

REVIEW OF THE MENTAL HEALTH REVIEW TRIBUNAL IN RESPECT OF FORENSIC PATIENTS



Health

Overview

The Minister for Mental Health, the Hon Tanya Davies MP, has requested that NSW Health review the operation of the Mental Health Review Tribunal in respect of forensic patients.

The review is designed to provide an understanding of current practice, ensure consistency with leading and international standards, and balance the needs, interests and expectations of the community, victims and forensic patients.

The review's [Terms of Reference](#) explore four key areas of focus, with respect of forensic patients:

1. Do current law and operational processes and procedures of the Tribunal regarding leave and release decisions appropriately balance community safety, interests of victims, and the care and treatment needs of forensic patients?
2. Are there options that can improve victim engagement with the Tribunal?
3. Do the policy objectives prohibiting the publication of the name of any person in relation to a matter before the Tribunal remain valid?
4. Are the criteria used to recruit members of the Tribunal appropriate?

The review will not investigate or make findings about individual patient cases or Tribunal decisions, but will make broader recommendations for improved policy, legislation, administration and practice.

Process

The review will be undertaken by the Hon Anthony Whealy QC, a lawyer and former judicial officer, known as the "Reviewer". The review is to deliver a final report to the Minister for Mental Health and the Attorney General outlining recommendations to strengthen operations of the Tribunal in respect of forensic patients.

The final report will be informed by three key activities:

1. Call for public submissions, open for eight weeks.
2. Review of current law, processes and procedures, including an audit of current policy and legislation, and of leading practice and the operation of similar tribunals in other jurisdictions in Australia and internationally.
3. Public and stakeholder consultation with individuals, groups or organisations, including victims and the community, forensic patients and their carers, law enforcement agencies, legal aid and justice sector organisations, health professionals and mental health organisations, and government.

Communication

To build the widest possible public and stakeholder awareness, participation and understanding during and after the review process, a proactive communication strategy will work across a broad range of platforms and opportunities to:

- inform victims and their families, patients and carers, health professionals, key stakeholders and the community about the review
- promote opportunities for input to the review to help inform its outcomes
- ensure the public and all stakeholders are properly informed about the review's considerations, findings and final recommendations.

Strengthening mental health care in NSW