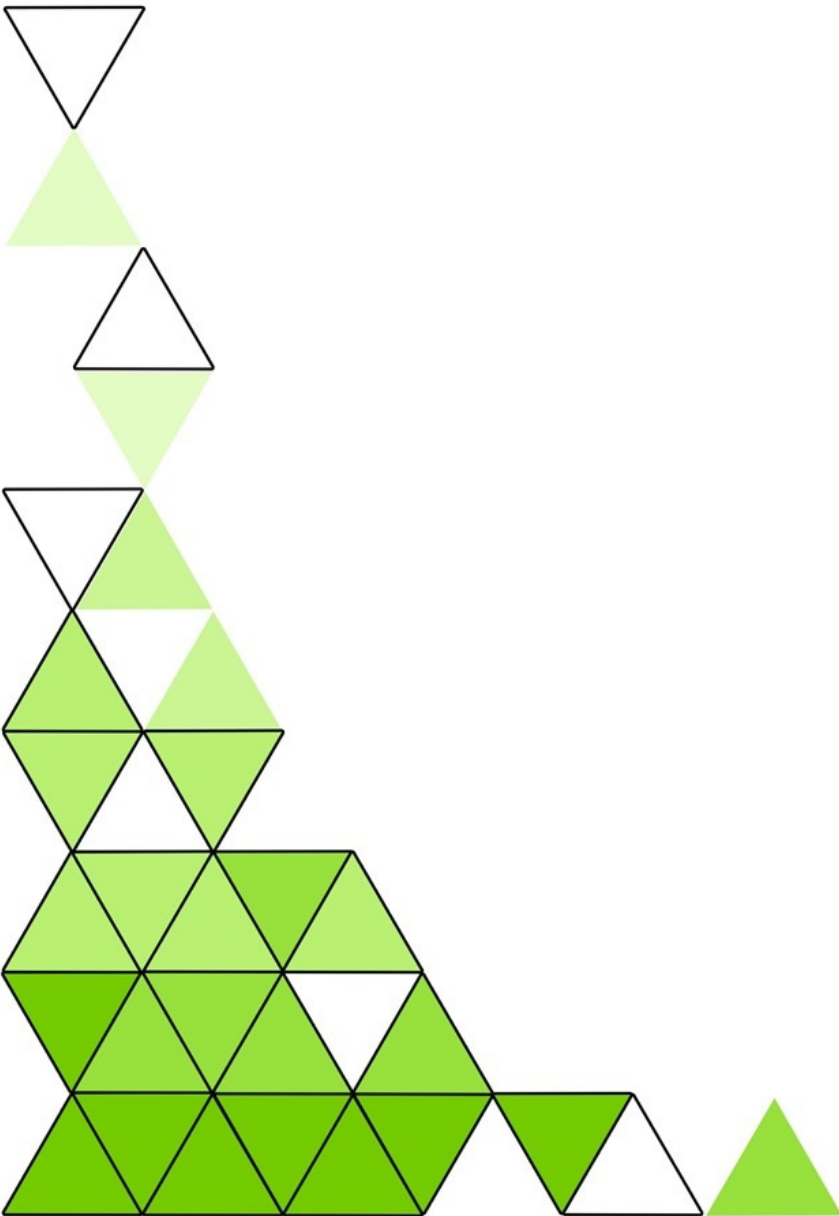
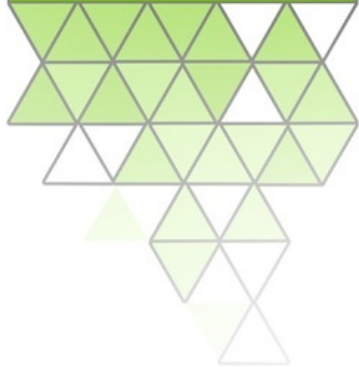
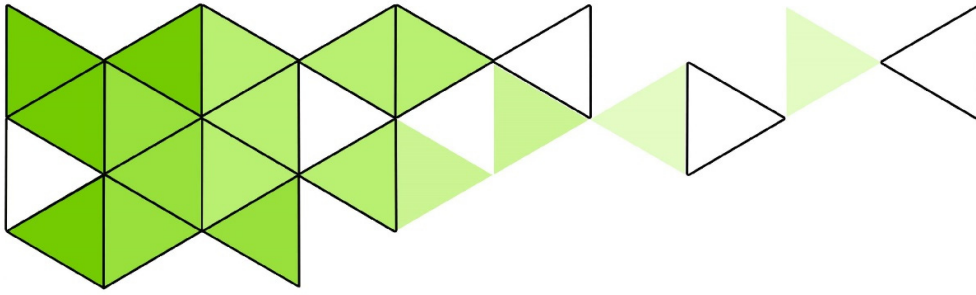




MENTALLY
IMPAIRED
ACCUSED
REVIEW
BOARD

ANNUAL
REPORT
2021/22





FOREWORD

THE HON. JOHN ROBERT QUIGLEY LLB JP MLA
ATTORNEY GENERAL

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

I present to you the Annual Report of the Mentally Impaired Accused Review Board for the year ending 30 June 2022.

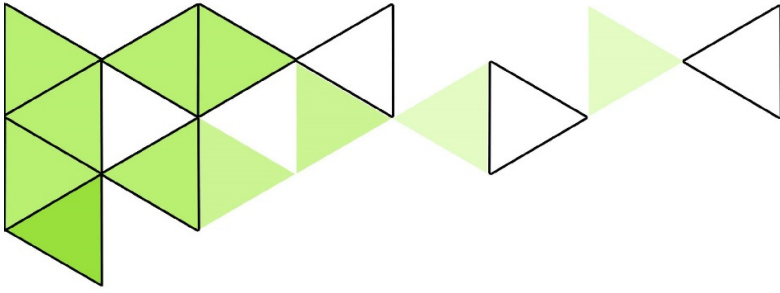
This annual report is provided to you in accordance with section 48 of the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)* which stipulates that before 1 October in each year the Board is to give a written report to the Minister on –

- a. the performance of the Board's functions during the previous financial year;
- b. statistics and matters relating to mentally impaired accused;
- c. the operation of this Act so far as it relates to mentally impaired accused.

A handwritten signature in blue ink, appearing to read 'Kevin Sleight', with a horizontal line underneath.

His Honour Mr Kevin Sleight
Chairperson
Mentally Impaired Accused Review Board

20 September 2022

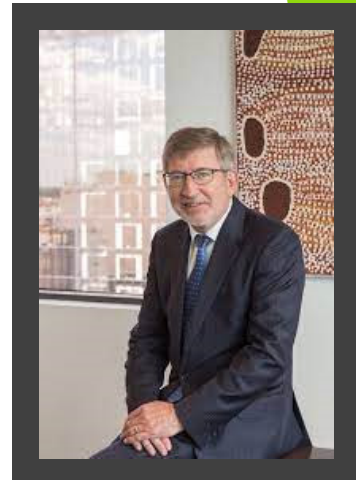


CHAIRPERSON'S OVERVIEW

I was appointed to the position of Chairperson of the Mentally Impaired Accused Review Board (the Board) on 29 April 2022, replacing His Honour Allan Fenbury who retired on 28 April 2022.

During the reporting period the Board maintained its strong relationship with external stakeholders, in particular with staff at Graylands Hospital, the Frankland Centre and the Disability Justice Centre.

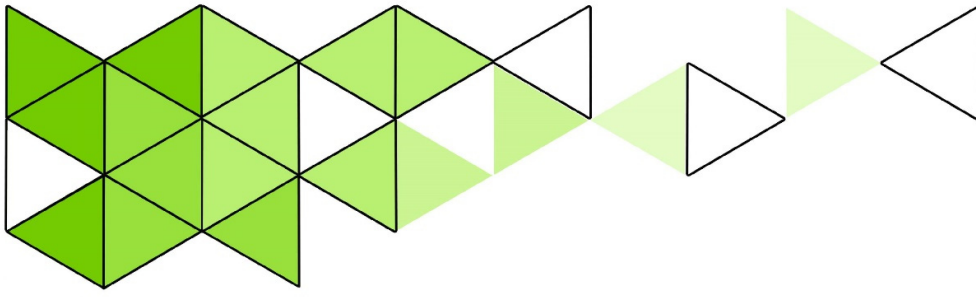
The Board continues to be actively involved in providing advice to the State Government on proposed changes to the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)* in which it is hoped that the changes that will be introduced will provide a more just pathway for the safe reintegration into the community for mentally impaired accused persons whilst ensuring the safety of the community.



I would like to convey my thanks to the administration staff and members of the Board for their conduct during the COVID-19 pandemic and associated restrictions, including several 'lock down' periods. Fortunately, despite the challenges, the Board has been able to continue to operate fully and perform the essential public service it provides without interruption.

His Honour Mr Kevin Sleight
Chairperson
Mentally Impaired Accused Review Board

20 September 2022



STATISTICS

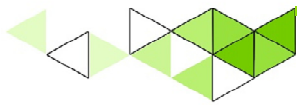
As of 30 June 2022, 55 mentally impaired accused were under the statutory authority of the Board. Each accused has an individual set of circumstances which are unique and need to be considered accordingly by the Board. The number of accused under the jurisdiction of the Board changes throughout the financial year period due to the number of custody orders made by the courts and the number of accused discharged from their custody orders.

BOARD MEETINGS PER FINANCIAL YEAR



YEAR	2017-2018	2018-2019	2019-20	2020-21	2021-22
NUMBER OF MEETINGS	31	24	38	37	30

For the period from 1 July 2021 to 30 June 2022, the Board met on 30 occasions.



CUSTODY ORDERS MADE BY THE COURTS

A court may determine to place an accused person, who is found unfit to stand trial, on a custody order pursuant to section 16 or section 19 of the Act. A court may determine to place an accused person, who is acquitted on account of unsoundness of mind, on a custody order pursuant to section 21 or 22 of the Act.

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

YEAR	2017-2018	2018-2019	2019-20	2020-21	2021-22
NEW CUSTODY ORDERS MADE BY THE COURTS	4	8	11	6*	7

*One mentally impaired accused received two custody orders on the same date.

PLACE OF CUSTODY ORDERS MADE BY THE BOARD



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

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

Place of custody, as at 30 June 2022, for the 55 mentally impaired accused:

AUTHORISED HOSPITAL	PRISON	DECLARED PLACE
36	13	6



REPORTS TO THE MINISTER

Section 33 of the Act outlines when the Board is required to give the Minister a written report about a mentally impaired accused. These are referred to as statutory reports.

YEAR	2017-2018	2018-2019	2019-20	2020-21	2021-22
NUMBER OF REPORTS SUBMITTED TO THE ATTORNEY GENERAL (Statutory Reports)	41	41	58	64	64

RELEASE OF MENTALLY IMPAIRED ACCUSED PERSONS



NUMBER OF CONDITIONAL RELEASE ORDERS ISSUED BY THE GOVERNOR IN EXECUTIVE COUNCIL FOR 2021-2022*	NUMBER OF ACCUSED CURRENTLY ON CONDITIONAL RELEASE ORDERS AS AT 30 JUNE 2022
7	14

*includes amendments to Conditional Release Orders



BOARD REMUNERATION

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

