

ANNUAL REPORT

2024–2025

25 August 2025

The Honourable Timothy Nicholls MP
Minister for Health and Ambulance Services
GPO Box 48
BRISBANE QLD 4001

Dear Minister

I am pleased to submit for presentation to the Parliament the Annual Report 2024-2025, under s701 of the *Mental Health Act 2016* (Qld), detailing the operation of the Mental Health Court and its Registry for the period 1 July 2024 to 30 June 2025.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long horizontal stroke.

Justice Soraya Ryan
President
Mental Health Court

CC: The Hon H Bowskill
Chief Justice of Queensland

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Governance

The Mental Health Court (the Court) continues under the *Mental Health Act 2016* (Qld) (the Act). It is comprised of a Supreme Court Judge who is assisted by one or two assisting clinicians.

The primary functions of the Court are to determine:

- references in relation to the mental state of persons charged with serious offences;
- reviews of a person's detention in an authorised mental health service or forensic disability service; and
- appeals of decisions made by the Mental Health Review Tribunal.

Composition of the Court

During the year in review, the Honourable Justice Wilson was President of the Mental Health Court. The Honourable Justice Ryan served as the additional member of the Court, with the Honourable Phillip Morrison appointed on 31 January 2025 as an Acting Justice and member of the Court for a temporary period to deal with the Court's workload.

The assisting clinicians are well respected experts in the field of forensic psychiatry or psychology. They provide advice to the Court on: the meaning and significance of the clinical evidence the Court receives; clinical issues relating to the treatment and care needs of a person who appears before the Court as a defendant to criminal charges or as an appellant or respondent to an appeal under the Act; and clinical issues relating to detention under the Act and the *Forensic Disability Act 2011* (Qld).

The clinicians who assisted the Court during 2024-2025 were psychiatrists Dr Elizabeth McVie, Dr Scott Harden, Dr Alexandra Simpson, Dr Furhan Iqbal, Dr Jane Phillips and Dr Evelyn Timmins and psychologist Dr Haydn Till.

Caseload

References of a person's mental state

Speaking generally, if a person (a "defendant") is charged with a serious criminal offence (as defined in the Act), the matter of their mental state in relation to the offence may be referred to the Court by a relevant person as defined under the Act (this includes the defendant). If the Court accepts the reference, then it must determine (by way of inquiry) whether the defendant was of unsound mind at the time of the commission of offence and whether they are unfit for trial on a temporary or permanent basis.

During 2024-2025, 241 references were filed, a substantial increase from the 197 references filed in the previous year. In addition, there were six amended references filed, adding additional offences to an existing reference, compared with three amended references filed in the previous year.

Table 1: References filed in the Court during 2024-2025

Reference filed by:	Reference	Amended Reference
Chief Psychiatrist	147	4
Legal Representatives	85	2
Registrar of Magistrates Court	9	0
Director of Public Prosecutions	0	0
Defendant	0	0
Total	241	6

Appeals against decisions of Mental Health Review Tribunal

The Act provides that a defendant or patient, or their representative, has 60 days after receipt of a decision of the Mental Health Review Tribunal in which to file an appeal against the decision. The Chief Psychiatrist and the Attorney-General, and other persons defined in the Act, also have 60 days from the date of the decision in which to lodge an appeal. Speaking generally, the issue at an appeal is usually whether or not a person (the defendant or patient) should remain on a forensic order, a treatment support order or a treatment authority.

In 2024–25, 53 appeals against decisions of the Mental Health Review Tribunal were filed in the Court, the same number as in the previous year.

Table 2: Appeals filed in the Court during 2024-2025

Filed by:	Appeal
Patient	39
Attorney-General	9
Interested person	2
Legal Representatives	3
Total	53

Court Examination Orders

A Court Examination Order (CEO), made under the Act, requires the person who is the subject of the proceeding to be assessed by a relevant expert.

Through a CEO, the Court effectively commissions a report, by a suitably qualified expert, to obtain relevant expert psychiatric, psychological, or medical information about the defendant or patient to assist in its determination of the key legal issues or to assist the Court to make decisions about a defendant or patient's future management.

In 2024–2025, 326 CEOs were recommended, an increase from 229 in the previous year.

In complex matters, particularly those involving serious offences such as murder or attempted murder, the Court may order multiple examinations – although it is not the nature of the charge *of itself* which renders a matter complex. For example, even where the charge is straightforward, a matter may be complex because a defendant's mental state at the time of

the commission of an offence may be affected by their intoxication; or a question of fitness or unfitness may be difficult because of the risk of malingering; or the charges may span a period of time during which a defendant's mental health may have varied. The Court has observed increasing complexity in its matters (whatever the charges) over time.

The Court facilitates face to face assessments whenever possible. While video link facilities are used where practicable to minimise travel to regional and remote areas, they are not suitable in every circumstance. Also, given the vulnerability of those who are the subject of CEO assessments, missed appointments are not uncommon.

The pool of qualified practitioners available to prepare these reports remains relatively small. Because of the volume of reports required each year; and the complexity of the issues involved in many matters, the selection of an appropriate expert, and the effective coordination and management of assessments and the provision of reports are essential to ensure the timely progression of matters through the Court.

The Court continues to make ongoing efforts to expand the list of suitably qualified and experienced practitioners available to provide reports. It continues to attempt to find new and convenient ways to facilitate CEO assessments and to avoid missed appointments.

Performance

During 2024–2025, in an effort to reduce its backlog, the Court sat for 107 days, compared to 82 sitting days in the previous year.

Over this period, the Court determined a total of 394 matters, comprising 282 references, 60 appeals and 52 applications. This represents an increase from the previous year, when 286 matters were determined, including 216 references, 48 appeals and 22 applications.

At each Court sitting, video links are used to connect with regional health facilities and correctional centres. This approach is both cost effective and efficient. It helps to keep everyone involved safe and reduces stress on patients and defendants. All patients and defendants have the right to legal representation and, if represented, their lawyers appear in the Court on their behalf. However, the Court has noticed an increasing number of self-represented defendants – which is an issue which the Court has raised with Legal Aid Queensland on several occasions.

Once a month, the Court holds a call-over, to review and facilitate the progress of all ongoing matters. This is essential for keeping matters moving smoothly through the Court system.

Disposal of references

During 2024–25, the Court heard 282 references, an increase from 216 in the previous year. Appendix 1 provides a summary of the Court's findings and orders for this reporting period.

The Court disposed of five references during 2024–25 involving defendants charged with the offence of murder. In these matters, the Court made the following orders:

- One reference: the Court found the defendant was not of unsound mind and fit for trial, ordering that the charge proceed according to law.
- One reference: the Court made mixed findings, determining the defendant was both of unsound mind and not of unsound mind in relation to different charges, resulting in a forensic order.
- Three references: the Court found the defendants were of unsound mind and made forensic orders.

Additionally, the Court disposed of ten references involving defendants charged with attempted murder, with the following outcomes:

- Three references: the Court found the defendants were not of unsound mind, fit for trial, and ordered the charges to proceed according to law.
- Six references: the Court found the defendants were of unsound mind and made forensic orders or treatment support orders.
- One reference: the matter was withdrawn.

The Court has noted a gradual increase in the number of referrals involving murder and attempted murder charges in recent years, adding to the growing proportion of complex and serious matters before the Court.

Disposal of appeals

During 2024–25, the Court dealt with 60 appeals, an increase from the 48 appeals it dealt with in the previous year. Of these appeals, 6 were allowed, 36 were dismissed and 18 were withdrawn prior to hearing.

Matters pending as of 30 June 2025

As of 30 June 2025, there were 286 matters pending before the Court, (compared to 306 in the previous year), comprising 277 references, 7 appeals, and 2 applications.

This reduction in active matters represents a significant improvement since last year's statistics. Of these 286 matters, approximately 5.9 per cent have been pending for more than 12 months (but less than 24 months), while around 1.0 per cent have been pending for over 24 months.

To support the reduction of active matters before the Court, additional sittings were scheduled during 2024–25, with the support of key stakeholders and an Acting Justice. These extra sittings form part of a broader strategy to address the backlog of cases and improve the timeliness of proceedings. Further additional sittings have also been scheduled for 2025–26 to continue this effort. Although it must be noted that the additional sittings present operational

challenges to all involved – and requires the input of additional resources from all Stakeholders and from the Mental Health Court Registry (the Registry).

The Court wishes to take this opportunity to sincerely thank the staff of its Registry who experience the greatest impact of the Court's demand for increased sittings, yet manage that impact with absolute professionalism.

Education

During this reporting period, three events were hosted by the Judges of the Court in relation to the work undertaken by the Court. They included: (a) an lecture/seminar by Justice Wilson and Dr Harden on 25 September 2024 about 'what to include in a brief to report writers'; (b) a webinar on intoxication presented by Justice Ryan and Dr Timmins on 22 October 2024; and (c) a presentation on fitness for trial by Justice Wilson, Dr Till and representatives from Legal Aid Queensland and the Director of Public Prosecutions on 29 April 2025.

The Court will continue to host information sessions to assist clinicians to prepare the reports that are essential to the Court's deliberations.

In addition to webinars and educational sessions, the Court supports and encourages clinicians in training to attend complex case hearings and observe the Court and how it functions during its proceedings.

Liaison with institutional stakeholders

The Registrar continued with its regular engagement with the lawyers who represent the institutional parties, with the aim of building a working relationship that achieves quality outcomes in the Court's jurisdiction.

In addition, the Court held quarterly meetings with leaders from the Office of the Chief Psychiatrist, the Office of the Director of Public Prosecution and Legal Aid Queensland. The Court values these regular meetings and benefits from its ongoing collaboration with its stakeholders.

Registry

The Mental Health Court Registry is a unit within Queensland Health, comprising four full-time employees and one part-time employee. The Registry plays a critical operational role under the Act, providing specialised administrative and case management support to the Court. To assist with the increased workload associated with Court matters, an additional full-time staff member was recruited on a temporary basis.

The Registry is responsible for receiving, assessing, and managing referrals made to the Court under the Act. This includes coordinating the timely listing of matters for hearing, managing the progression of cases from referral through to final determination and facilitating communication between key stakeholders such as legal representatives, treating teams and external agencies.

In addition, the Registry prepares court files, monitors statutory timeframes, ensures compliance with procedural requirements, and provides procedural guidance to parties engaging with the Court. These functions are vital to maintaining the efficient, fair and effective operation of the Court.

The ongoing commitment and professionalism of Registry staff is acknowledged and appreciated. Their work is integral to the support of individuals appearing before the Court and the ultimate delivery of justice.

Website

Information about the Court (including a description of its work, contact details, forms and practice directions) is available on the Queensland Courts website (www.courts.qld.gov.au).

A selection of the Court's judgments is published on the internet, subject to relevant restrictions contained in the *Mental Health Act 2016* (Qld) (www.sclqld.org.au/caselaw/QMHC). As well, important judgments from other jurisdictions are accessible via the website.

Appendix 1: Findings and orders made by the Mental Health Court

Findings and orders made by the Mental Health Court		2024-2025
References		
Unsound mind – Forensic Order		127
Unsound mind – No Order		1
Unsound mind – Treatment Support Order		24
Unsound mind – Forensic Order (Disability)		4
Not of unsound mind and fit for trial		50
Not of unsound mind and unfit for trial (unfitness permanent) – Forensic Order		21
Not of unsound mind and unfit for trial (unfitness permanent) – Forensic Order (Disability)		14
Not of unsound mind and unfit for trial (unfitness permanent) – No Order		2
Not of unsound mind and unfit for trial (unfitness permanent) – Treatment Support Order		3
Not of unsound mind and unfit for trial (unfitness not permanent) – Forensic Order		1
Substantial dispute as to facts, not of unsound mind and fit for trial		4
Substantial dispute as to facts and fit for trial		20
Substantial dispute as to facts and unfit for trial (unfitness permanent) – Forensic Order		13
Substantial dispute as to facts and unfit for trial (unfitness permanent) – Forensic Order (Disability)		3
Substantial dispute as to facts and unfit for trial (unfitness permanent) – No Order		1
Substantial dispute as to facts and unfit for trial (unfitness permanent) – Treatment Support Order		3
Diminished responsibility, not of unsound mind and unfit for trial (unfitness permanent) – Forensic Order		1
Not of diminished responsibility and fit for trial		1
Reference Struck Out		5
Reference Withdrawn/ struck out		14
Appeals		
Appeal Dismissed		36
Appeal Withdrawn		18
Appeal Allowed		6
Applications		
Application Granted		21
Application Withdrawn		20
Application Dismissed		11
<i>* There were 46 references where more than one decision was made</i> <i>* 16 Forensic Orders were amended</i> <i>* 4 Treatment Support Order was amended</i>		

