



MEDIA RELEASE

PAUL LYNCH MP
MINISTER FOR LOCAL GOVERNMENT
MINISTER FOR ABORIGINAL AFFAIRS
MINISTER ASSISTING THE MINISTER FOR HEALTH (MENTAL HEALTH)

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Release of forensic patients in hands of specialist division

A specialist division of the Mental Health Review Tribunal will be established to oversee the release of forensic patients, Minister Assisting the Minister for Health (Mental Health) Paul Lynch announced today.

Mr Lynch said the specialist division strengthened the role of victims of crime, allowing them to make submissions on key events and decisions.

The establishment of the Forensic Division followed a year-long review into the management and release of forensic patients.

From 2004 to 2007, NSW Health undertook a wide ranging review of the Mental Health Act which concluded with the commencement of a new Act in November 2007.

The review identified the need for a separate review into forensic patients.

The final report of the review by Mental Health Review Tribunal President Greg James is now complete, following extensive consultation with key stakeholders, experts in the field and the public.

Mr Lynch said the NSW Government accepted the majority of the recommendations contained in the Review.

But he said the current right of the police to be notified of the release of forensic patients would be maintained.

For the first time, decisions on the release of forensic patients – formerly the responsibility of the executive and the NSW Governor – will be handed to the Forensic Division.

Chaired by a sitting or former judge, the Division will be given detailed processes to follow when making decisions and managing any breaches of conditions that have been imposed on patients on leave or conditional release.

Mr Lynch said strict statutory criteria would have to be met before a patient could be released.

“Most importantly, these processes will place a central emphasis on the assessment of questions of public safety,” he said.

“Under the changes there is also provision for the Government to make submissions in cases where a special forensic panel is considering the release of a patient,” Mr Lynch said.

“Formal appeal mechanisms will also be available to the Government to ensure that the strict criteria applying to the release of patients is met,” he said.

Other significant recommendations from the report include:

- Recognition of the role of Victims of Crime in the forensic decision making process by establishing a legislative base for the Mental Health Review Tribunal victims register and providing victims with the right to be notified of certain key events and decisions;
- Enabling Treatment Orders to be made by the Mental Health Review Tribunal for correctional centre inmates

Mr Lynch said the changes represented significant reforms in this area and would bring New South Wales into line with most other States, Territories and international jurisdictions.

The Report is available on the NSW Health website at www.health.nsw.gov.au

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