
ANZAPPL (NSW Branch) Newsletter



ANZAPPL

Issue 1, February 2008

To all members and friends of NSW ANZAPPL,

AGM and FORUM

We are holding our AGM on 18th March this year in the Conference Room of the Public Defenders Chambers (Level 13, 175 Liverpool Street, Sydney) at 6.30pm. Nibbles and drinks will be provided.

Following the meeting, we are conducting a forum on *Preventive Detention* with four speakers, with representation from our different disciplines. This will be held at 7pm.

For those attending the forum, entry will be \$10 to cover the venue fee and nibbles.

We have booked the Encasa restaurant (423 Pitt St, Sydney) for those interested in coming to dinner after the meeting.

We welcome feed back as to the suitability of this time and venue.

FORUM: PREVENTIVE DETENTION

"Human Rights for Dangerous Prisoners: An Analysis of the Fardon and Tillman Communications to the United Nations Human Rights Council"

Professor Patrick Keyzer, Faculty of Law, Bond University

Professor Patrick Keyzer joined Bond University in 2006 after previous work as a solicitor, barrister, academic, consultant and Executive Associate to the Chief Justice of Australia. Patrick is a constitutional lawyer who represents clients in the High Court of Australia and in the Supreme Courts of New South Wales, the Northern Territory, Queensland and Vanuatu. He has written a number of texts on constitutional law, and has a particular research interest in the topic of access to justice.

This presentation will bring participants up-to-date on the progress of these two communications and include previously unpublished material from the Tillman communication, which was admitted by the UNHRC on 4 December 2007.

"The challenges to psychologists in exercising their skills in preventative detention matters"

Dr Christopher John Lennings, Faculty of Health Sciences, University of Sydney

Dr Christopher J. Lennings is a Senior Lecturer in Psychology in the School of Behavioural and Community Health /Sciences at the University of Sydney. He is a clinical and forensic psychologist who has specialised in working with children, adolescents and their families affected by substance abuse and involved with the juvenile justice and child protection systems. He has published articles,

book chapters and produced training resources in the area of counselling and assessment of young people, and in substance abuse treatment, forensic psychology and psychometric assessment. His chief areas of research interest include forensic psychology, the treatment and assessment of substance abuse, violent and sexually violent young offenders, youth suicide, decision making and risk assessment in forensic psychology, and the interface of psychology and the law. He has presented his work nationally and internationally in conferences and workshops.

Preventive detention requires the psychologist to make assessments of likely risk and to comment on the likely outcome (and availability) of treatment services to link with extended supervision for high risk offenders in the community. Both requirements present challenges to psychological practice. My talk outlines the practical and research challenges to psychologists exercising their skills in preventative detention matters.

“Outcomes of the Serious Sex Offender Legislation in NSW”

Siobhan Mullany, Solicitor, Legal Aid Commission of NSW

Siobhan Mullany practices as a criminal lawyer. She is an accredited specialist in criminal law with a Masters of International Law. She has worked for the Legal Aid Commission of NSW as a solicitor since 1990. Her work has involved many cases where mental health issues were raised. Her most recent work has involved murder trials and appeals to the Supreme Court. Last year she instructed in one case of preventative detention under the Crimes (Serious Sex Offenders) Act. She remains outraged about the legislation.

This presentation outlines to whom the NSW Act applies and problems with the legislation. The Act covers serious sex offenders with sentences of more than 7 years and those who commit an act of a sexual nature which includes matters under the Summary Offences Act 1988.

One aspect of the Act that is less than satisfactory is the lack of responsibility of any authority to provide the Community with protection. A sex offender is locked up, if he does not receive counselling he will not get parole, if he doesn't get parole, he will be detained indefinitely. There is no requirement on any service to provide adequate counselling. The Act was implemented without funding for the supervision and the Minister intervened to stop DCS setting up facilities to provide individual psychological counselling as part of the supervision.

“Serious Sex Offender Legislation in NSW: Psychiatric Observations”

Dr Stephen Allnut, Conjoint Senior Lecturer, University of NSW

Dr Stephen Allnut is a conjoint senior lecturer at the University of NSW. He is currently Clinical Director of the NSW Community Forensic Mental Health Service. He has also been involved in a number of recent serious sex offender applications as a court appointed expert.

The NSW Serious Sex Offender legislation appears to have been enacted with limited consultation with mental health professionals despite the requirement for their involvement. Locally and internationally preventative detention statutes have caused concern for mental health professionals and their involvement in the process. This paper will discuss some the difficulties in that regard

FINANCES

Our Treasurer, Siobhan Mullany, will provide a full report at the AGM and the report will be available thereafter on the ANZAPPL website. Our current bank balance is approximately \$19,000 credit

EVENTS

ANZAPPL NSW have put on a number of events over the last 2 years. Below is a list of these events.

- A forum in the Hunter Valley on SSRIs was held in April 2006. David Healy, Professor of Psychiatry in Cardiff, who has a particular interest and expertise in this topic was the guest speaker.
- Seminar on Therapeutic Jurisprudence in June, 2006. Speakers included David Wexler, Catriona McComish and Astrid Birgden.
- ANZAPPL (NSW Branch) supported and participated in the conference organised by the University of Sydney (December, 2006) which dealt with a diverse number of topics relevant to mental health and the law.
- 4 committee members presented papers at Padua at the International Conference on Law and Mental Health in July 2007- these members included 2 lawyers (myself and Peter McGhee - mine on the insanity defence and Peter on intellectual disability and the law), a psychiatrist (Stephen Allnutt) and a psychologist (Matt Frize).
- A seminar on psychiatric impairment and the assessment of this in litigation in March 2006
- Sponsorship of the 5th Annual Jury Research & Practice Conference in December 2008. The conference was a great success in providing a forum for the intersection of research, practice and development of policy, We had representation from every state in Australia, as well as Japan and New Zealand, and a substantial rate of attendance from students from universities nation-wide.

The papers can be found at:

- www.justiceenvironments.edu.au (follow the "Jury Research & Practice Conference" link)
- www.anzappl.org/branches/NSW/index.htm
- The Honourable James Wood's keynote address is available at www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsw/pages/LRC_conferences2

The Committee has also made submissions on the proposed changes to the Mental Health Legislation – particularly in relation to the removal of executive power in making the final determination about the release of forensic patients, and questions of 'punishment' of persons found unfit to be tried and then found 'guilty' at a special hearing

2008 ANZAPPL ANNUAL CONFERENCE

The 2008 ANZAPPL Conference: "**Risk vs Rights**" is to be held from the 23rd to the 26th October, 2008 at the Manly Pacific Hotel.

Further details and a call for papers will soon be issued.

Some of the invited speakers include:

Law: Amita Dhanda, (disability and disability rights) Mark Ierace (Fitness to be Tried in International Criminal Law)

Psychology: Friedrich Losel (developmental prevention of crime and offender treatment), Tony Ward

Psychiatry: Mairead Dolan, Hy Bloom (Mental Health Court in Toronto)

WEBSITE

The ANZAPPL website address is www.anzappl.org. The website is the best place to go to find out up to date info on:

- ANZAPPL News
- Industry news
- Upcoming ANZAPPL events
- Presentations and papers of previous events

Matt Frize has taken on the responsibility for the ANZAPPL website and welcomes feedback on it.

FEEDBACK

We are always grateful to receive feedback, ideas for topics and seminars from you. Also, any members willing to come to meetings and give a hand with ideas or organising events are most welcome. Contact details for committee members can be found on the website.

We all hope to see you at the AGM

Tania Evers

President
ANZAPPL (NSW Branch)