications during 2001	Demographic Breakdown of Persons admitted during 1999							
		0-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-69 yrs	70-79 yrs	80+ yrs
Bloomfield	922	59	195	172	127	54	35	16	6
Cumberland	1117	83	310	289	166	80	35	1	12
James Fletcher	1254	110	294	268	187	94	53	42	30
Kenmore	106	7	24	28	16	14	5	6	6
Macquarie	267	27	67	56	42	32	10	2	1
Morisset	26	2	12	1	5	0	1	4	0
Rozelle	1001	64	246	239	154	106	48	40	20
SUB-TOTALS 2002	4693	352	1148	1053	697	380	187	111	75
PUBLIC HOSPITAL UNITS									
Albury	83	14	22	24	17	8	1	1	3
Bankstown	681	52	154	174	138	80	22	10	3
Blacktown	193	25	59	76	43	15	6	-	-
Broken Hill	50	7	6	16	8	3	2	1	-
Campbelltown	288	33	80	65	43	21	15	3	5
Coffs Harbour	372	36	95	88	53	29	8	9	9
Dubbo	30	4	6	7	2	3	-	-	2
Gosford	480	39	121	89	61	33	21	14	8
Goulburn Base	279	29	63	71	53	39	10	8	2
Greenwich	40	-	-	-	-	1	13	13	13
Hornsby	199	33	74	64	41	29	9	12	4
Lismore	511	30	130	127	94	35	9	6	6
Liverpool	419	34	150	78	71	31	11	2	2
Long Bay Prison	66	2	22	16	20	6	-	-	-
Maitland	318	28	83	63	42	25	17	15	5
Manly	313	22	102	73	37	26	9	9	9
Nepean	395	35	135	102	47	34	7	12	6
Prince of Wales	444	22	104	112	87	37	19	10	6
Royal North Shore	84	6	25	31	11	8	1	-	1
RPA Missenden Unit	88	7	28	17	15	12	2	-	2
Shellharbour	934	57	217	209	152	78	30	15	11
St. George	235	9	67	56	42	21	11	3	6
St. Josephs	58	-	-	-	-	-	13	22	19
St. Vincents	454	20	131	120	75	59	16	6	2
Sutherland	269	20	73	72	40	12	13	6	1
Tamworth	222	19	65	61	29	19	12	4	4
Taree	34	1	8	10	7	5	3	-	-
Tweed Heads	55	1	24	11	11	2	4	1	1
Wagga Wagga	145	17	34	36	12	16	4	1	4
Westmead Adult	36	2	10	10	6	4	3	-	-
Westmead Psychogeriatric	31	-	1	2	-	1	9	9	10
SUB-TOTALS 2002	7806	604	2089	1880	1257	692	300	192	144
COMBINED TOTALS 2002	12499	956	3237	2933	1954	1072	487	303	219

Note: The demographic breakdown in the above table is based on individual patients, irrespective of the number of admissions or reclassifications to involuntary status each patient might have had during the 2002 calendar year.

This table excludes hospitals where no involuntary admissions or reclassifications to involuntary status occurred during 2002.

Interpreter needs for Tribunal reviews and outcomes during the period 1 January to 5 December 2002 for English speaking background and non English speaking background patients

SECTION 56 TEMPORARY PATIENT REVIEWS				Legal	Interpreter		Adjourn	Discharge	Extend	Reclassify
				Rep.	Rep.				Magistrate	to
	M	F	T		Yes	No			Order	Continued
ESB	462	427	889	592	6	883	325	5	515	24
NESB	72	86	158	107	29	129	54	1	89	6
TOTALS	534	513	1047	699	35	1012	379	6	604	30

SECTION 58 TEMPORARY PATIENT REVIEWS				Legal	Interpreter		Adjourn	Discharge	Reclassify
				Rep.	Rep.				to
	M	F	T		Yes	No			Continued
ESB	136	98	234	178	1	233	91	1	139
NESB	20	19	39	30	5	34	14	1	24
TOTALS	156	117	273	208	6	267	105	2	163

SECTION 62 CONTINUED TREATMENT PATIENT REVIEWS				Legal	Interpreter		Adjourn	Discharge	Remain	Determine
				Rep.	Rep.			or	Continued	NO Less
	M	F	T		Yes	No		Reclassify	Treatment	Restrict.
ESB	333	209	542	27	5	537	32	2	491	493
NESB	67	25	92	3	26	66	5	1	85	87
TOTALS	400	234	634	30	31	603	37	3	576	580

SECTION 63 INFORMAL PATIENT REVIEWS				Legal	Interpreter		Adjourn	Discharge	No	Adj. &
				Rep.	Rep.				Order	ref. to
	M	F	T		Yes	No			for	Guardianship.
ESB	74	49	123	1	-	123	4	-	119	-
NESB	13	6	19	-	3	16	1	-	18	-
TOTALS	87	55	142	1	3	139	5	-	137	-

SECTION 69 INVOLUNTARY PATIENT APPEAL REVIEWS				Legal	Interpreter		Adjourn	Disch or	Appeal	Dismissal
				Rep.	Rep.			Reclassify	Dis-	No further
	M	F	T		Yes	No		Informal	missed	appeal
ESB	55	53	108	79	-	108	11	2	75	19
NESB	10	5	15	13	2	13	4	1	8	2
TOTALS	65	58	123	92	2	121	15	3	83	21

APPENDIX 12 (continued)

	SECTION 118 COMMUNITY COUNSELLING ORDER PATIENT REVIEWS			<i>Legal Rep.</i>	<i>Interpreter</i>		<i>Adjourn</i>	<i>Applica- tion Declined</i>	<i>Applica- tion Approved</i>	<i>NO Juris- diction</i>
	<i>M</i>	<i>F</i>	<i>T</i>		<i>Yes</i>	<i>No</i>				
	ESB	19	30		49	4				
NESB	12	8	20	-	6	14	4	2	13	-
TOTALS	31	38	69	4	7	62	7	5	51	1

	SECTION 131 COMMUNITY TREATMENT ORDER PATIENT REVIEWS			<i>Legal Rep.</i>	<i>Interpreter</i>		<i>Adjourn</i>	<i>Application Declined</i>	<i>Application Approved</i>	<i>NO Juris- diction</i>
	<i>M</i>	<i>F</i>	<i>T</i>		<i>Yes</i>	<i>No</i>				
	ESB	1830	1035		2865	85				
NESB	325	285	610	12	82	528	79	-	513	-
TOTALS	2155	1320	3475	97	92	3383	394	14	2949	-

	SECTIONS 185 + 188 ECT PATIENT REVIEWS			<i>Legal Rep.</i>	<i>Interpreter</i>		<i>Adjourn</i>	<i>ECT Approved</i>	<i>ECT Not Approved</i>
	<i>M</i>	<i>F</i>	<i>T</i>		<i>Yes</i>	<i>No</i>			
	ESB	108	238		346	26			
NESB	23	42	65	9	16	49	3	58	-
TOTALS	131	280	411	35	19	392	19	352	7

	SECTIONS 17, 18, 19, 36 PROTECTED ESTATES ACT 1983			<i>Legal Rep.</i>	<i>Interpreter</i>		<i>Adjourn</i>	<i>Revo- cation Approved</i>	<i>Revo- cation Declined</i>	<i>Order Made</i>	<i>Interim Order Made</i>	<i>Order Declined</i>
	<i>M</i>	<i>F</i>	<i>T</i>		<i>Yes</i>	<i>No</i>						
	ESB	121	96		217	175						
NESB	17	23	40	32	10	30	7	1	1	15	4	12
TOTALS	138	119	257	207	11	236	37	10	10	89	40	60

Note Due to a changeover in the Tribunal's database in December 2002, figures are not available for the full year.

FREEDOM OF INFORMATION

The provisions of the *Freedom of Information Act 1989* (hereafter FOI Act) do not apply to the judicial functions of the Tribunal (see sections 19(2)(a) and 19(2)(b)).

Parties to proceedings before the Tribunal, however, may obtain a copy of the record of the hearing proceedings to which they are a party, under MHA s279. This section of the MHA gives the Tribunal, before which the parties appear, the discretion to provide the recording provided the Tribunal is of the opinion that sufficient cause is shown to warrant the transcription or copy of the tape recording relating to the matter. Alternatively, the President of the Tribunal may direct that a copy of the tape recording or transcription be made and copies also provided in certain other circumstances required by law.

The administrative and policy functions of the Tribunal are, however, covered by the FOI Act. The Tribunal received no applications under the FOI Act during 2002 that related to its administration or policy functions.

FREEDOM OF INFORMATION ACT 1989, SECTION 14(1)B AND (3) SUMMARY OF AFFAIRS of the MENTAL HEALTH REVIEW TRIBUNAL AS AT 31 DECEMBER 2002

INTRODUCTION

The Mental Health Review Tribunal is a quasi-judicial body whose jurisdiction is cast in broad terms by the Mental Health Act 1990 and related legislation covering some 33 areas. A summary of the Tribunal's full jurisdiction, its goals and objectives may be found in its Annual Report. The Mental Health Review Tribunal's office is located at

"The Priory"
Salter Street (Cnr Manning Road)
GLADESVILLE NSW 2111
(PO Box 2019, BORONIA PARK NSW 2111).

Telephone: (02) 9816 5955 Facsimile: (02) 9817 4543

E-mail: mhrt@mhrt.nsw.gov.au Website: www.mhrt.nsw.gov.au

DESCRIPTION OF DOCUMENTS HELD BY TRIBUNAL

SOUND RECORDINGS

- Pursuant to Section 279 of the Mental Health Act 1990, proceedings of the Tribunal are to be recorded unless the parties otherwise agree. Accordingly, the Tribunal sound records hearings and these recordings are stored for a minimum of six months.
- The Tribunal can provide a copy of the sound recording, and may provide a transcript of a hearing under certain circumstances, (as outlined in Section 291 of the Mental Health Act 1990) upon payment of the prescribed fee.

COMPUTER DATA BASE

- The Tribunal maintains a computer database for both administrative purposes and in order to meet its statutory reporting obligations.

Access to the database is restricted due to the confidential nature of some of the information contained therein.

A brief description of the contents of the Tribunal database is provided below:-

1. CIVIL PATIENT REGISTER
Contains details of all civil patients who have appeared before the Tribunal.
2. CIVIL PATIENT REVIEWS
Contains details of the section(s) under which each civil patient review was held and the determination(s) made in each case.
3. FORENSIC PATIENT REGISTER
Contains details of all forensic patients who have appeared before the Tribunal.
4. FORENSIC PATIENT REVIEWS

Contains details of the section(s) under which each forensic patient review was held and the determination(s) made.

5. FORM 19 DATA COLLECTION

In accordance with clause 44 of the Mental Health Regulation 1990, Psychiatric hospitals are required to provide advice to the Tribunal of all people admitted to Hospital involuntarily.

PATIENT FILES

- The Tribunal currently maintains approximately 13100 patient files for both Civil and Forensic matters. Files are identified by a patient's name and a file number. The file contains some information about each patient's clinical history, eg. copies of medical reports and details of each review.

ADMINISTRATIVE FILES

- The Tribunal currently has 460 administrative files in existence. These relate to a wide range of procedural, policy and general matters.

PUBLICATIONS

- The Tribunal publishes an Annual Report covering each calendar year; as well as procedural notes and a number of information brochures.

REGISTERS

- Registers are maintained for forensic and administrative files, Form 19's, incoming mail, and administration of ECT.

BOOKS

- The Tribunal maintains its own small reference library.

DOCUMENTS AVAILABLE FOR INSPECTION

- The Tribunal maintains policy files. Documents from these files are available for inspection. These include:-

POLICY – Mental Hospitals Assaults

POLICY – Community Counselling Orders and Community Treatment Orders

POLICY – Decisions - MHRT

POLICY – ECT

POLICY – EEO

POLICY – Flexible Work Practices

POLICY – FOI

POLICY – Forensic Patients

POLICY – Forensic Patients – Supervision by Probation and Parole Service

POLICY – Medication – Psychiatric Institutions

POLICY – MHRT – Directives/Orders

POLICY – National Mental Health

POLICY – Practices – CTOs/CCOs

POLICY – Purchasing Procedures

NOTES
