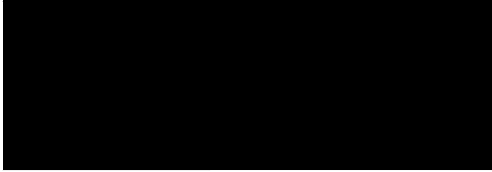


Our reference: **ACTHDFOI23-24.20**



Dear 

### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on Thursday 9 November 2023, and rescoped on **Wednesday 29 November 2023**.

This application requested access to:

*'All documents, including communications, held by the ACT Health Communications and Engagement team from 18 September 2023 to 28 November 2023 regarding media requests or media reporting from any media outlet about or mentioning an alleged stabbing at the Australian National University on 18 September 2023.*

- *This includes but is not limited to emails, slack messages and internal documents.*

*All ministerial briefings, held by the ACT Health about or mentioning leave policies at the Garrangawal Mental Health Facility or Dhulwa Mental Health Facility or the alleged stabbing at the Australian National University on September 18 2023 for the period of 18 September 2023 to 28 November 2023.'*

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Friday 9 February 2024**.

I have identified 47 documents holding the information within scope of your access application. These are outlined in the schedule of documents included at [Attachment A](#) to this decision letter.

#### **Decisions**

I have decided to:

- grant full access to six documents; and
- grant partial access to 41 documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as [Attachment B](#) to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request;

**Disclosure Log**

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

**Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [ACTFOI@ombudsman.gov.au](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

**ACT Civil and Administrative Tribunal (ACAT) review**

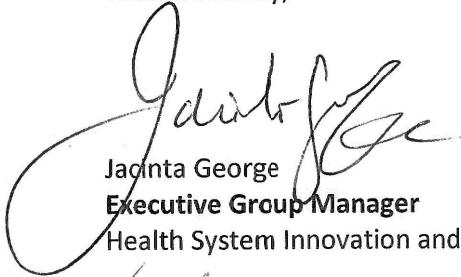
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Allara House  
15 Constitution Avenue  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

**Further assistance**

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely,



Jacinta George  
Executive Group Manager  
Health System Innovation and Performance

8 February 2024

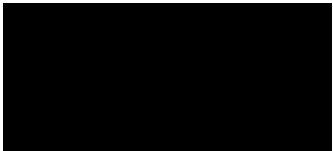


## FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	<p><i>'All documents, including communications, held by the ACT Health Communications and Engagement team from 18 September 2023 to 28 November 2023 regarding media requests or media reporting from any media outlet about or mentioning an alleged stabbing at the Australian National University on 18 September 2023.</i></p> <ul style="list-style-type: none"> <li><i>This includes but is not limited to emails, slack messages and internal documents.</i></li> </ul> <p><i>Il ministerial briefings, held by the ACT Health about or mentioning leave policies at the Garrangawal Mental Health Facility or Dhulwa Mental Health Facility or the alleged stabbing at the Australian National University on September 18 2023 for the period of 18 September 2023 to 28 November 2023.'</i></p>	<b>ACTHDFOI23-24.20</b>

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 2	Email – RE: urgent 9 News media request	19 September 2023	Partial Release	Privacy	YES
2.	3 – 4	Email – FW: Media enquiry	19 September 2023	Partial Release	Privacy	YES
3.	5 – 9	Email – RE: Media response for your clearance	19 September 2023	Partial Release	Privacy	YES
4.	10 – 11	Email – RE: Media enquiry	19 September 2023	Partial Release	Privacy	YES

5.	12 – 15	Email – FW: Media response for your clearance	19 September 2023	Partial Release	Privacy	YES
6.	16 – 17	Email – urgent 9 News media request	19 September 2023	Partial Release	Privacy	YES
7.	18 – 20	Email – FW: urgent 9 News media request	19 September 2023	Partial Release	Privacy	YES
8.	21 – 22	Email – RE: urgent 9 News media request	19 September 2023	Partial Release	Privacy	YES
9.	23 – 24	Email – RE: Media enquiry	19 September 2023	Partial Release	Privacy	YES
10.	25 – 28	Email – RE: Media response for your clearance	19 September 2023	Partial Release	Privacy	YES
11.	29 – 31	Email – Re: Media response for your clearance	19 September 2023	Partial Release	Privacy	YES
12.	32 – 35	Email – FW: ACAT orders question	19 September 2023	Partial Release	Privacy	YES
13.	36 – 40	Email – RE: ACAT orders question	19 September 2023	Partial Release	Privacy	YES
14.	41 – 45	Email – RE: URGENT REVIEW - Chief Minister / Rattenbury / Davidson - Statement on incident at ANU	20 September 2023	Partial Release	Privacy	YES
15.	46 – 47	Email – RE: news articles - ANU incident	21 September 2023	Partial Release	Privacy	YES
16.	48 – 50	Email – RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit	21 September 2023	Partial Release	Privacy	YES
17.	51 – 52	Email – FW: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit	21 September 2023	Partial Release	Privacy	YES
18.	53 – 56	Email – FW: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit	21 September 2023	Partial Release	Privacy	YES
19.	57 – 58	Email – RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit	21 September 2023	Partial Release	Privacy	YES
20.	59	Email – RE: WIN News inquiry on mental health services in Cbr	25 September 2023	Partial Release	Privacy	YES
21.	60 – 63	Email – RE: MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]	26 September 2023	Partial Release	Privacy	YES
22.	64 – 66	Email – RE: MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]	26 September 2023	Partial Release	Privacy	YES
23.	67 – 69	Email – RE: FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]	27 September 2023	Partial Release	Privacy	YES

24.	70 – 72	Email – FW: FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]	27 September 2023	Partial Release	Privacy	YES
25.	73 – 75	Email – RE: FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]	27 September 2023	Partial Release	Privacy	YES
26.	76 – 89	Ministerial Brief – Review of the incident at ANU on 18 September 2023	29 September 2023	Full Release		YES
27.	90 – 94	Ministerial Brief – Review to sign notifiable instrument to set up Special Purpose Quality Assurance Committee (QAC)	29 September 2023	Full Release		YES
28.	95 – 97	Email – FW: Request for comment re psychiatric care arrangement review	4 October 2023	Partial Release	Privacy	YES
29.	98 – 104	Email – RE: Request for comment re psychiatric care arrangement review	5 October 2023	Partial Release	Privacy	YES
30.	105 – 111	Email – FW: Request for comment re psychiatric care arrangement review	5 October 2023	Partial Release	Privacy	YES
31.	112 - 113	Email – RE: Request for comment re psychiatric care arrangement review	5 October 2023	Partial Release	Privacy	YES
32.	114 – 119	Email and attachment – RE: For urgent clearance - MIN2023/00790 - Initiated brief - Update on review into ANU incident - October 2023 - Minister for Mental Health	18 October 2023	Partial Release	Privacy	YES
33.	120 – 124	Email – FW: Davidson Media Release: Chief Psychiatrist Review into events at ANU 18 September 2023	7 November 2023	Partial Release	Privacy	YES
34.	125 – 129	Email and attachment – FW: Endorsed ToR	7 November 2023	Full Release		YES
35.	130 – 131	Email – RE:	7 November 2023	Partial Release	Privacy	YES
36.	132 – 134	Email – RE: Media enquiry: Terms of reference for review	7 November 2023	Partial Release	Privacy	YES
37.	135 – 137	Email – RE: Emma Davidson release today	7 November 2023	Partial Release	Privacy	YES

38.	138 – 141	Email and attachment – FW: Emma Davidson release today	7 November 2023	Partial Release	Privacy	YES
39.	142 – 145	Email – RE: Media enquiry: Terms of reference for review	7 November 2023	Partial Release	Privacy	YES
40.	146 – 150	Email – FW: Emma Davidson release today	7 November 2023	Partial Release	Privacy	YES
41.	151 – 156	Email – RE: FOR APPROVAL: Chief Psychiatrist review	7 November 2023	Partial Release	Privacy	YES
42.	157 – 159	Email and attachment – RE: Emma Davidson release today [Attachment at reference 38]	7 November 2023	Partial Release	Privacy	YES
43.	160 – 162	Email and attachment – FW: Emma Davidson release today [Attachment at reference 38]	8 November 2023	Partial Release	Privacy	YES
44.	163 – 168	Ministerial Brief – Endorsed Terms of Reference, Expanded Review	8 November 2023	Full Release		YES
45.	169 – 171	Ministerial Brief – Chief Psychiatrist Review Update	5 December 2023	Full Release		YES
46.	172 – 175	Email and attachment – this min brief didn't progress because the second update was received by the minister prior to the first	18 December 2023	Full Release		YES
47.	176 – 180	Email – FW: response to minister's feedback	18 December 2023	Partial Release	Privacy	YES
<b>Total Number of Documents</b>						
<b>47</b>						

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**From:** JACSMedia  
**Sent:** Tuesday, 19 September 2023 11:35 AM  
**To:** Health Media  
**Cc:** JACSMedia; Broussard, Karen; Emerson-Elliott, Megan; Mulligan, Jo  
**Subject:** RE: urgent 9 News media request

OFFICIAL

Noted. Tks

Regards,

**Fiona Halloran | Director A/g, Communications Services |**

Phone: 6207 5198 | Mobile: [REDACTED] | Email: [Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)

**Communications & Engagement Branch | Justice and Community Safety Directorate | ACT Government**  
220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

#### Media Contacts

JACS Media: [02 6207 7173](tel:0262077173) or [JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)

ACT Emergency Services Agency 24-hour media line: [02 6207 8564](tel:0262078564) (media enquiries only)



---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 10:01 AM  
**To:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Cc:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Subject:** FW: urgent 9 News media request

OFFICIAL

Hi team,

For your awareness, we've been approached by a journalist regarding what supervision orders Alex Ophel was under - we're just checking whether this is something we're able to answer or if it best sits with you, happy to take your guidance if you already know the answer to this one!

Kind regards,  
Samara

**Samara McCann | Assistant Director, Media**

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

**From:** [REDACTED]  
**Sent:** Tuesday, 19 September 2023 9:56 AM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Subject:** urgent 9 News media request

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Hi team,

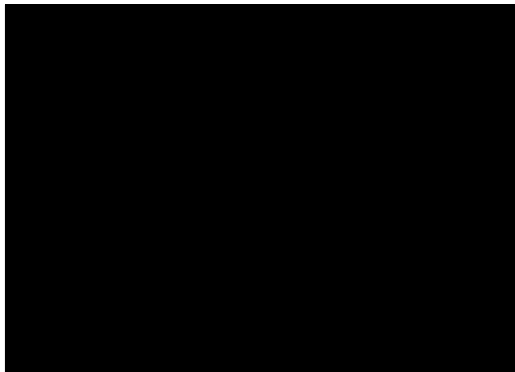
I'm after a response from the appropriate government department (not sure if that's health or the attorney general's office) regarding 24-year-old man Alex Ophel.

He's been charged with attempted murder over an attack at the ANU campus yesterday.

Can you please confirm what supervision orders he is currently on under the ACT mental health act and if those orders were breached yesterday.

Kind Regards,

--



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**From:** Health Media  
**Sent:** Tuesday, 19 September 2023 11:49 AM  
**To:** Morgan, Mat  
**Cc:** Health Media  
**Subject:** FW: Media enquiry

UNOFFICIAL

Hi Mat,

Here's the other media enquiry from Channel 10.

Kind regards,  
Samara

Samara McCann | Assistant Director, Media (Pronouns she/they)  
Phone: [REDACTED] | Email: Samara.McCann@act.gov.au Infrastructure, Communication and Engagement  
Division | ACT Health Directorate

-----Original Message-----

From: Warner, KarenL (Health) <KarenL.Warner@act.gov.au> On Behalf Of Canberra Health Services Media  
Sent: Tuesday, 19 September 2023 10:11 AM  
To: Health Media <HealthMedia@act.gov.au>; JACSMedia <JACSMedia@act.gov.au>  
Cc: Canberra Health Services Media <CHSmedia@act.gov.au>  
Subject: FW: Media enquiry

UNOFFICIAL

Hi Andrew/JACS Media,

I'll forward these to you as they come in as CHS will not be commenting.

Cheers K

-----Original Message-----

From: [REDACTED]  
Sent: Tuesday, 19 September 2023 10:08 AM  
To: Canberra Health Services Media <CHSmedia@act.gov.au>  
Subject: Media enquiry

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<https://aka.ms/LearnAboutSenderIdentification> ]

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Learn why this is important<<http://www.act.gov.au/emailsecurity>>

Good morning,

Hope you are well.

Channel 10 News is continuing its coverage of yesterday's stabbing incident at ANU in Canberra, in our 5pm news tonight.

The alleged offender, Alex Ophel, has been charged. He also has a criminal history, and we understand due to his mental health, he was being dealt with by Canberra Health.

We're seeking a statement following yesterday's incident.

- \* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?
- \* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?
- \* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

We hope to hear from you.

Kind regards,



Sent from my iPhone

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---

**From:** Benson, Andrew (Health)  
**Sent:** Tuesday, 19 September 2023 1:21 PM  
**To:** Cramond, Sarah (Health); Health Media  
**Cc:** McCann, Samara (Health)  
**Subject:** RE: Media response for your clearance

OFFICIAL

Thanks Dinesh.

**Andrew Benson | Senior Director, Media**


*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**  
Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

 *Please consider the environment before printing this email.*

---

**From:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 1:17 PM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** McCann, Samara (Health) <[Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)>; Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
**Subject:** FW: Media response for your clearance

OFFICIAL

Hi Andrew and Samara,

Dinesh has amended the response – see below.

Kind regards

Sarah

---

**From:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 1:13 PM  
**To:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>  
**Cc:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>  
**Subject:** RE: Media response for your clearance

OFFICIAL

Hi Sarah, see below. I think better to keep it short at this stage.

Kind regards

Dinesh

---

Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

---

**From:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>

**Sent:** Tuesday, 19 September 2023 12:53 PM

**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>

**Cc:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

**Subject:** Media response for your clearance

OFFICIAL

Hi Dinesh,

We are receiving media requests. The below is from Channel 10. Health media has asked for your clearance on the below response. I have included my input highlighted in yellow for your review. I will also send another one from Channel 9.

FYI – CHS media is not providing any comments to media.

\* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?

Services and supervision provided to an individual would depend on what is clinically appropriate and necessary. Conditions imposed by the ACT Civil and Administrative Tribunal and the type of order made by the tribunal under the Mental Health Act 2015 also determine any additional supervision requirements.

For example, a Court may order that a person be detained in custody for immediate review by ACAT under section 180 of the Act.

In reviewing the detention of a person, the ACAT must evaluate whether a person presents a danger to society as a result of their mental condition. The ACAT must consider the nature and extent of the person's mental disorder or mental illness, whether the person would be at risk to themselves or others if released, and the views of any affected person and the victims of crime commissioner, with the view that detention in custody is to be regarded as a last resort.

The ACAT must consider the release of the person no later than 7 days after the day of the order. If the ACAT orders the release of a person, the ACAT may impose any conditions it considers appropriate, including a requirement to comply with a mental health order (MHO) or a forensic mental health order (FMHO).

If the ACAT does not order the release of the person, it may make MHOs or FMHOs in relation to the person, and must review their detention at least monthly.

\* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?

Under the Health Information Act we are unable to release an individual's private health information.

\* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

Under the Health Information Act we are unable to release an individual's private health information.

-----Original Message-----

From: Health Media [HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)

Sent: Tuesday, 19 September 2023 11:53 AM

To: Cramond, Sarah (Health) [Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)

Cc: Health Media [HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au); Benson, Andrew (Health) [Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)

Subject: FW: Media enquiry

UNOFFICIAL

Hi Sarah,

Please see draft responses to an enquiry from Channel Ten News.

From an ACT Government spokesperson.

\* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?

Services provided to an individual would depend on conditions imposed by the ACT Civil and Administrative Tribunal and the type of order made by the tribunal under the Mental Health Act 2015.

The Court may order that a person be detained in custody for immediate review by ACAT.

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Andrew Benson | Senior Director, Media  
Pronouns: He/him

Phone: [REDACTED] | Email: andrew.benson@act.gov.au Infrastructure, Communication and Engagement Division  
| ACT Health Directorate Level 5, 6 Bowes Street Phillip ACT 2606 health.act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. ☑ Please consider the environment before printing this email.

-----Original Message-----

From: Warner, KarenL (Health) <KarenL.Warner@act.gov.au> On Behalf Of Canberra Health Services Media  
Sent: Tuesday, 19 September 2023 10:11 AM  
To: Health Media <HealthMedia@act.gov.au>; JACSMedia <JACSMedia@act.gov.au>  
Cc: Canberra Health Services Media <CHSmedia@act.gov.au>  
Subject: FW: Media enquiry

UNOFFICIAL

Hi Andrew/JACS Media,

I'll forward these to you as they come in as CHS will not be commenting.

Cheers K

-----Original Message-----

From: [REDACTED]  
Sent: Tuesday, 19 September 2023 10:08 AM  
To: Canberra Health Services Media <CHSmedia@act.gov.au>  
Subject: Media enquiry

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<https://aka.ms/LearnAboutSenderIdentification> ]

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We're seeking a statement following yesterday's incident.

- \* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?
- \* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?
- \* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

We hope to hear from you.

Kind regards,



Sent from my iPhone

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---

**From:** Health Media  
**Sent:** Tuesday, 19 September 2023 1:28 PM  
**To:** Canberra Health Services Media; Health Media; JACSMedia  
**Subject:** RE: Media enquiry

UNOFFICIAL

Hi all,

For your awareness, please find below the cleared response to Channel 10 News which is going up to the Mental Health Minister's Office for review.

START

\* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?

Services and supervision provided to an individual would depend on what is clinically appropriate and necessary. Conditions imposed by the ACT Civil and Administrative Tribunal and the type of order made by the tribunal under the Mental Health Act 2015 also determine any additional supervision requirements.

\* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?

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\* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

Under the Health Records (Privacy & Access) Act we are unable to release an individual's private health information.

END

Kind regards,  
Samara

Samara McCann | Assistant Director, Media (Pronouns she/they)  
Phone: [REDACTED] | Email: Samara.McCann@act.gov.au Infrastructure, Communication and Engagement  
Division | ACT Health Directorate

-----Original Message-----

From: Warner, KarenL (Health) <KarenL.Warner@act.gov.au> On Behalf Of Canberra Health Services Media  
Sent: Tuesday, 19 September 2023 10:11 AM  
To: Health Media <HealthMedia@act.gov.au>; JACSMedia <JACSMedia@act.gov.au>  
Cc: Canberra Health Services Media <CHSmedia@act.gov.au>  
Subject: FW: Media enquiry

UNOFFICIAL

Hi Andrew/JACS Media,

I'll forward these to you as they come in as CHS will not be commenting.

Cheers K

-----Original Message-----

From: [REDACTED]  
Sent: Tuesday, 19 September 2023 10:08 AM  
To: Canberra Health Services Media <CHSmedia@act.gov.au>  
Subject: Media enquiry

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Good morning,

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We're seeking a statement following yesterday's incident.

- \* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?
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- \* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

We hope to hear from you.

Kind regards,

[REDACTED]

[REDACTED]

Sent from my iPhone

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---

**From:** Benson, Andrew (Health)  
**Sent:** Tuesday, 19 September 2023 1:31 PM  
**To:** ACTHD, DDG - Policy and Transformation; Hudson, Robyn (Health)  
**Cc:** Health Media  
**Subject:** FW: Media response for your clearance

OFFICIAL

Hi Robyn,

Looping you into this one concurrently with getting MO approval.

Approved by the Chief Psychiatrist.

We are unable to say much on this topic.

Responses would be attributable to an ACT Government spokesperson.

Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

 *Please consider the environment before printing this email.*

---

**From:** Benson, Andrew (Health)  
**Sent:** Tuesday, 19 September 2023 1:24 PM  
**To:** Morgan, Mat <Mat.Morgan@act.gov.au>  
**Cc:** Health Media <HealthMedia@act.gov.au>  
**Subject:** FW: Media response for your clearance

OFFICIAL

Hi Mat,

See below response approved by the Chief Psychiatrist.

For approval please.

Benno



**Andrew Benson | Senior Director, Media**

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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-----Original Message-----

From: Health Media [HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)

Sent: Tuesday, 19 September 2023 11:53 AM

To: Cramond, Sarah (Health) [Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)

Cc: Health Media [HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au); Benson, Andrew (Health) [Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)

Subject: FW: Media enquiry

UNOFFICIAL

Hi Sarah,

Please see draft responses to an enquiry from Channel Ten News.

From an ACT Government spokesperson.

\* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?

Services provided to an individual would depend on conditions imposed by the ACT Civil and Administrative Tribunal and the type of order made by the tribunal under the Mental Health Act 2015.

The Court may order that a person be detained in custody for immediate review by ACAT.

In reviewing the detention of a person, the ACAT must evaluate whether a person presents a danger to society as a result of their mental condition. The ACAT must consider the nature and extent of the person's mental disorder or mental illness, whether the person would be at risk to themselves or others if released, and the views of any affected person and the victims of crime commissioner, with the view that detention in custody is to be regarded as a last resort.

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Andrew Benson | Senior Director, Media

Pronouns: He/him

Phone: [REDACTED] | Email: andrew.benson@act.gov.au Infrastructure, Communication and Engagement Division  
| ACT Health Directorate Level 5, 6 Bowes Street Phillip ACT 2606 health.act.gov.au

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From: Warner, KarenL (Health) <KarenL.Warner@act.gov.au> On Behalf Of Canberra Health Services Media

Sent: Tuesday, 19 September 2023 10:11 AM

To: Health Media <HealthMedia@act.gov.au>; JACSMedia <JACSMedia@act.gov.au>

Cc: Canberra Health Services Media <CHSmedia@act.gov.au>

Subject: FW: Media enquiry

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From: [REDACTED]

Sent: Tuesday, 19 September 2023 10:08 AM  
To: Canberra Health Services Media <CHSmedia@act.gov.au>  
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- \* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

We hope to hear from you.

Kind regards,

[REDACTED]

[REDACTED]

Sent from my iPhone

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---

**From:** Morgan, Mat  
**Sent:** Tuesday, 19 September 2023 1:38 PM  
**To:** Health Media  
**Subject:** RE: urgent 9 News media request

Hi Samara,

Minister Davidson is comfortable with this response.

Thanks,  
Mat

---

**From:** Health Media <HealthMedia@act.gov.au>  
**Sent:** Tuesday, 19 September 2023 1:37 PM  
**To:** Morgan, Mat <Mat.Morgan@act.gov.au>  
**Cc:** Health Media <HealthMedia@act.gov.au>; Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Subject:** FW: urgent 9 News media request

OFFICIAL

Hi Mat,

For approval please. Cleared by the Chief Psychiatrist.

**Start**

Under the Health Records (Privacy & Access) Act we are unable to release an individual's private health information.

**End**

Kind regards,  
Samara

Samara McCann | Assistant Director, Media  
(Pronouns she/they)  
Phone: [REDACTED] Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

[REDACTED]  
**Sent:** Tuesday, 19 September 2023 9:56 AM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Subject:** urgent 9 News media request

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Hi team,

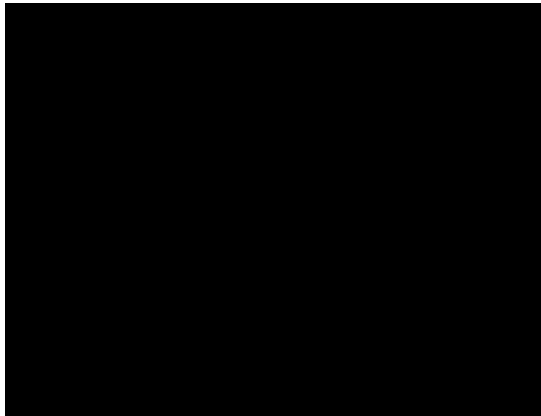
I'm after a response from the appropriate government department (not sure if that's health or the attorney general's office) regarding 24-year-old man Alex Ophel.

He's been charged with attempted murder over an attack at the ANU campus yesterday.

Can you please confirm what supervision orders he is currently on under the ACT mental health act and if those orders were breached yesterday.

Kind Regards,

--



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**From:** Cramond, Sarah (Health)  
**Sent:** Tuesday, 19 September 2023 1:49 PM  
**To:** Health Media  
**Cc:** McCann, Samara (Health); Benson, Andrew (Health)  
**Subject:** FW: urgent 9 News media request

Hi Andrew and Samara,

Dinesh has cleared the response to channel 9 – his response is below.

Thanks

Sarah

---

**From:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 1:46 PM  
**To:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>  
**Subject:** RE: urgent 9 News media request

Sure. All good.

Kind regards

Dinesh

---

Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

---

**From:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 1:45 PM  
**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Subject:** RE: urgent 9 News media request

Hi Dinesh,

Health media have spoken to Beth Lewis (in house GSO) who was the one who said to not release anything about the orders due to privacy under the health records Act.

Are you ok to clear media's response.

Thank you

Sarah

---

**From:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 12:55 PM  
**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Cc:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>  
**Subject:** FW: urgent 9 News media request

Hi Dinesh,

Health Media's response to this media request is that information can't be provided in response under the Health Records (Privacy & Access) Act.

Are you happy to clear this response.

Do you want anyone else in the Directorate to see the responses before advising media?

Thanks

Sarah

---

From: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
Sent: Tuesday, 19 September 2023 11:54 AM  
To: Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>  
Cc: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
Subject: FW: urgent 9 News media request

Another one.

Proposed response to Nine News:

\* I'm after a response from the appropriate government department (not sure if that's health or the attorney general's office) regarding 24-year-old man Alex Ophel.

He's been charged with attempted murder over an attack at the ANU campus yesterday.

Can you please confirm what supervision orders he is currently on under the ACT mental health act and if those orders were breached yesterday.

**Under the Health Information Act we are unable to release an individual's private health information.**

---

[REDACTED]  
Sent: Tuesday, 19 September 2023 9:56 AM  
To: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
Subject: urgent 9 News media request

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Hi team,

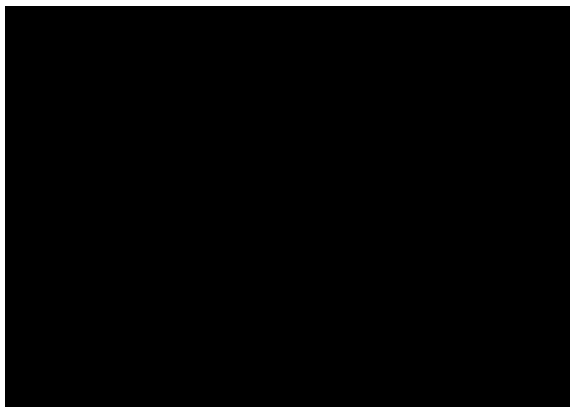
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Kind Regards,

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---

**From:** Health Media  
**Sent:** Tuesday, 19 September 2023 2:19 PM  
**To:** Health Media [REDACTED]  
**Subject:** RE: urgent 9 News media request

OFFICIAL

Hi [REDACTED]

Further to my earlier email, please find a response to your enquiry below attributable to an ACT Government spokesperson:

**START**

Under the Health Records (Privacy & Access) Act we are unable to release an individual's private health information.

**END**

Kind regards,  
Samara

Samara McCann | Assistant Director, Media  
(Pronouns she/they)  
Phone: [REDACTED] Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 9:59 AM  
**To:** [REDACTED] Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Subject:** RE: urgent 9 News media request

OFFICIAL

Hi [REDACTED]

We're checking on this and will come back to you.

Kind regards,  
Samara

Samara McCann | Assistant Director, Media  
(Pronouns she/they)  
Phone: [REDACTED] Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

**From:** [REDACTED]  
**Sent:** Tuesday, 19 September 2023 9:56 AM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Subject:** urgent 9 News media request

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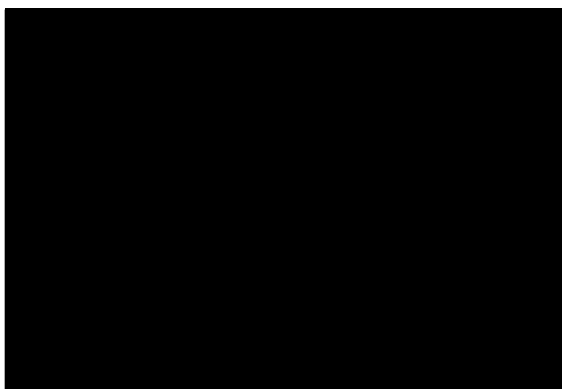
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---

**From:** Health Media  
**Sent:** Tuesday, 19 September 2023 2:29 PM  
**To:** [REDACTED]  
**Cc:** Health Media; Canberra Health Services Media  
**Subject:** RE: Media enquiry

**UNOFFICIAL**

Hi [REDACTED]

Thank you for your email, please find a response below, attributable to an ACT Government spokesperson:

**START**

*\* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?*

Services and supervision provided to an individual would depend on what is clinically appropriate and necessary. Conditions imposed by the ACT Civil and Administrative Tribunal and the type of order made by the tribunal under the Mental Health Act 2015 also determine any additional supervision requirements.

*\* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?*

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*\* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?*

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**END**

Kind regards,  
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(Pronouns she/they)  
Phone: [REDACTED] | Email: Samara.McCann@act.gov.au  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

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Sent from my iPhone

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**Sent:** Tuesday, 19 September 2023 1:37 PM  
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Hi,

Minister Davidson is happy with this.

Thanks,  
Mat

---

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**Sent:** Tuesday, 19 September 2023 1:24 PM  
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**Cc:** Health Media <HealthMedia@act.gov.au>  
**Subject:** FW: Media response for your clearance

OFFICIAL

Hi Mat,

See below response approved by the Chief Psychiatrist.

For approval please.

Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

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Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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Sent: Tuesday, 19 September 2023 11:53 AM

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Cc: Health Media [HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au); Benson, Andrew (Health) [Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)

Subject: FW: Media enquiry

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If the ACAT does not order the release of the person, it may make MHOs or FMHOs in relation to the person, and must review their detention at least monthly.

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Under the Health Information Act we are unable to release an individual's private health information.

\* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

Under the Health Information Act we are unable to release an individual's private health information.

Andrew Benson | Senior Director, Media

Pronouns: He/him

Phone: [REDACTED] | Email: andrew.benson@act.gov.au Infrastructure, Communication and Engagement Division  
| ACT Health Directorate Level 5, 6 Bowes Street Phillip ACT 2606 health.act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. ♻️ Please consider the environment before printing this email.

-----Original Message-----

From: Warner, KarenL (Health) <KarenL.Warner@act.gov.au> On Behalf Of Canberra Health Services Media

Sent: Tuesday, 19 September 2023 10:11 AM

To: Health Media <HealthMedia@act.gov.au>; JACSMedia <JACSMedia@act.gov.au>

Cc: Canberra Health Services Media <CHSmedia@act.gov.au>

Subject: FW: Media enquiry

UNOFFICIAL

Hi Andrew/JACS Media,

I'll forward these to you as they come in as CHS will not be commenting.

Cheers K

-----Original Message-----

From: [REDACTED]

Sent: Tuesday, 19 September 2023 10:08 AM

To: Canberra Health Services Media <CHSmedia@act.gov.au>

Subject: Media enquiry

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Good morning,

Hope you are well.

Channel 10 News is continuing its coverage of yesterday's stabbing incident at ANU in Canberra, in our 5pm news tonight.

The alleged offender, Alex Ophel, has been charged. He also has a criminal history, and we understand due to his mental health, he was being dealt with by Canberra Health.

We're seeking a statement following yesterday's incident.

- \* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?
- \* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?
- \* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

We hope to hear from you.

Kind regards,



Sent from my iPhone

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**From:** Hudson, Robyn (Health)  
**Sent:** Tuesday, 19 September 2023 3:59 PM  
**To:** Benson, Andrew (Health); ACTHD, DDG - Policy and Transformation  
**Cc:** Health Media  
**Subject:** Re: Media response for your clearance

OFFICIAL

Thanks for the quick chat.

Good for it to progress.

Robyn

Robyn Hudson  
 Deputy Director General  
 ACT Health  
 (E) Robyn.Hudson@act.gov.au  
 (M) [REDACTED]

---

**From:** Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Sent:** Tuesday, September 19, 2023 1:30:32 PM  
**To:** DDGACTHealth <DDGACTHealth@act.gov.au>; Hudson, Robyn (Health) <Robyn.Hudson@act.gov.au>  
**Cc:** Health Media <HealthMedia@act.gov.au>  
**Subject:** FW: Media response for your clearance

OFFICIAL

Hi Robyn,  
 Looping you into this one concurrently with getting MO approval.  
 Approved by the Chief Psychiatrist.  
 We are unable to say much on this topic.  
 Responses would be attributable to an ACT Government spokesperson.  
 Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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---

**From:** Benson, Andrew (Health)  
**Sent:** Tuesday, 19 September 2023 1:24 PM  
**To:** Morgan, Mat <Mat.Morgan@act.gov.au>  
**Cc:** Health Media <HealthMedia@act.gov.au>  
**Subject:** FW: Media response for your clearance

OFFICIAL

Hi Mat,  
See below response approved by the Chief Psychiatrist.  
For approval please.  
Benno

**Andrew Benson | Senior Director, Media**

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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Please consider the environment before printing this email.

\* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?

Services and supervision provided to an individual would depend on what is clinically appropriate and necessary. Conditions imposed by the ACT Civil and Administrative Tribunal and the type of order made by the tribunal under the Mental Health Act 2015 also determine any additional supervision requirements.

\* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?

Under the Health Records (Privacy & Access) Act we are unable to release an individual's private health information.

\* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

Under the Health Records (Privacy & Access) Act we are unable to release an individual's private health information.

-----Original Message-----

From: Health Media [HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)

Sent: Tuesday, 19 September 2023 11:53 AM

To: Cramond, Sarah (Health) [Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)

Cc: Health Media [HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au); Benson, Andrew (Health) [Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)

Subject: FW: Media enquiry

UNOFFICIAL

Hi Sarah,

Please see draft responses to an enquiry from Channel Ten News.

From an ACT Government spokesperson.

\* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?

Services provided to an individual would depend on conditions imposed by the ACT Civil and Administrative Tribunal and the type of order made by the tribunal under the Mental Health Act 2015.

The Court may order that a person be detained in custody for immediate review by ACAT.

In reviewing the detention of a person, the ACAT must evaluate whether a person presents a danger to society as a result of their mental condition. The ACAT must consider the nature and extent of the person's mental disorder or mental illness, whether the person would be at risk to themselves or others if released, and the views of any affected person and the victims of crime commissioner, with the view that detention in custody is to be regarded as a last resort.

The ACAT must consider the release of the person no later than 7 days after the day of the order. If the ACAT orders the release of a person, the ACAT may impose any conditions it considers appropriate, including a requirement to comply with a mental health order (MHO) or a forensic mental health order (FMHO).

If the ACAT does not order the release of the person, it may make MHOs or FMHOs in relation to the person, and must review their detention at least monthly.

\* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?

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Andrew Benson | Senior Director, Media

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au) Infrastructure, Communication and Engagement Division  
| ACT Health Directorate Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)

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-----Original Message-----

From: Warner, KarenL (Health) <[KarenL.Warner@act.gov.au](mailto:KarenL.Warner@act.gov.au)> On Behalf Of Canberra Health Services Media

Sent: Tuesday, 19 September 2023 10:11 AM

To: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>

Cc: Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>

Subject: FW: Media enquiry

UNOFFICIAL

Hi Andrew/JACS Media,

I'll forward these to you as they come in as CHS will not be commenting.

Cheers K

-----Original Message-----

From: [REDACTED]

Sent: Tuesday, 19 September 2023 10:08 AM

To: Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>

Subject: Media enquiry

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<https://aka.ms/LearnAboutSenderIdentification> ]

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Good morning,

Hope you are well.

Channel 10 News is continuing its coverage of yesterday's stabbing incident at ANU in Canberra, in our 5pm news tonight.

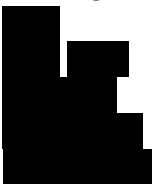
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We're seeking a statement following yesterday's incident.

- \* Can Canberra Health clarify what services or supervision it can provide to offenders with mental health issues?
- \* What services and/or supervision was Alex Ophel subject to (for example, was he housed in the community, when did that occur, and how is he supervised)?
- \* Does Canberra Health have any comment about its processes in light of yesterday's alleged events?

We hope to hear from you.

Kind regards,



Sent from my iPhone

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---

**From:** Benson, Andrew (Health)  
**Sent:** Tuesday, 19 September 2023 4:27 PM  
**To:** Cramond, Sarah (Health)  
**Cc:** Health Media  
**Subject:** FW: ACAT orders question

OFFICIAL

Hi Sarah

To discuss.

Cheers

Andrew

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 4:19 PM  
**To:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
**Subject:** FW: ACAT orders question

OFFICIAL

**Samara McCann | Assistant Director, Media**

*(Pronouns she/they)*

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

---

**From:** Emerson-Elliott, Megan <[Megan.Emerson-Elliott@act.gov.au](mailto:Megan.Emerson-Elliott@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 4:10 PM  
**To:** McCann, Samara (Health) <[Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

Cc: JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>; Halloran, Fiona <[Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)>  
 Subject: FW: ACAT orders question

OFFICIAL

Hi Health media

We have an enquiry from the Canberra Times in relation to the ANU incident.

Are you able to assist with this question:

- Someone detained under an ACAT mental health order can only be granted leave after an ACAT hearing.

We are seeking advice asap please.

Thanks  
 Megan



**Megan Emerson-Elliott | Director, Justice Communications**

[Megan.emerson-elliott@act.gov.au](mailto:Megan.emerson-elliott@act.gov.au)

Communications & Engagement Branch | Justice and Community Safety Directorate | ACT Government  
 Level 4, 220 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [www.justice.act.gov.au](http://www.justice.act.gov.au)

---

**From:** Lauman, Angela <[Angela.Lauman@act.gov.au](mailto:Angela.Lauman@act.gov.au)>

**Sent:** Tuesday, 19 September 2023 3:58 PM

**To:** Emerson-Elliott, Megan <[Megan.Emerson-Elliott@act.gov.au](mailto:Megan.Emerson-Elliott@act.gov.au)>; Hakelis, Robyn <[Robyn.Hakelis@act.gov.au](mailto:Robyn.Hakelis@act.gov.au)>

**Cc:** Halloran, Fiona <[Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)>; JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>

**Subject:** RE: ACAT orders question

OFFICIAL

The sections of the Mental Health Act they are referring to fall under the remit of the Minister for Mental Health and ACT Health Directorate so I think this inquiry should be directed to health. Orders are made by ACAT and managed by Chief Psychiatrist is my understanding, once they are subject to an acat order – this should be confirmed with health

[@Hakelis, Robyn](#) FI

Angela Lauman | **Senior Director**  
**Criminal Law Branch**

---

**From:** Emerson-Elliott, Megan <[Megan.Emerson-Elliott@act.gov.au](mailto:Megan.Emerson-Elliott@act.gov.au)>

**Sent:** Tuesday, 19 September 2023 3:48 PM

**To:** Lauman, Angela <[Angela.Lauman@act.gov.au](mailto:Angela.Lauman@act.gov.au)>

**Cc:** Halloran, Fiona <[Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)>; JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>

**Subject:** FW: ACAT orders question

## OFFICIAL

Hi Angela

Are you able to clarify the point below for us:

- Someone detained under an ACAT mental health order can only be granted leave after an ACAT hearing.

This is in response to an enquiry from Canberra Times. Fiona is coordinating and seeking advice asap.

Thanks  
Megan

---

**From:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 3:44 PM  
**To:** Emerson-Elliott, Megan <[Megan.Emerson-Elliott@act.gov.au](mailto:Megan.Emerson-Elliott@act.gov.au)>; Mulligan, Jo <[Jo.Mulligan@act.gov.au](mailto:Jo.Mulligan@act.gov.au)>; Weaver, Michael <[Michael.Weaver@act.gov.au](mailto:Michael.Weaver@act.gov.au)>  
**Cc:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Subject:** FW: ACAT orders question

## OFFICIAL

@Emerson-Elliott, Megan Are you happy if I got Angela L to clarify below highlighted question?

@Mulligan, Jo I guess CT means JACS DG?

@Weaver, Michael Can you check media line which CT says doesn't work?

Questions are just to clarify/fact-check:

- Someone detained under an ACAT mental health order can only be granted leave after an ACAT hearing.
- Leave must also be signed off by the corrections director-general.
- Who is the corrections director-general?

Regards,

**Fiona Halloran | Director A/g, Communications Services |**

Phone: 6207 5198 | Mobile: [REDACTED] | Email: [Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)

**Communications & Engagement Branch | Justice and Community Safety Directorate | ACT Government**  
 220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

#### Media Contacts

JACS Media: [02 6207 7173](tel:0262077173) or [JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)

ACT Emergency Services Agency 24-hour media line: [02 6207 8564](tel:0262078564) (media enquiries only)

**National 23**  
**Wills Week** 11-17  
 SEP.

**ADVANCE**  
 Yourself

Sent: Tuesday, 19 September 2023 3:36 PM  
 To: JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
 Subject: ACAT orders question

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Hi team,  
 JACS media line wasn't working. Just wanting to talk to someone on background about mental health orders - [specifically this legislation](#) about people under PTOs that are detained. Is anyone possibly available today?

Questions are just to clarify/fact-check:

- Someone detained under an ACAT mental health order can only be granted leave after an ACAT hearing.
- Leave must also be signed off by the corrections director-general.
- Who is the corrections director-general?

Thank you,



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---

**From:** Emerson-Elliott, Megan  
**Sent:** Tuesday, 19 September 2023 5:31 PM  
**To:** Benson, Andrew (Health)  
**Subject:** RE: ACAT orders question

OFFICIAL

Brilliant – thanks for that. (and for speaking with Angela on this issue earlier today as well).

---

**From:** Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Sent:** Tuesday, 19 September 2023 5:23 PM  
**To:** Emerson-Elliott, Megan <Megan.Emerson-Elliott@act.gov.au>; Halloran, Fiona <Fiona.Halloran@act.gov.au>  
**Cc:** Lauman, Angela <Angela.Lauman@act.gov.au>; JACSMedia <JACSMedia@act.gov.au>  
**Subject:** RE: ACAT orders question

OFFICIAL

Confirming that I spoke to the journalist and explained, to the best of my knowledge, what that section of the act did apply to and the journalist agreed that it didn't seem to apply in this situation.

Cheers

Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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**From:** Emerson-Elliott, Megan <[Megan.Emerson-Elliott@act.gov.au](mailto:Megan.Emerson-Elliott@act.gov.au)>  
**Sent:** Tuesday, 19 September 2023 5:20 PM  
**To:** Halloran, Fiona <[Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)>  
**Cc:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>; Lauman, Angela <[Angela.Lauman@act.gov.au](mailto:Angela.Lauman@act.gov.au)>; JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Subject:** FW: ACAT orders question

OFFICIAL

Hi Fiona



Just to close the loop here – Andrew is able to call the journo and background her on the Act including that this section of the Act doesn't apply.

Regards  
Megan

---

**From:** Emerson-Elliott, Megan  
**Sent:** Tuesday, 19 September 2023 4:10 PM  
**To:** McCann, Samara (Health) <[Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>; Halloran, Fiona <[Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)>  
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**Megan Emerson-Elliott | Director, Justice Communications**

[Megan.emerson-elliott@act.gov.au](mailto:Megan.emerson-elliott@act.gov.au)

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OFFICIAL

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[@Hakelis, Robyn](#) FI

Angela Lauman | **Senior Director**  
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**Cc:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Subject:** FW: ACAT orders question

OFFICIAL

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@Mulligan, Jo I guess CT means JACS DG?

@Weaver, Michael Can you check media line which CT says doesn't work?

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- Who is the corrections director-general?

Regards,

**Fiona Halloran | Director A/g, Communications Services |**  
Phone: 6207 5198 | Mobile: [REDACTED] | Email: [Fiona.Halloran@act.gov.au](mailto:Fiona.Halloran@act.gov.au)  
**Communications & Engagement Branch | Justice and Community Safety Directorate | ACT Government**  
220 London Circuit, Canberra City | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**Media Contacts**

JACS Media: [02 6207 7173](tel:0262077173) or [JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)

ACT Emergency Services Agency 24-hour media line: [02 6207 8564](tel:0262078564) (media enquiries only)



From: [REDACTED]  
 Sent: Tuesday, 19 September 2023 3:36 PM  
 To: JACSmedia <[JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)>  
 Subject: ACAT orders question

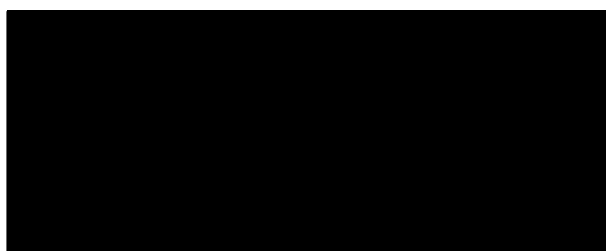
**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi team,  
 JACS media line wasn't working. Just wanting to talk to someone on background about mental health orders - [specifically this legislation](#) about people under PTOs that are detained. Is anyone possibly available today?

Questions are just to clarify/fact-check:

- Someone detained under an ACAT mental health order can only be granted leave after an ACAT hearing.
- Leave must also be signed off by the corrections director-general.
- Who is the corrections director-general?

Thank you,



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not secure, therefore Australian Community Media does not accept legal responsibility for the contents of this message or attached files.

**From:** Benson, Andrew (Health)  
**Sent:** Wednesday, 20 September 2023 3:37 PM  
**To:** GovernmentBusinessHealth; Health Media; ACT Health DLO  
**Subject:** RE: URGENT REVIEW - Chief Minister / Rattenbury / Davidson - Statement on incident at ANU

OFFICIAL: Sensitive

Call good.

Changes were not essential, just suggestions.

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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---

**From:** Gower, Tara (Health) <Tara.Gower@act.gov.au> **On Behalf Of** GovernmentBusinessHealth  
**Sent:** Wednesday, 20 September 2023 3:36 PM  
**To:** Health Media <HealthMedia@act.gov.au>; GovernmentBusinessHealth <GovernmentBusinessHealth@act.gov.au>; ACT Health DLO <ACTHealthDLO@act.gov.au>  
**Cc:** Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Subject:** RE: URGENT REVIEW - Chief Minister / Rattenbury / Davidson - Statement on incident at ANU

OFFICIAL: Sensitive

Hi Benno

Thanks for looking at this.

@ACT Health DLO please see changes in red below. I understand the statement was just released but please provide to MO for noting.

Thank you

Tara

**Tara Gower | A/g Director, Government Business**

Email: [GovernmentBusinessHealth@act.gov.au](mailto:GovernmentBusinessHealth@act.gov.au)

**Ministerial and Government Services | ACT Health Directorate**

Level 5, 2-6 Bowes Street, Woden ACT 2606



**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Wednesday, 20 September 2023 3:33 PM  
**To:** GovernmentBusinessHealth <[GovernmentBusinessHealth@act.gov.au](mailto:GovernmentBusinessHealth@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
**Subject:** RE: URGENT REVIEW - Chief Minister / Rattenbury / Davidson - Statement on incident at ANU

**OFFICIAL: Sensitive**

Hi Tara,

Given that Dinesh has already cleared I don't have much else to contribute.

I've suggested a couple of changes to the available services. For clarity I've highlighted them here:

There are a range of mental health support services available to Canberrans:

- Lifeline is a telephone crisis support service available by calling: 13 11 14
- Mindmap is a mental health portal for people under 25, available **at [mindmap.act.gov.au](http://mindmap.act.gov.au) or by calling 1800 862 111 (11am-10pm)**
- Safe Haven is a free, **peer-support** walk-in centre available to anyone in the ACT. No Medicare card is required. The clinic is open 3-10pm Tuesday to Saturday and is located in: 56 Lathlain St, Belconnen 2617.

Also removed a comma from before "Brian Schmidt".

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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**Sent:** Wednesday, 20 September 2023 2:47 PM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
**Subject:** URGENT REVIEW - Chief Minister / Rattenbury / Davidson - Statement on incident at ANU

OFFICIAL: Sensitive

Hi Benno and team

Can Media please review this release as an urgent matter.

Dr Dinesh Arya has cleared the statement. MO would like to release ASAP.

Thank you

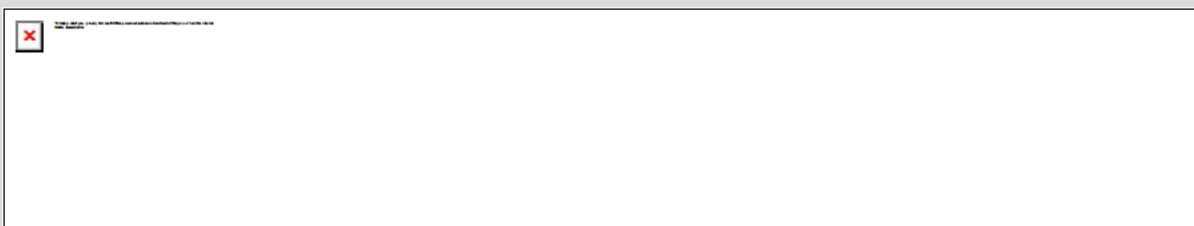
Tara

Tara Gower | A/g Director, Government Business

Email: [GovernmentBusinessHealth@act.gov.au](mailto:GovernmentBusinessHealth@act.gov.au)

Ministerial and Government Services | ACT Health Directorate

Level 5, 2-6 Bowes Street, Woden ACT 2606



**Andrew Barr** MLA

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong

**Shane Rattenbury** MLA

Attorney-General

Member for Kurrajong

**Emma Davidson** MLA

Minister for Mental Health

Member for Murrumbidgee

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20 September 2023

**Statement on incident at ANU**

The incident that occurred at the Australian National University (ANU) this week is distressing. Our thoughts are with the students that were injured and their families and close friends.

The Chief Minister, the Attorney-General, the Minister for Police and Emergency Services and the Minister for Mental Health received a briefing this morning from the Chief Police Officer and officials from Canberra Health Services.

The ACT's Chief Psychiatrist will undertake a review into the individual circumstances surrounding the incident.

Subject to the outcomes of the Chief Psychiatrist's review and any recommendations for systemic change, the Government will convene a dedicated working group to provide advice on matters arising.

Given the ongoing criminal proceedings, and the laws that prohibit the disclosure of personal medical information, the Government is limited in what information can be made public. However we will inform the community about aspects that relate to process and public safety.

The Government recognises that many students and staff at the University will also be feeling vulnerable and distressed by this incident. The Chief Minister met with ANU Vice Chancellor Brian Schmidt this morning and offered support to the University.

Canberra is a safe city, and incidents like this are rare. The Government would like to reassure students and staff at ANU that there is no ongoing threat to their safety, and they should feel confident to move around the campus.

Ministers would also like to recognise the response from ACT Police, ACT Emergency Services and ANU security to the incident and their support for witnesses at the scene.

There are a range of mental health support services available to Canberrans:

- Lifeline is a telephone crisis support service available by calling: 13 11 14
- Mindmap is a mental health portal for people under 25, available at [mindmap.act.gov.au](http://mindmap.act.gov.au) or by calling 1800 862 111 (11am-10pm)
- Safe Haven is a free, peer-support walk-in centre available to anyone in the ACT. No Medicare card is required. The clinic is open 3-10pm Tuesday to Saturday and is located in: 56 Lathlain St, Belconnen 2617.

**Statement ends**

**Media contacts:**

**Kaarin Dynon** [REDACTED] [kaarin.dynon@act.gov.au](mailto:kaarin.dynon@act.gov.au)

**Kylie Blakemore** [REDACTED] [Kylie.Blakemore@act.gov.au](mailto:Kylie.Blakemore@act.gov.au)

---

ACT Legislative Assembly



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---

**From:** Health Media  
**Sent:** Thursday, 21 September 2023 11:44 AM  
**To:** Cramond, Sarah (Health); Health Media  
**Subject:** RE: news articles - ANU incident

OFFICIAL

Yep. That's the correct process.

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**  
Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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---

**From:** Cramond, Sarah (Health) <Sarah.Cramond@act.gov.au>  
**Sent:** Thursday, 21 September 2023 11:41 AM  
**To:** Health Media <HealthMedia@act.gov.au>  
**Subject:** RE: news articles - ANU incident

OFFICIAL

Great,

Thank you,

I just received a call from the Australian and told them to contact health media. Is this the right referral for any media inquiries?

---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Thursday, 21 September 2023 11:38 AM  
**To:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>  
**Subject:** RE: news articles - ANU incident

OFFICIAL

Hi Sarah,

I've done a manual report through our media monitoring and think I picked up most of it.

Should be in you inbox.

Benno

**Andrew Benson | Senior Director, Media**

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

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---

**From:** Cramond, Sarah (Health) <[Sarah.Cramond@act.gov.au](mailto:Sarah.Cramond@act.gov.au)>

**Sent:** Thursday, 21 September 2023 8:56 AM

**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Cc:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

**Subject:** news articles - ANU incident

**OFFICIAL**

Good morning

Dinesh has asked if all news articles that media is collecting about the ANU incident could be sent to the chief psychiatrist inbox - [ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au). Were just monitoring what is being said in the media.

Thank you

Sarah Cramond

Director

Office of the Chief Psychiatrist

ACT Health Directorate



---

**From:** Canberra Health Services Media  
**Sent:** Thursday, 21 September 2023 4:23 PM  
**To:** JACSMedia; Health Media; Canberra Health Services Media  
**Cc:** Lauman, Angela; Rutland, Kaylee  
**Subject:** RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

UNOFFICIAL

Thanks Michael.

**Benno** – can you please call me to discuss this one on who will be responding to RiotACT?

Cheers  
Tracey

---

**From:** JACSMedia <JACSMedia@act.gov.au>  
**Sent:** Thursday, 21 September 2023 4:10 PM  
**To:** Health Media <HealthMedia@act.gov.au>; Canberra Health Services Media <CHSmedia@act.gov.au>  
**Cc:** JACSMedia <JACSMedia@act.gov.au>; Lauman, Angela <Angela.Lauman@act.gov.au>; Rutland, Kaylee <Kaylee.Rutland@act.gov.au>  
**Subject:** RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

UNOFFICIAL

Hi Andrew/Tracey,  
We refer to the joint ACT Government media release yesterday in response here.

Questions about the investigation are obviously a matter for ACT Policing.

Regards,  
**Michael Weaver** | Senior Media and Content Officer  
Communications and Engagement | [Justice and Community Safety Directorate](#)

**Media contacts**

JACS media: 02 6207 7173 | [JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)



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---

**From:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Sent:** Thursday, 21 September 2023 3:39 PM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Subject:** RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

UNOFFICIAL

Hi Tracey/Andrew  
We are looking at this from JACS perspective – prob very little we can say, but we are seeking advice.

Will get back to you ASAP.

Thanks

Michael Weaver | Senior Media and Content Officer

Communications and Engagement | [Justice and Community Safety Directorate](#)

**Media contacts**

JACS media: 02 6207 7173 | [JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)



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---

**From:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Sent:** Thursday, 21 September 2023 2:52 PM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; JACSmedia <[JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)>  
**Cc:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

UNOFFICIAL

Hi ACTH media and JACS media teams

Please see below media enquiry from RiotACT. Have spoken with our MHJHADS team and we think this one sits with you to respond to.

Cheers  
Tracey

CHS Media

---

**From:** Warner, KarenL (Health) <[KarenL.Warner@act.gov.au](mailto:KarenL.Warner@act.gov.au)> On Behalf Of Canberra Health Services Media  
**Sent:** Thursday, 21 September 2023 12:49 PM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** FW: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

UNOFFICIAL

Hi Andrew,

One for HealthMedia?

---

**Sent:** Thursday, 21 September 2023 12:47 PM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

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Hi guys,

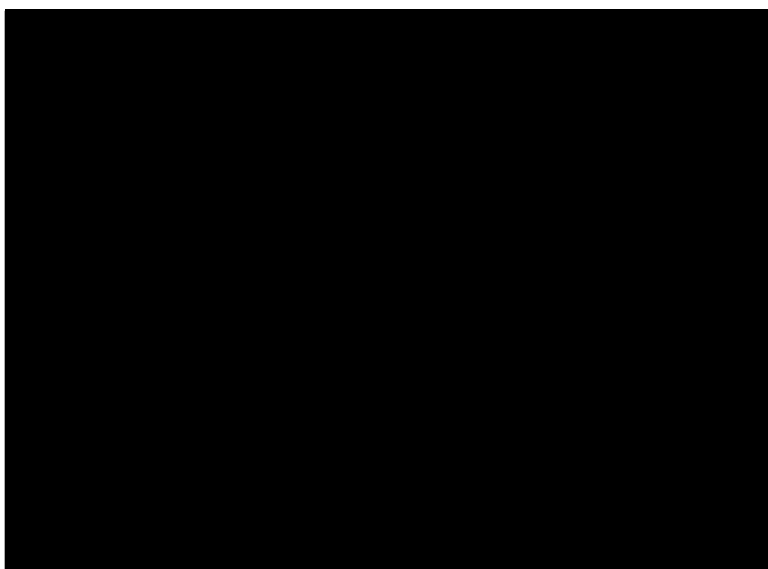
The Canberra Times is reporting it has been told Alex Ophel was on unsupervised day leave from the Gawanggal Mental Health unit on the day he allegedly attacked four students on the ANU campus.

I understand the privacy act, but it would be remiss of me not to ask if CHS is able to confirm these claims?

More generally, what is the procedure around unsupervised day leave? Julie Bishop has come out today stating the university should have been told Mr Ophel was out, is it standard practice that if someone is granted leave that previous victims be informed? Or because they are deemed suitable for unsupervised day leave then they're deemed not to be a danger to anyone and therefore no one needs to be informed? Would you like to respond to Ms Bishop's comments this morning?

If you're able to respond as soon as possible, I would appreciate it.

Thank you for your time,



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---

**From:** Canberra Health Services Media  
**Sent:** Thursday, 21 September 2023 4:33 PM  
**To:** [REDACTED]  
**Cc:** Health Media; Canberra Health Services Media  
**Subject:** FW: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

OFFICIAL

H [REDACTED]

Andrew Benson from ACT Health is looking into whether there is any general information that can be provided. He will be in contact with you.

Cheers  
Tracey

CHS Media

---

[REDACTED]  
Sent: Thursday, 21 September 2023 12:47 PM  
To: Canberra Health Services Media <CHSmedia@act.gov.au>  
Subject: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

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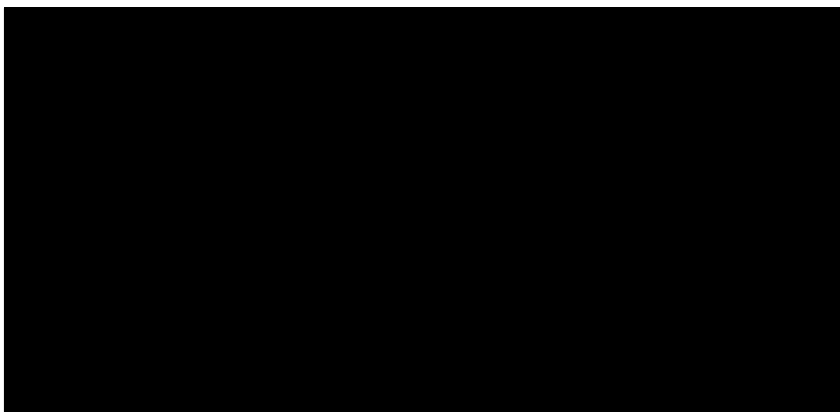
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[REDACTED]



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**From:** JACSmedia  
**Sent:** Thursday, 21 September 2023 4:40 PM  
**To:** act-police-media@afp.gov.au  
**Cc:** JACSmedia; Health Media; Canberra Health Services Media  
**Subject:** FW: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

**UNOFFICIAL**

Hi team ACTP,  
For awareness, please note the media enquiry from Riotact (at end of trail) today regarding the alleged stabbing at the ANU. We have nothing further to add to the ACT Government joint media release from yesterday.

Thanks

**Michael Weaver | Senior Media and Content Officer**

Communications and Engagement | [Justice and Community Safety Directorate](#)

**Media contacts**

JACS media: 02 6207 7173 | [JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)



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---

**From:** Health Media <HealthMedia@act.gov.au>  
**Sent:** Thursday, 21 September 2023 4:24 PM  
**To:** JACSmedia <JACSmedia@act.gov.au>; Health Media <HealthMedia@act.gov.au>; Canberra Health Services Media <CHSmedia@act.gov.au>  
**Cc:** Lauman, Angela <Angela.Lauman@act.gov.au>; Rutland, Kaylee <Kaylee.Rutland@act.gov.au>  
**Subject:** RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

**UNOFFICIAL**

Thanks Michael

Noting your position we will take this one and respond for the ACT Government.

Cheers

Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)


**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Cc:** JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>; Lauman, Angela <[Angela.Lauman@act.gov.au](mailto:Angela.Lauman@act.gov.au)>; Rutland, Kaylee <[Kaylee.Rutland@act.gov.au](mailto:Kaylee.Rutland@act.gov.au)>  
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 Communications and Engagement | [Justice and Community Safety Directorate](#)

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Hi Tracey/Andrew  
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Will get back to you ASAP.

Thanks  
**Michael Weaver | Senior Media and Content Officer**  
 Communications and Engagement | [Justice and Community Safety Directorate](#)

**Media contacts**  
 JACS media: 02 6207 7173 | [JACSmedia@act.gov.au](mailto:JACSmedia@act.gov.au)



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**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; JACSMedia <[JACSMedia@act.gov.au](mailto:JACSMedia@act.gov.au)>  
**Cc:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

UNOFFICIAL

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Cheers  
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CHS Media

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**Sent:** Thursday, 21 September 2023 12:49 PM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** FW: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

UNOFFICIAL

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One for HealthMedia?

---

**Sent:** Thursday, 21 September 2023 12:47 PM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi guys,

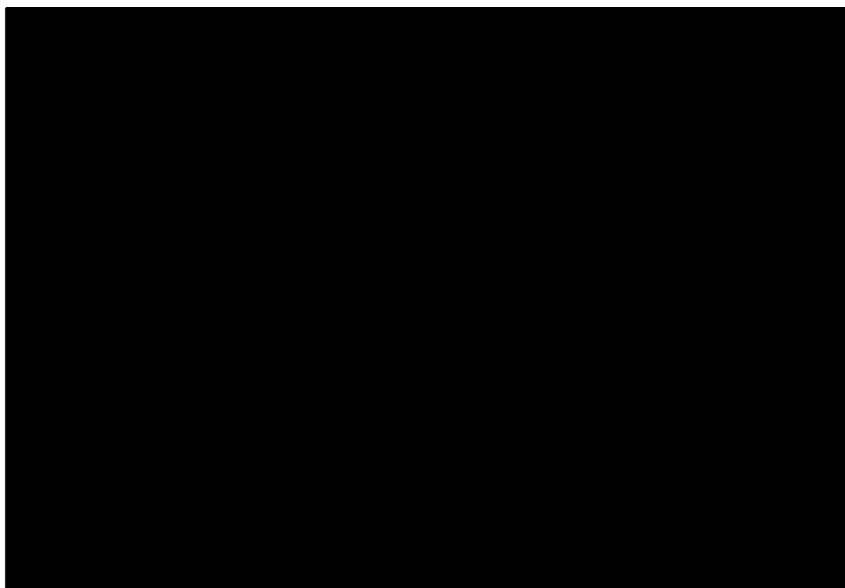
The Canberra Times is reporting it has been told Alex Ophel was on unsupervised day leave from the Gawanggal Mental Health unit on the day he allegedly attacked four students on the ANU campus.

I understand the privacy act, but it would be remiss of me not to ask if CHS is able to confirm these claims?

More generally, what is the procedure around unsupervised day leave? Julie Bishop has come out today stating the university should have been told Mr Ophel was out, is it standard practice that if someone is granted leave that previous victims be informed? Or because they are deemed suitable for unsupervised day leave then they're deemed not to be a danger to anyone and therefore no one needs to be informed? Would you like to respond to Ms Bishop's comments this morning?

If you're able to respond as soon as possible, I would appreciate it.

Thank you for your time,



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---

**From:** Benson, Andrew (Health)  
**Sent:** Thursday, 21 September 2023 4:58 PM  
**To:** Canberra Health Services Media; [REDACTED]  
**Cc:** Health Media  
**Subject:** RE: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

OFFICIAL

Hi [REDACTED]

Thanks for the chat just now.

As discussed we really don't have anything we can add to the information that was in the joint ministerial media release yesterday.

Cheers

Andrew

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

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---

**From:** Canberra Health Services Media <CHSmedia@act.gov.au>  
**Sent:** Thursday, 21 September 2023 4:33 PM  
**To:** [REDACTED]  
**Cc:** Health Media <HealthMedia@act.gov.au>; Canberra Health Services Media <CHSmedia@act.gov.au>  
**Subject:** FW: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

OFFICIAL

Hi [REDACTED]

Andrew Benson from ACT Health is looking into whether there is any general information that can be provided. He will be in contact with you.

Cheers  
Tracey

Sent: Thursday, 21 September 2023 12:47 PM  
To: Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
Subject: request for confirmation re: Alex Ophel at Gawanggal Mental Health Unit

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Hi guys,

The Canberra Times is reporting it has been told Alex Ophel was on unsupervised day leave from the Gawanggal Mental Health unit on the day he allegedly attacked four students on the ANU campus.

I understand the privacy act, but it would be remiss of me not to ask if CHS is able to confirm these claims?

More generally, what is the procedure around unsupervised day leave? Julie Bishop has come out today stating the university should have been told Mr Ophel was out, is it standard practice that if someone is granted leave that previous victims be informed? Or because they are deemed suitable for unsupervised day leave then they're deemed not to be a danger to anyone and therefore no one needs to be informed? Would you like to respond to Ms Bishop's comments this morning?

If you're able to respond as soon as possible, I would appreciate it.

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---

**From:** JACSMedia  
**Sent:** Monday, 25 September 2023 4:25 PM  
**To:** Kearney, Christine; Canberra Health Services Media  
**Cc:** JACSMedia; Health Media  
**Subject:** RE: WIN News inquiry on mental health services in Cbr

UNOFFICIAL

Thanks, Christine. Have added Canberra Health Services in here for awareness too.

Best,

**Charlotte Harper | Director, Media**

Justice and Community Safety Directorate | ACT Government  
[REDACTED]

---

**From:** Kearney, Christine <Christine.Kearney@act.gov.au>  
**Sent:** Monday, 25 September 2023 3:48 PM  
**To:** Health Media <HealthMedia@act.gov.au>  
**Cc:** JACSMedia <JACSMedia@act.gov.au>  
**Subject:** WIN News inquiry on mental health services in Cbr

UNOFFICIAL

Hi all

FI WIN News were looking for a comment on mental health systems and services in Cbr, & safety issues, in the wake of the ANU event, but Commissioner Karen Toohy declined to comment

Thanks

Chris

Christine Kearney

Media Officer

[ACT Human Rights Commission](#)

[christine.kearney@act.gov.au](mailto:christine.kearney@act.gov.au)

Ph (02) 6205 0063 / M: [REDACTED]

I work part-time & am not in the office on **Mondays**.

*I acknowledge the traditional owners of the country on which I live & work, their wisdom & their ongoing custodianship.*

---

**From:** Arya, Dinesh (Health)  
**Sent:** Tuesday, 26 September 2023 4:35 PM  
**To:** Health Media; ACT Health, Clinical Leadership  
**Cc:** Benson, Andrew (Health); Falkiner, Camille (Health)  
**Subject:** RE: MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]

OFFICIAL

Thanks Benno

Yes, this response should be fine.

Kind regards

Dinesh

---

Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

---

**From:** Health Media <HealthMedia@act.gov.au>  
**Sent:** Tuesday, 26 September 2023 4:12 PM  
**To:** ACT Health, Clinical Leadership <Clinical.Leadership@act.gov.au>  
**Cc:** Arya, Dinesh (Health) <Dinesh.Arya@act.gov.au>; Health Media <HealthMedia@act.gov.au>; Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Subject:** FW: MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]

OFFICIAL

Hi Dinesh,

Just sending this to see if you are comfortable with ACT Policing's wording about what will be included in the review.

It is there response but they reached out to CHS to see if they were comfortable with it and CHS have referred on to us.

Please let me know if you are uncomfortable with any of the wording they are using.

Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)


**Infrastructure, Communication and Engagement Division | ACT Health Directorate**  
Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to*



*the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

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---

**From:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>

**Sent:** Tuesday, 26 September 2023 4:05 PM

**To:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>; Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Subject:** RE: MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]

**OFFICIAL**

Hi team – sending this through to our colleagues in the ACT @Health Media team as the review is being managed through ACT Health, so they should see this.

Cheers

Trace

---

**From:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>

**Sent:** Tuesday, 26 September 2023 3:50 PM

**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>

**Cc:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>

**Subject:** MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]

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**OFFICIAL**

Hi CHS Media team,

Please see our proposed response to [REDACTED] enquiry below. Are you comfortable with the below response?

We will get this approved on our end but don't think there will be any changes!

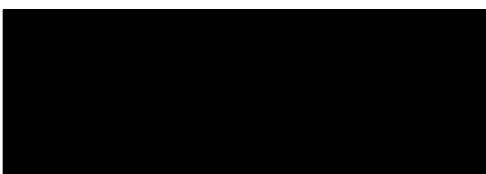
\*\*\*

*Aspects of the ANU stabbing incident, including any prior notifications will be subject to the review of psychiatric care, announced by the ACT Government last week.*

*As such, it would be inappropriate for ACT Policing to comment further.*

\*\*\*

Warm regards,



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.



Sent: Tuesday, 26 September 2023 3:03 PM  
To: ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>  
Subject: Call from Gawanggal

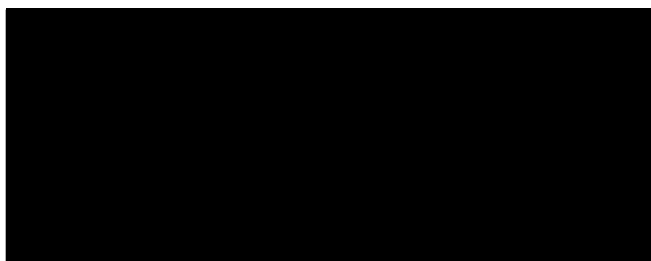
Hi

Sorry I think you cut out at the end of our call.

We've been told the 2.45pm call from Gawanggal staff was not the first time they called police. They previously called triple zero, were told to call the police assistance line, couldn't get through and then went back to triple zero.

- At what time did police (either through Triple 0, the police assistance line or another number) first receive a call from the Gawanggal Mental Health Unit regarding a missing patient?
- Was the 2.45pm call the first call made to police?
- Did Gawanggal staff call the police assistance line? If so, at what time?
- Anything else.

Thanks,



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\*\*\*\*\*

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**From:** Health Media  
**Sent:** Tuesday, 26 September 2023 4:40 PM  
**To:** Canberra Health Services Media; ACT-Police-Media; Health Media  
**Subject:** RE: MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED]

No concerns with your statement from our end.

Cheers

Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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**From:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Sent:** Tuesday, 26 September 2023 4:05 PM  
**To:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>; Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Subject:** RE: MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]

OFFICIAL

Hi team – sending this through to our colleagues in the ACT [@Health Media](#) team as the review is being managed through ACT Health, so they should see this.

Cheers

Trace

---

**From:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>  
**Sent:** Tuesday, 26 September 2023 3:50 PM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Cc:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>  
**Subject:** MEDIA RESPONSE: Call from Gawanggal [SEC=OFFICIAL]

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## OFFICIAL

Hi CHS Media team,

Please see our proposed response to [REDACTED] enquiry below. Are you comfortable with the below response?

We will get this approved on our end but don't think there will be any changes!

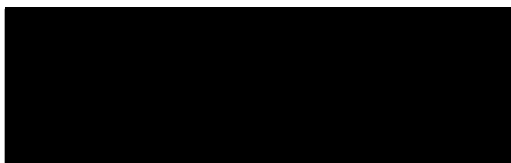
\*\*\*

*Aspects of the ANU stabbing incident, including any prior notifications will be subject to the review of psychiatric care, announced by the ACT Government last week.*

*As such, it would be inappropriate for ACT Policing to comment further.*

\*\*\*

Warm regards,



**ACT  
Policing**



*The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.*

Sent: Tuesday, 26 September 2023 3:03 PM

To: ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>

Subject: Call from Gawanggal

Hi [REDACTED]

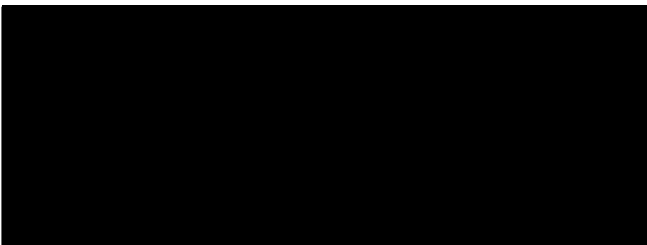
Sorry I think you cut out at the end of our call.

We've been told the 2.45pm call from Gawanggal staff was not the first time they called police. They previously called triple zero, were told to call the police assistance line, couldn't get through and then went back to triple zero.

- At what time did police (either through Triple 0, the police assistance line or another number) first receive a call from the Gawanggal Mental Health Unit regarding a missing patient?
- Was the 2.45pm call the first call made to police?
- Did Gawanggal staff call the police assistance line? If so, at what time?
- Anything else.

Thanks,

--



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**From:** Benson, Andrew (Health)  
**Sent:** Wednesday, 27 September 2023 3:59 PM  
**To:** Health Media  
**Subject:** RE: FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]

OFFICIAL

Nope, and they aren't asking for our input either.

Please send on to clinical leadership inbox and Dinesh for information.

Thanks

**Andrew Benson | Senior Director, Media**

Pronouns: He/him


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 5, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Wednesday, 27 September 2023 3:24 PM  
**To:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
**Subject:** FW: FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]  
**Importance:** High

OFFICIAL

FYI – don't think we need to check this with anyone?

**Samara McCann | Assistant Director, Media**

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

---

**From:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>  
**Sent:** Wednesday, 27 September 2023 3:14 PM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>  
**Subject:** FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]  
**Importance:** High



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## OFFICIAL

Hi health teams,

Please see the below questions and our proposed responses to [REDACTED] at The Canberra Times regarding call times of the ANU incident and our recent interactions with mental health absconders.

\*\*\*\*

### Enquiry one:

1. We've been told the 2.45pm call from Gawanggal staff was not the first time they called police. They previously called triple zero, were told to call the police assistance line, couldn't get through and then went back to triple zero.
2. At what time did police (either through Triple 0, the police assistance line or another number) first receive a call from the Gawanggal Mental Health Unit regarding a missing patient?
3. Was the 2.45pm call the first call made to police?
4. Did Gawanggal staff call the police assistance line? If so, at what time?

### Enquiry one proposed response:

- ACT Policing received its first call at 2.45pm - this was the first 000 call to ACTP relating to the stabbing. *(Please note that this call was previously reported to have been received at 2.47pm however verification of call logs confirmed the correct time.)*
- At 2.55pm ACT Policing received a 000 call from a Registered Nurse at the Gawanggal Mental Health Unit advising us of a non returned patient. They were advised that this was not an emergency, and to call 131 444. *(Please note, this was previously reported to have been received at 2.45pm however a typing error (1445 vs 1455) occurred.*
- At 3.02pm a 131 444 call was received from a Registered Nurse at the Gawanggal Mental Health Unit re the same non-returned patient. This call lasted 19 minutes.
- At 3.13pm ACT Policing communications called Dhulwa to seek additional information regarding the man in custody.

All calls placed to triple zero (000) and 131 444 are recorded to allow quality assurance and to assist in investigations.

### Enquiry two:

1. How many times in the last four weeks (from Wed Aug 30 to Wed Sept 27) has someone from Dhulwa been reported to police as missing?
2. How many times in the last four weeks (from Wed Aug 30 to Wed Sept 27) has someone from Gawanggal been reported to police as missing?
3. What is the first response of ACT police if they identify a patient from either facility as missing?
4. Why would police decide to issue a missing persons notice to the public, if they had left a MHF?
5. When would police include a warning to the public to stay away from someone reported missing (whether they are from a MHF or not)?
6. Is [REDACTED] a patient of Dhulwa?
7. On what day was he reported missing by staff at the facility?
8. When was he reported as found/no longer missing?
9. Why did the release not suggest members of the public stay away from [REDACTED] or avoid him?
10. How many times has [REDACTED] been identified by police as missing since being a patient at Dhulwa?



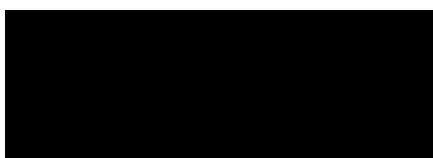
**Enquiry two proposed response:**

1. One person in the care of Dhulwa has been reported to police as missing in the specified time.
2. One person in the care of Gawanggal has been reported to police as missing in the specified time.
3. The matter is assessed and appropriate police response is conducted.
4. The issuing of public request for assistance may be issued depending on the circumstances of the missing person.
5. If it is determined it is appropriate to do so.
6. We are unable to comment on the status of this patient due to privacy provisions. This is the same response for questions 7-10.

A brief manual search of ACTP systems has provided the information for questions 1-2. This is not something ACT policing routinely reports on and at this time, resources will not be diverted to conduct a thorough manual interrogation of our systems.

\*\*\*\*

Warm regards,



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\*\*\*\*\*

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---

**From:** Health Media  
**Sent:** Wednesday, 27 September 2023 4:19 PM  
**To:** Arya, Dinesh (Health); ACT Health, Clinical Leadership  
**Cc:** Health Media  
**Subject:** FW: FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]

**Importance:** High

**OFFICIAL**

Hi all,

For your awareness, ACT Policing is responding to a media enquiry from Canberra Times regarding recent interactions with mental health absconders.

Kind regards,  
Samara

Samara McCann | Assistant Director, Media  
(Pronouns she/they)  
Phone [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

**From:** ACT-Police-Media <act-police-media@afp.gov.au>  
**Sent:** Wednesday, 27 September 2023 3:14 PM  
**To:** Canberra Health Services Media <CHSmedia@act.gov.au>; Health Media <HealthMedia@act.gov.au>  
**Cc:** ACT-Police-Media <act-police-media@afp.gov.au>  
**Subject:** FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]  
**Importance:** High

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**OFFICIAL**

Hi health teams,

Please see the below questions and our proposed responses to [REDACTED] at The Canberra Times regarding call times of the ANU incident and our recent interactions with mental health absconders.

\*\*\*\*

#### Enquiry one:

1. We've been told the 2.45pm call from Gawanggal staff was not the first time they called police. They previously called triple zero, were told to call the police assistance line, couldn't get through and then went back to triple zero.
2. At what time did police (either through Triple 0, the police assistance line or another number) first receive a call from the Gawanggal Mental Health Unit regarding a missing patient?
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**Enquiry two:**

1. How many times in the last four weeks (from Wed Aug 30 to Wed Sept 27) has someone from Dhulwa been reported to police as missing?
2. How many times in the last four weeks (from Wed Aug 30 to Wed Sept 27) has someone from Gawanggal been reported to police as missing?
3. What is the first response of ACT police if they identify a patient from either facility as missing?
4. Why would police decide to issue a missing persons notice to the public, if they had left a MHF?
5. When would police include a warning to the public to stay away from someone reported missing (whether they are from a MHF or not)?
6. Is [REDACTED] a patient of Dhulwa?
7. On what day was he reported missing by staff at the facility?
8. When was he reported as found/no longer missing?
9. Why did the release not suggest members of the public stay away from [REDACTED], or avoid him?
10. How many times has [REDACTED] been identified by police as missing since being a patient at Dhulwa?

**Enquiry two proposed response:**

1. One person in the care of Dhulwa has been reported to police as missing in the specified time.
2. One person in the care of Gawanggal has been reported to police as missing in the specified time.
3. The matter is assessed and appropriate police response is conducted.
4. The issuing of public request for assistance may be issued depending on the circumstances of the missing person.
5. If it is determined it is appropriate to do so.
6. We are unable to comment on the status of this patient due to privacy provisions. This is the same response for questions 7-10.

A brief manual search of ACTP systems has provided the information for questions 1-2. This is not something ACT policing routinely reports on and at this time, resources will not be diverted to conduct a thorough manual interrogation of our systems.

\*\*\*\*

Warm regards,





*The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.*

\*\*\*\*\*  
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**From:** Health Media  
**Sent:** Wednesday, 27 September 2023 4:21 PM  
**To:** ACT-Police-Media; Canberra Health Services Media; Health Media  
**Subject:** RE: FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED]

Thank you for keeping us in the loop with this one.

Kind regards,  
Samara

Samara McCann | Assistant Director, Media  
(Pronouns she/they)  
Phone [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

**From:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>  
**Sent:** Wednesday, 27 September 2023 3:14 PM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** ACT-Police-Media <[act-police-media@afp.gov.au](mailto:act-police-media@afp.gov.au)>  
**Subject:** FOR FINAL CLEARANCE: ANU CALLS AND MENTAL HEALTH INTERACTIONS [SEC=OFFICIAL]  
**Importance:** High

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

OFFICIAL

Hi health teams,

Please see the below questions and our proposed responses to [REDACTED] at The Canberra Times regarding call times of the ANU incident and our recent interactions with mental health absconders.

\*\*\*\*

#### Enquiry one:

1. We've been told the 2.45pm call from Gawanggal staff was not the first time they called police. They previously called triple zero, were told to call the police assistance line, couldn't get through and then went back to triple zero.
2. At what time did police (either through Triple 0, the police assistance line or another number) first receive a call from the Gawanggal Mental Health Unit regarding a missing patient?
3. Was the 2.45pm call the first call made to police?
4. Did Gawanggal staff call the police assistance line? If so, at what time?

#### Enquiry one proposed response:

- ACT Policing received its first call at 2.45pm - this was the first 000 call to ACTP relating to the stabbing.

*(Please note that this call was previously reported to have been received at 2.47pm however verification of call logs confirmed the correct time.)*

- At 2.55pm ACT Policing received a 000 call from a Registered Nurse at the Gawanggal Mental Health Unit advising us of a non returned patient. They were advised that this was not an emergency, and to call 131 444. *(Please note, this was previously reported to have been received at 2.45pm however a typing error (1445 vs 1455) occurred.*
- At 3.02pm a 131 444 call was received from a Registered Nurse at the Gawanggal Mental Health Unit re the same non-returned patient. This call lasted 19 minutes.
- At 3.13pm ACT Policing communications called Dhulwa to seek additional information regarding the man in custody.

All calls placed to triple zero (000) and 131 444 are recorded to allow quality assurance and to assist in investigations.

### **Enquiry two:**

1. How many times in the last four weeks (from Wed Aug 30 to Wed Sept 27) has someone from Dhulwa been reported to police as missing?
2. How many times in the last four weeks (from Wed Aug 30 to Wed Sept 27) has someone from Gawanggal been reported to police as missing?
3. What is the first response of ACT police if they identify a patient from either facility as missing?
4. Why would police decide to issue a missing persons notice to the public, if they had left a MHF?
5. When would police include a warning to the public to stay away from someone reported missing (whether they are from a MHF or not)?
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9. Why did the release not suggest members of the public stay away from [REDACTED], or avoid him?
10. How many times has [REDACTED] been identified by police as missing since being a patient at Dhulwa?

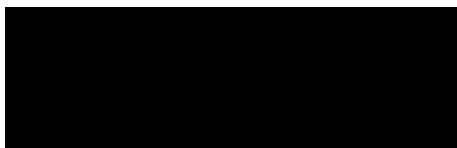
### **Enquiry two proposed response:**

1. One person in the care of Dhulwa has been reported to police as missing in the specified time.
2. One person in the care of Gawanggal has been reported to police as missing in the specified time.
3. The matter is assessed and appropriate police response is conducted.
4. The issuing of public request for assistance may be issued depending on the circumstances of the missing person.
5. If it is determined it is appropriate to do so.
6. We are unable to comment on the status of this patient due to privacy provisions. This is the same response for questions 7-10.

A brief manual search of ACTP systems has provided the information for questions 1-2. This is not something ACT policing routinely reports on and at this time, resources will not be diverted to conduct a thorough manual interrogation of our systems.

\*\*\*\*

Warm regards,





*The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.*

\*\*\*\*\*  
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OFFICIAL SENSITIVE

MINISTERIAL BRIEF



ACT Health Directorate

**To:** Minister for Mental Health Tracking No.: MIN23/

**CC:** Attorney General, Chief Minister

**From:** Dr Dinesh Arya, Chief Psychiatrist

**Subject:** Review of the incident at ANU on 18 September 2023

**Critical Date:** 29/09/2023

**Critical Reason:** The review requires urgent commencement.

- DDG     .../.../...
- CFO     .../.../...

**Recommendations**

That you:

1. Note the information contained in this brief; and

**Noted / Please Discuss**

2. Agree to the Chief Psychiatrist commencing the review in accordance with **option three** outlined in Attachment A; and

**Agreed / Not Agreed / Please Discuss**

3. Agree ~~to approve~~ approaching the Minister for Health to consider approving the clinical review committee for the stated purpose of reviewing care, treatment and support provided to Mr Alex Ophel as a quality assurance committee under Section 27 of the *Health Act 1993*.

**Agreed / Not Agreed / Please Discuss**

Emma Davidson MLA ...../...../.....

Minister's Office Feedback

Tracking No.: MIN23/Tracking No.: MIN23/

1



Choose an item.

### Background

1. The ACT Government has announced that the Chief Psychiatrist will initiate a review into the circumstances leading to the incident at Australian National University (ANU) on 18 September 2023 involving Mr Alex Ophel.
2. The purpose of this brief is to propose the scope and outline options to undertake such a review.

### Issues

3. It is appropriate that the scope of this review is to examine:

#### Clinical review

- a. Whether Mr Ophel received appropriate care and necessary processes were in place to manage risks. Exploration may include ongoing clinical risk assessments, care and treatment received by Mr Ophel, and clinical decisions made to manage any risks during periods of approved leave.
- b. Whether there was any change Mr Ophel's clinical presentation or circumstances in the period leading up to this incident that would have suggested a need for a change in clinical management.
- c. Whether policies and processes in place on 18 September 2023 were adequate or could be improved to alert relevant persons/organisations of the risk and better identify and address similar risks.

#### Chief psychiatrist's expanded literature review

- d. From the review of clinical documentation, the Chief Psychiatrist will consider whether relevant information about Mr Ophel's clinical care needs, clinical risks, treatment and rehabilitation aspects was explicitly and appropriately provided to assist decision-making to determine Mr Ophel's clinical management.

d.e. More generally, whether decision making and clinical care provision to ensure the best possible mental health care to people who have been deemed not guilty by reasons of mental impairment while integrating broader community safety considerations into decision-making.

4. Three options for progressing the review were considered. Their merits and limitations are outlined in the table at Attachment A. **Option three** is proposed as a preferred option.
5. The review will be undertaken in two parts:

**Commented [LA1]:** It may be useful to clarify here what information will be provided to the expanded review, including whether they will be considering clinical information or whether its literature review/systemic/best practice focused

**Commented [AD(2R1):** Thank you, Angela. I have added clarification that this is from the review of clinical documentation

Choose an item.

- a. A clinical review by a clinical review panel to specifically focus on 3a to 3c (above). This review will be completed by 12 December 2023.
  - b. A Chief Psychiatrist's expanded review to provide you with an opinion and recommendations in relation to 3d and 3e above. It is anticipated that an interim opinion about 3d should be able to be provided to you by the end of 2023 and about 3e this review will be completed by 1 February 2024
6. The draft Terms of Reference (Attachment B) outline the proposed direction for the clinical review.
7. There are two options for the clinical review component. The merits and benefits of the two options are at Attachment B.
- a. ~~The first option is to progress a clinical review under the provisions of a Quality Assurance Committee (QAC) under Section 27 of the Health Act 1993. A review under QAC provisions will also enable sharing of information by clinicians and health services with confidence that any information provided will be confidential, they will not be personally liable for anything done or omitted to be done honestly and without recklessness and the information shared will be used to facilitate the improvement of health services provided in the ACT.~~
  - a. The second option for the clinical review is without QAC provisionsThe first option is to progress a clinical review under the provisions of a Quality Assurance Committee (QAC) under section 27 of the Health Act 1993. A review under QAC provisions will allow the QAC to ask anyone to give it any information that is relevant to the QAC carrying out its functions. Information provided to the QAC in response to a request for information, so long as it is done honestly and without recklessness will not be a breach of confidence, a breach of professional etiquette or ethics, a breach of a rule of professional conduct and will not result in the person providing the information incurring civil or criminal liability because of the giving of the information.
  - b. The second option for the clinical review is that it be undertaken by the Chief Psychiatrist as a quality assurance/incident review exercise without reliance on the QAC provisions in the Health Act 1993.
- b.
8. It is proposed that the clinical review is undertaken by a Special Purpose QAC under the Health Act, 1993. The Chief Psychiatrist, a Forensic Psychiatrist external to the ACT with experience of managing provision of inpatient mental health care to people who have been deemed not guilty by reasons for mental impairment, a forensic mental health nurse external to the ACT, a carer representative and a consumer representative will form the clinical review panel.
- 8.9. The two experts external to the ACT are proposed to increase the independence of the clinical review, noting that it will examine decisions made by

Choose an item.

delegates of the Chief Psychiatrist and this will help address any perceptions of potential conflict of interest as the Chief Psychiatrist is on the Special Purpose QAC and leading the review of the incident.

9.10. For the Chief Psychiatrist's expanded review, the Chief Psychiatrist will be supported by suitable academic and legal expert/s with Mental Health Tribunal and Human Rights expertise. The Justice and Community Safety Directorate and the ACT Government Solicitor will be approached to identify these expert/s. It is likely that these experts will be from interstate. Terms of reference for the expanded review and format for reporting will be developed in due course. You will be briefed regularly during the review process. There will be limitations on disclosures that can be made by you of personal or personal health information relating to Mr Ophel and any other individuals given the restrictions in the *Health Act 1993*, *Health Records (Privacy and Access) Act 1997* and the *Information Privacy Act 2014*. However, any general recommendations or observations that are made by either review which do not involve the disclosure of personal or personal health information will not be the subject of restrictions on disclosure.

10.11. You will be briefed regularly during the review process and briefings can be provided to other Ministers as directed.

#### Financial Implications

11.12. Provided option three is supported, the following resources have been allocated to the review:

- a. Appointment of an Acting Director, Special Project reporting to the Director, Office of Chief Psychiatrist for a period of three months.
- b. Resources to support a commissioned literature review of best practice in legislative frameworks and implementation approaches to manage ongoing care and treatment of an individual considered by court to be not guilty because by reasons of mental impairment.
- c. Payment to external experts including a forensic psychiatrist, forensic mental health nurse, academic and legal experts with Mental Health Tribunal and Human Rights expertise, carer representative and consumer representative.
- d. Appropriate personnel from the ACT Health Directorate Clinical System Governance Unit and Canberra Health Service Quality and Safety Units will provide methodology support to the review panel to undertake the clinical review.
- e. The Chief Medical Officer's Executive Assistant will support administrative functions related to the review.

#### Consultation

##### Internal

Tracking No.: MIN23/Tracking No.: MIN23/

Commented [LA3]: Just noting reference to the form of reporting/product output from the review has been removed. If it remains to be worked through in what format/to what extent information can be shared publicly following the review it may be good to flag in the brief that further advice will be provided to Ministers on this issue so they know its being worked through even if it hasn't yet been settled

Commented [AD(4R3): Thank you. I Added



Choose an item.

~~12-13.~~ The ACTHD legal policy unit has been consulted in the preparation of this brief.

Cross Directorate

~~13-14.~~ Canberra Health Service

~~14-15.~~ Justice and Community Safety Directorate, including ACAT and DPP.

~~15-16.~~ ACT Policing

~~16-17.~~ Advice was sought from the ACT Government Solicitor on the accessing, sharing and storage of personal and health information of the person that is required to inform both parts of this review, the use of the Special Purpose QAC/serious incident review, sharing of the reports, learnings and recommendations, and whether the options proposed are permissible under secrecy provisions in the relevant legislation including the (Health Act 1993, Health Records (Privacy and Access) Act 1997, Information Privacy Act 2014, Mental Health Act 2015 and ACAT Act 2008). The Chief Psychiatrist expanded review will not be subject to the same secrecy provisions as the QAC. Advice has been sought from the ACT Government Solicitor on the accessing, sharing and storage of personal and health information of the person that is required to inform both parts of this review, the use of the Special Purpose QAC/serious incident review, sharing of the reports, learnings and recommendations, and whether the options proposed are permissible under secrecy provisions in the relevant legislation (Health Act 1993, Health Records (Privacy and Access) Act 1997, Information Privacy Act 2014 and ACAT Act 2008). While the Chief Psychiatrist's expanded review will not be subject to the same secrecy provisions that will apply to information dealt with by the QAC under the *Health Act 1993*, there will be limitations on the extent to which personal and personal health information can be disclosed because of the restrictions in the *Health Records (Privacy and Access) Act 1997* and the *Information Privacy Act 2014*.

External

~~17-18.~~ Not applicable.

**Work Health and Safety**

~~18-19.~~ The Chief Psychiatrist has offered his support to mental health clinicians who are affected or have been involved with Mr Ophel's care or in this incident. During the course of the review we will consider whether additional support needs to be provided to assist with staff wellbeing.

**Benefits/Sensitivities**

~~19-20.~~ The scope and nature of this clinical review is not intended to create a precedent for the review of future serious incidents.

Choose an item.

~~20-21.~~ Any information, particularly patient health information, utilised during the review will need to be managed with sensitivity. Those that come into contact with sensitive information will require a firm understanding of the legal obligations of accessing, distributing and storing information under the *Health Records (Privacy & Access) Act* and the *Information Privacy Act*. The ACTHD will oversee internal staff and external consultants engaged in the review access and management and ensure privacy obligations are understood and met. ~~Any information, particularly patient health information, utilised during the review will need to be managed with sensitivity. Those that come into contact with patient health information will require a firm understanding of the legal obligations of accessing, using, distributing and storing information under the *Health Records (Privacy & Access) Act 1997* and the *Information Privacy Act 2014*. The ACTHD will oversee internal staff and external consultants engaged in the review access and management and ensure privacy obligations are understood and met.~~

#### Communications, media and engagement implications

~~21-22.~~ The incident has caused national media interest. ACTHD media is managing all media enquiries. ACTHD Media is liaising with other relevant Directorates for input, including JACSMedia as needed.

Signatory Name: Dr Dinesh Arya, Chief Psychiatrist Phone:  
 Action Officer: Camille Falkiner, A/Director, Special Project, Office of the Chief Psychiatrist Phone:

Choose an item.

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Review options and their merits and limitations
Attachment B	Draft Terms of Reference
Attachment C	Options for clinical review

Choose an item.

Review options and their merits and limitations

Attachment A

	Option 1 Chief Psychiatry- Commissioned review	Option 2 Chief Psychiatry-led review	<b>RECOMMENDED:</b> Option 3 (Hybrid of Options 1 & 2) Chief Psychiatry-led with: involvement of external experts and supported by commissioned research
Source of advice	Mostly external	Mostly internal	Mostly internal with expert advice sought from experts internal or external (interstate) to the ACT for the Chief Psychiatrist to consider evidence and provide informed and appropriate recommendations
Experts	<p>External experts</p> <ol style="list-style-type: none"> <li>1. Legal expert with interest in Mental Health Law, more specifically in matters to do with individuals found not guilty by reasons of mental impairment.</li> <li>2. Forensic Psychiatrist</li> <li>3. Forensic Mental Health Nurse</li> <li>4. Human Rights expert</li> </ol>	<ul style="list-style-type: none"> <li>• Internal experts appointed to review the literature on legislative provisions and best clinical arrangements to manage people who have been deemed non guilty by reason of mental impairment.</li> <li>• Chief Psychiatrist established clinical incident review panel including a clinical psychiatrist, mental health nurse, carer perspective, consumer perspective</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Psychiatrist-led clinical review undertaken by a panel comprising of the Chief Psychiatrist (Chair), forensic psychiatrist (external from outside the ACT), Mental Health Nurse (<del>internal or external (interstate) to the ACT</del>), Carer perspective, consumer perspective.</li> <li>• Chief Psychiatrist's expanded review <u>will be supported by experts external to the ACT (-legal experts with interest in Mental Health Law/ Mental Health Tribunal/ Human Rights, more specifically in matters to do with individuals found not guilty by reasons of mental impairment). This may (<del>internal or external (interstate) to the ACT</del>), including a commissioned literature review of best practice to manage ongoing care and treatment of an individual considered by Court to be not guilty by reasons of mental impairment.</u></li> </ul>



Choose an item.

Burden on current internal resources	Low	Very high	High
Benefit to the system	External perspective	<ul style="list-style-type: none"> <li>• Recognises expertise that exists within.</li> <li>• An opportunity to grow and develop expertise for the future</li> </ul>	Recognises expertise that exists within and also external perspective. An opportunity to grow and develop expertise for the future.
Direct costs	Higher	High	Higher
Consideration of local perspective and considerations	Low	High	High



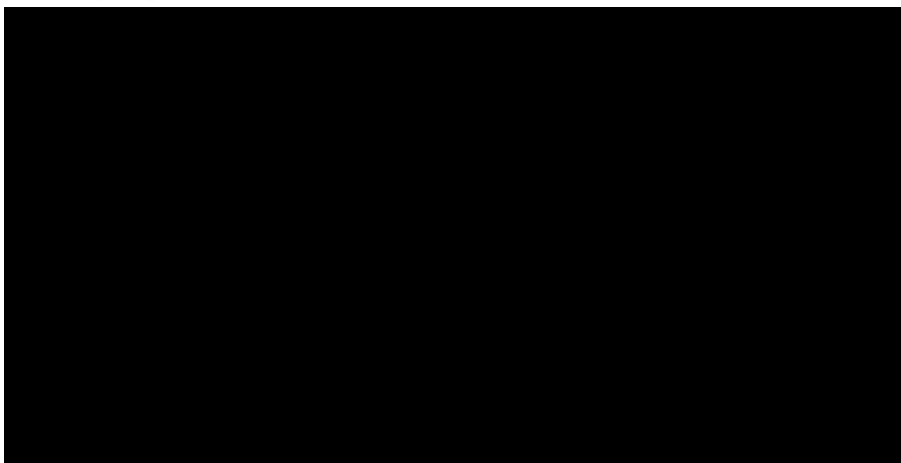
Choose an item.

DRAFT Terms of reference

Attachment B

Clinical Review

Context/background



Authorising legislation

Quality Assurance Committee (QAC) would operate under Section 27 of the Health Act 1993.

Purpose

The QAC will undertake a clinical review into:

Whether Mr Ophel received appropriate care and necessary processes were in place to manage risks. Exploration may include ongoing clinical risk assessments, care and treatment received by Mr Ophel and clinical decisions made to manage any risks during periods of approved leave. Whether there was any change or new development in Mr Ophel's clinical presentation in the days leading up to this incident that would have suggested a need for a change in clinical or other management.

- (a) Whether Mr Ophel received appropriate care and necessary processes were in place to manage risks. Exploration may include ongoing clinical risk assessments, care and treatment received by Mr Ophel and clinical decisions made to manage any risks during periods of approved leave.
- (b) Whether there was any change or new development in Mr Ophel's clinical presentation in the days leading up to this incident that would have suggested a need for a change in clinical or other management.
- (c) Whether policies and processes in place on 18 September 2023 were adequate, or could be improved to alert relevant persons/organisations of the risk and better identify and address similar risks.

~~Whether policies and processes in place on 18 September 2023 were adequate, or could be improved to alert relevant persons/organisations of the risk and better identify and address similar risks.~~

Choose an item.

### Scope

The scope of the clinical review will include a review of all documentation of clinical care from the time of Mr Ophel's initial admission and all relevant policies, procedures regarding the clinical decisions and actions undertaken leading to the events of the incident on 18 September 2023 at the ANU.

### Review panel

The clinical review will be a multidisciplinary expert panel of clinicians and forensic experts who have not directly provided care to the person but have expertise of the ACT mental health system and will also include:

- Chief Psychiatrist
- An independent expert forensic psychiatrist (external to the ACT) will be invited to join the review panel to provide independent expert advice.
- A forensic mental health nurse (internal or external to the ACT)
- A mental health consumer and a mental health carer with lived experience will be invited to join the review panel to provide their perspective to the review.

### Methodology of Review

Root Cause Analysis, a robust, independent, consistently validated and internationally recognised process will be used.

Any information, particularly patient health information, utilised during the review will be managed with sensitivity. Those that come into contact with sensitive information will require a firm understanding of the QAC structure and requirements and legal obligations of accessing, distributing and storing information under the Health Records (Privacy & Access) Act 1997 and the Information Privacy Act 2014.

The Review Panel will interview relevant persons and complete a report.

### Roles and responsibilities

Chief Psychiatrist will

- Lead the clinical review and support the panel to consider matters identified in the Purpose (above) to facilitate the improvement of health services provided in the ACT.

Acting Director, Special Project, Office of Chief Psychiatrist will

- Ensure any information, particularly patient health information, utilised during the review is managed with sensitivity. Those that come into contact with sensitive information will require a firm understanding of the legal obligations of accessing, distributing and storing information under the Health Records (Privacy & Access) Act 1997 and the Information Privacy Act 2014.
- Oversee internal staff and external consultants engaged in the review access and management and ensure privacy obligations are understood and met.

Choose an item.

- Coordinate commissioning of review reports, participation of external experts and manage secretarial support.
- Assist with preparation of deliverables.

#### Timeline

1st week of October 2023

- Review timeline developed
- External reviewers identified
- First RCA meeting date set

3rd week of October 2023

- First RCA panel meeting – establishing events and next steps

1st week of November 2023

- Clinician/stakeholder meetings

2nd week of November 2023

- 2nd RCA panel meeting – coming back together with summary of stakeholder conversations

4<sup>th</sup> week of November 2023

- 3rd RCA panel meeting – developing recommendations

1st week December

- 1st draft Review Report finalised
- Engagement with draft recommendations owners

#### Deliverables

A report will be provided to the Minister for Health

Choose an item.

Options for clinical review

Attachment C

Clinical Review options

A – under Quality Assurance Committee (QAC) provisions versus B - not under QAC

The scope, methodology of the serious clinical incident review and the composition of the review panel will remain the same regardless of whether the review occurs under QAC provisions or not. However, there are differences in the perceived risks and benefits of undertaking the review under QAC provisions versus not.

	Option A - Under QAC	Option B - Not Under QAC
Benefits	<ul style="list-style-type: none"> <li>• <u>Fuller participation in the review by clinicians with assurance that any information provided will be confidential and that if information is provided in response to a request under the Health Act 1993 honestly and without recklessness, it will not be a breach of confidence, a breach of professional etiquette or ethics, a breach of a rule of professional conduct and will not result in the person providing the information incurring civil or criminal liability because of the giving of the information and the information shared will be used to facilitate the improvement of health services provided in the ACT.</u></li> <li>• <u>Information considered or prepared by a QAC remains confidential and is not admissible as evidence in a court proceeding.</u></li> <li>• <u>information considered or prepared by QAC is subject to strict restrictions on disclosure, breach of which can constitute an offence</u> Recommendations or observations of a general nature which do not identify particular individuals or cases can be disclosed.</li> <li>• <u>Recommendations or observations of a general nature which do not identify particular individuals or cases can be</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>The strict restrictions on disclosure in the Health Act 1993 will not apply however the restrictions in the Information Privacy Act 2014 and the Health Records (Privacy and Access) Act 1997 will apply.</u></li> <li>• <u>Recommendations or observations of a general nature which do not identify particular individuals or cases can be disclosed. Report can be shared more broadly</u></li> </ul>



Choose an item.

	<p>disclosed. Fuller participation in the review by clinicians with assurance that any information provided will be confidential, they will not be personally liable for anything done or omitted to be done honestly and without recklessness and the information shared will be used to facilitate the improvement of health services provided in the ACT.</p> <ul style="list-style-type: none"> <li>Documents remain secret, protecting personal information and cannot be utilised in civil or criminal legal proceedings</li> <li>Disclosing information under QAC secrecy is an offence</li> </ul>	
<p><b>Risks</b></p>	<ul style="list-style-type: none"> <li>Limitations on sharing of information required under QAC provisions:             <ul style="list-style-type: none"> <li>Information considered or prepared by a QAC is subject to strict restrictions on disclosure, breach of which can constitute an offence</li> </ul> </li> </ul>	<p><u>Limited basis on which to request information from relevant individuals, particularly healthcare professionals, to assist with the review.</u></p> <ul style="list-style-type: none"> <li>Information may not be forthcoming from relevant individuals, particularly healthcare professionals, given the lack of protection of the type provided under the Health Act 1993 for QAC reviews. There will be general awareness in the community that any deidentified information from this review is in relation to Mr Ophel. Even with deidentified information there is an increased risk of medicolegal action with any information disclosure</li> </ul>

Should the decision be made to convene the clinical review under QAC provisions, approval will be sought from the Minister for Health to form a special purpose QAC under the Health Act 1993.



## Choose a Directorate:

**To:** Minister for Health

Tracking No.: GBC23/633

**Date:** 29/09/2023

**CC:** Rebecca Cross – ACT Health Director General

**From:** Dr Dinesh Arya, ACT Chief Psychiatrist

**Subject:** Request to sign notifiable instrument to set up Special Purpose Quality Assurance Committee (QAC)

**QAC** 29/09/2023 <Indicate the date in **bold** by which the brief must be signed>

**Critical Reason:** Immediate start to clinical review is required

- DG .../.../...

### Recommendations

That you:

1. Note the letter from the Minister for Mental Emma Davidson requesting the establishment of a Special Purpose Quality Assurance Committee (QAC) as outlined in the Health Act 1993 4.2, section 27 to review the incident that occurred at Australian National University (ANU) on 18 September 2023.

**Noted / Please Discuss**

2. Sign the attached notifiable instrument to establish the special purpose QAC.

**Signed / Not Signed / Please Discuss**

Choose an item. MLA ...../...../.....

Minister's Office Feedback

## OFFICIAL

**Background**

1. A special purpose Quality Assurance Committee is to be established to undertake a review of the events that occurred at Australian national university (ANU) on 18 September 2023.

**Issues**

2. A notifiable instrument is required to be signed by you in order to proceed with the review.

~~2.~~

**Financial Implications**

3. Nil

**Consultation**

4. Internal
  - ACT Health Directorate Legal Policy Unit.
5. Cross Directorate
  - Canberra Health Service
  - Justice and Community Safety Directorate, including ACAT and DPP.
  - ACT Policing
  - Advice was sought from the ACT Government Solicitor

**External**

6. Not applicable

**Work Health and Safety**

7. The Chief Psychiatrist has offered his support to mental health clinicians who are affected or have been involved with Mr Ophel's care or in this incident. During the course of the review we will consider whether additional support needs to be provided to assist with staff wellbeing.

**Benefits/Sensitivities**

8. As per section 28 of the Health Act 1993, you can be satisfied that:
  - a) The committee's function would be facilitated by the members and other people mention in section 34 being protected from liability under section 34 of the Health Act 1993
  - b) It is in the public interest for part 8 (Secrecy) to apply to information held by the committee members

- ~~8.9.~~ Benefits of undertaking a clinical review under QAC provisions include:

## OFFICIAL

- ensuring clinicians' fuller participation in the review by clinicians with assurance that any information provided will be confidential and that if information is provided in response to a request under the *Health Act 1993* honestly and without recklessness, it will not be a breach of confidence, a breach of professional etiquette or ethics, a breach of a rule of professional conduct and will not result in the person providing the information incurring civil or criminal liability because of the giving of the information and the information shared will be used to facilitate the improvement of health services provided in the ACT.
- Information considered or prepared by a QAC remains confidential and is not admissible as evidence in a court proceeding.
- Recommendations or observations of a general nature which do not identify particular individuals or cases can be disclosed.

~~9.10.~~ Sensitivities include that information considered or prepared by a QAC is subject to strict restrictions on disclosure, breach of which can constitute an offence

#### Communications, media and engagement implications

~~10.11.~~ Not applicable

Signatory Name: Dr Dinesh Arya, ACT Chief Psychiatrist Phone: (02) 5124 9637

Action Officer: Catherine Trevorow, Senior Director, Office of the Chief Medical Officer and Chief Psychiatrist Phone: (02) 5124 9637

#### Attachments

Attachment	Title
Attachment A	Notifiable instrument – for signing



Australian Capital Territory

# Health (Chief Psychiatrist Clinical Review) Quality Assurance Committee Approval 2023 (No 1)

Notifiable instrument NI2023-...

made under the

Health Act 1993, s 27 (Approval of special purpose QACs)

---

## 1 Name of instrument

This instrument is the *Health (Chief Psychiatrist Clinical Review) Quality Assurance Committee Approval 2023 (No 1)*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Approval

I approve the Chief Psychiatrist Clinical Review Committee as a special purpose quality assurance committee for the purpose of completing a clinical review of the provision of health services to the individual who was a resident at Gawanggal Mental Health Unit who came into contact with the justice system on 18 September 2023.

Rachel Stephen-Smith MLA  
Minister for Health

29 September 2023

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

---

**From:** Williams, Gareth (Health)  
**Sent:** Wednesday, 4 October 2023 4:37 PM  
**To:** McCann, Samara (Health); Health Media  
**Cc:** Doyle, Tom (Health); Canberra Health Services Media  
**Subject:** FW: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Samara,

Please see below from Min Davidson's Office re a media enquiry from [REDACTED]

Can we handball the last dot point off to you to provide something for the Min to respond to [REDACTED] We'll provide something to the MO about the middle dot point.

Cheers

Gareth Williams | Director, Media

Mobile: [REDACTED]

Strategic Communication and Engagement | Canberra Health Services | ACT Government  
Building 23, Canberra Hospital, Garran ACT 2605 | [canberrahealthservices.act.gov.au](http://canberrahealthservices.act.gov.au)

Canberra Health Services acknowledges the Ngunnawal people as traditional custodians of the ACT and recognises any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and contribution to the life of this region.



---

**From:** Morgan, Mat <Mat.Morgan@act.gov.au>  
**Sent:** Wednesday, 4 October 2023 2:07 PM  
**To:** Canberra Health Services Media <CHSmedia@act.gov.au>  
**Subject:** Fwd: Request for comment re psychiatric care arrangement review

Hi team,

Could I grab a draft response for this from [REDACTED] at the ABC please.

He's not expecting groundbreaking news, just an update and response to the police association.

Thanks,  
Mat

---

**From:** [REDACTED]  
**Sent:** Wednesday, October 4, 2023 1:51:18 PM

To: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Subject: Request for comment re psychiatric care arrangement review

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Hi Mat,

As discussed, can we get a response to this statement from the AFPA, and an indication of where things are up to with the review of Psychiatric care arrangements?

- The AFPA echoes and supports the comments made by the Chief Police Officer regarding the recent ANU incident.
- There needs to be transparency and accountability in the ACT Government review, and the community deserves to know why Mr Ophel was allowed to go bushwalking unaccompanied and how the ACAT and Canberra Health Services were monitoring him, given the serious and violent nature of his previous offending and mental health condition.
- The Minister for Justice Health, who has been almost silent on the issue, and the ACT Attorney-General need to reassure the ACT community that the programs and treatment options are in place and working and that public safety is maintained for people found 'not guilty' by mental impairment when they have committed serious violent offences. They also need to reassure patients' families that their loved ones are safe and being looked after while in the care of Canberra Health Services.
- Many serious questions still need answering, and the ACT Government needs to be transparent. Public safety must be paramount. One person's privacy should not override or jeopardise public safety, especially when that person has a recorded history of violent interactions.
- Given the seriousness of the incident, maybe a more formal independent process, similar to a coronial process, is more applicable than a Government-led review that the public may never see.

---

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---

**From:** Hudson, Robyn (Health)  
**Sent:** Thursday, 5 October 2023 4:20 PM  
**To:** Benson, Andrew (Health)  
**Cc:** ACTHD, DDG - Policy and Transformation; Health Media  
**Subject:** RE: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Andrew,

Thanks for the extra few minutes 😊 to think about this. Can I propose the below please. It is a single review being conducted in a number of steps and it will come together into a single report.

The ACT Government will undertake a review led by the Chief Psychiatrist with engagement of external clinical, consumer and carer experts. The review process will consider specific clinical decisions involved in this particular incident, a broader review about decision making processes for managing mental health care and treatment to an individual considered by court to be not guilty by reasons of mental impairment. The Chief Psychiatrist's report will include any recommendations for improvements to processes.

It is the ACT Government's intention to release as much of the report as possible considering both patient privacy and any relevant restrictions due to legal proceedings.

Happy to discuss.

Robyn

**Robyn Hudson**

Deputy Director General | ACT Health Directorate

Email | [robyn.hudson@act.gov.au](mailto:robyn.hudson@act.gov.au) | Mobile: [REDACTED]

6 Bowes Street, Philip, ACT 2606

[health.act.gov.au](http://health.act.gov.au)

---

**From:** Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Sent:** Thursday, 5 October 2023 1:25 PM  
**To:** Hudson, Robyn (Health) <Robyn.Hudson@act.gov.au>  
**Cc:** DDGACTHealth <DDGACTHealth@act.gov.au>; Health Media <HealthMedia@act.gov.au>  
**Subject:** FW: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Robyn,

For your approval please. Cleared by the Chief Psychiatrist.

Proposed response to be provided to the Mental Health Minister's Office for use as part of their response.

Thanks

Benno

Given the seriousness of the incident, maybe a more formal independent process, similar to a coronial process, is more applicable than a Government-led review that the public may never see.

The ACT Government will undertake two thorough reviews led by the Chief Psychiatrist.

One will be a clinical review into the specific decisions involved in this particular incident undertaken by the ACT Chief Psychiatrist and a panel of external experts.

The other will be a broader review by the ACT Chief Psychiatrist, with input from external experts, about decision making processes for managing mental health care and treatment to an individual considered by court to be not guilty by reasons of mental impairment. The Chief Psychiatrist's report into this review will include any recommendations for improvements to processes.

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### Andrew Benson | Senior Director, Media

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

Level 2, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

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**From:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>

**Sent:** Thursday, October 5, 2023 12:28 PM

**To:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

**Subject:** RE: Request for comment re psychiatric care arrangement review

OFFICIAL

Thanks Benno

Looks good.

Kind regards

Dinesh

---

Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

**From:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
**Sent:** Thursday, October 5, 2023 12:17 PM  
**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>  
**Subject:** RE: Request for comment re psychiatric care arrangement review

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Thanks Dinesh

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Happy for your edits/input.

Andrew

**Andrew Benson | Senior Director, Media**

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 2, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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**From:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Sent:** Thursday, October 5, 2023 11:31 AM  
**To:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>  
**Subject:** RE: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Benno,

I will give you a ring

The review is being done in two parts

1. Clinical review – this part of the review will be done by a panel made up of the Chief Psychiatrist and three to four external experts.
2. Review by the Chief Psychiatrist to be able to provide an opinion about decision making processes that the ACT should consider putting in place to manage mental health care and treatment to an individual considered by court to be not guilty by reasons of mental impairment. External experts will be engaged to undertake a review of best practice and assist the Chief Psychiatrist to form an opinion and make appropriate recommendations.

An in-depth review of this kind would benefit from an external perspective (provided by panels members who will all be from outside the ACT) as well as a good understanding of ACT-specific systems and considerations (provided by the Chief Psychiatrist).

Kind regards

Dinesh

---

Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

---

**From:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>  
**Sent:** Thursday, October 5, 2023 11:10 AM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>  
**Subject:** RE: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Dinesh,

Just following this up.

Was hoping to get a couple of lines about why a review by you is the appropriate process in these circumstances.

Happy to discuss.

Benno

**Andrew Benson | Senior Director, Media**

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

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---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Sent:** Wednesday, October 4, 2023 4:53 PM

**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>

**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>

**Subject:** FW: Request for comment re psychiatric care arrangement review

**OFFICIAL**

Hi Dinesh,

The Mental Health Minister's Office has requested assistance in responding to an enquiry from the ABC about the recent statement from AFPA regarding the recent ANU incident.

They have asked we provide a few points to respond to the green highlighted dot point – namely around why the review in its current format is appropriate and whether the details/findings of the review will be made public once it has concluded.

It would be great if we could get the response back tomorrow – so please let me know if you'd like to discuss this.

Kind regards,  
Samara

**Samara McCann | Assistant Director, Media**

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

---

**From:** Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

**Sent:** Wednesday, 4 October 2023 2:07 PM

**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>

**Subject:** Fwd: Request for comment re psychiatric care arrangement review

Hi team,

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Subject: Request for comment re psychiatric care arrangement review

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We acknowledge Aboriginal and Torres Strait Islander peoples as the First Australians and

Traditional Custodians of the lands where we live,  
learn and work.

---

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---

**From:** Benson, Andrew (Health)  
**Sent:** Thursday, 5 October 2023 4:25 PM  
**To:** Arya, Dinesh (Health)  
**Cc:** Chief Psychiatrist; Health Media; ACT Health, Clinical Leadership  
**Subject:** FW: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Dinesh,

For information.

Please see the final response as approved by the DDG.

Benno

---

**From:** Hudson, Robyn (Health) <Robyn.Hudson@act.gov.au>  
**Sent:** Thursday, October 5, 2023 4:20 PM  
**To:** Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Cc:** DDGACTHealth <DDGACTHealth@act.gov.au>; Health Media <HealthMedia@act.gov.au>  
**Subject:** RE: Request for comment re psychiatric care arrangement review

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Robyn

**Robyn Hudson**

Deputy Director General | ACT Health Directorate

Email | [robyn.hudson@act.gov.au](mailto:robyn.hudson@act.gov.au) | Mobile: [REDACTED]

6 Bowes Street, Philip, ACT 2606

[health.act.gov.au](http://health.act.gov.au)

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**Cc:** DDGACTHealth <[DDGACTHealth@act.gov.au](mailto:DDGACTHealth@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
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**Andrew Benson | Senior Director, Media**

Pronouns: He/him


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 2, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



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**Sent:** Thursday, October 5, 2023 12:28 PM

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**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist

<[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

**Subject:** RE: Request for comment re psychiatric care arrangement review

OFFICIAL

Thanks Benno

Looks good.

Kind regards

Dinesh

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Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

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**Sent:** Thursday, October 5, 2023 12:17 PM

**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist

<[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

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Happy for your edits/input.

Andrew

**Andrew Benson | Senior Director, Media**

Pronouns: He/him

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

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**From:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>

**Sent:** Thursday, October 5, 2023 11:31 AM

**To:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

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An in-depth review of this kind would benefit from an external perspective (provided by panels members who will all be from outside the ACT) as well as a good understanding of ACT-specific systems and considerations (provided by the Chief Psychiatrist).

Kind regards

Dinesh

---

Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

---

**From:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>

**Sent:** Thursday, October 5, 2023 11:10 AM

**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>

**Cc:** ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>; Chief Psychiatrist



<[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

**Subject:** RE: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Dinesh,

Just following this up.

Was hoping to get a couple of lines about why a review by you is the appropriate process in these circumstances.

Happy to discuss.

Benno

**Andrew Benson | Senior Director, Media**

Pronouns: He/him


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 2, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

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---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Sent:** Wednesday, October 4, 2023 4:53 PM

**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>

**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>; Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>

**Subject:** FW: Request for comment re psychiatric care arrangement review

OFFICIAL

Hi Dinesh,

The Mental Health Minister's Office has requested assistance in responding to an enquiry from the ABC about the recent statement from AFPA regarding the recent ANU incident.

They have asked we provide a few points to respond to the green highlighted dot point – namely around why the review in its current format is appropriate and whether the details/findings of the review will be made public once it has concluded.

It would be great if we could get the response back tomorrow – so please let me know if you'd like to discuss this.

Kind regards,

Samara

Samara McCann | Assistant Director, Media

(Pronouns she/they)

Phone: [REDACTED] Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

From: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Sent: Wednesday, 4 October 2023 2:07 PM

To: Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>

Subject: Fwd: Request for comment re psychiatric care arrangement review

Hi team,

Could I grab a draft response for this from [REDACTED] at the ABC please.

He's not expecting groundbreaking news, just an update and response to the police association.

Thanks,

Mat

---

[REDACTED]  
Sent: Wednesday, October 4, 2023 1:51:18 PM

To: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Subject: Request for comment re psychiatric care arrangement review

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Mat,

As discussed, can we get a response to this statement from the AFPA, and an indication of where things are up to with the review of Psychiatric care arrangements?

- The AFPA echoes and supports the comments made by the Chief Police Officer regarding the recent ANU incident.
- There needs to be transparency and accountability in the ACT Government review, and the community deserves to know why Mr Ophel was allowed to go bushwalking unaccompanied and how the ACAT and Canberra Health Services were monitoring him, given the serious and violent nature of his previous offending and mental health condition.
- The Minister for Justice Health, who has been almost silent on the issue, and the ACT Attorney-General need to reassure the ACT community that the programs and treatment options are in place and working and that public safety is maintained for people found 'not guilty' by mental impairment when they have committed serious violent offences. They also need to reassure patients' families that their loved ones are safe and being looked after while in the care of Canberra Health Services.
- Many serious questions still need answering, and the ACT Government needs to be transparent. Public safety must be paramount. One person's privacy should not override or jeopardise public safety, especially when that person has a recorded history of violent interactions.
- Given the seriousness of the incident, maybe a more formal independent process, similar to a coronial process, is more applicable than a Government-led review that the public may never see.



We acknowledge Aboriginal and Torres Strait  
Islander peoples as the First Australians and  
Traditional Custodians of the lands where we live,  
learn and work.

---

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---

**From:** Benson, Andrew (Health)  
**Sent:** Thursday, 5 October 2023 4:49 PM  
**To:** Canberra Health Services Media  
**Cc:** Health Media  
**Subject:** RE: Request for comment re psychiatric care arrangement review

OFFICIAL

Hey Gareth,

Here's our proposed response to the final question.

The ACT Government will undertake a review led by the Chief Psychiatrist with engagement of external clinical, consumer and carer experts. The review process will consider specific clinical decisions involved in this particular incident, and a broader review of decision making processes for managing mental health care and treatment to an individual considered by court to be not guilty by reasons of mental impairment. The Chief Psychiatrist's report will include any recommendations for improvements to processes.

It is the ACT Government's intention to release as much of the report as possible considering both patient privacy and any relevant restrictions due to legal proceedings.

Cheers

Benno

---

**From:** Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>  
**Sent:** Wednesday, 4 October 2023 2:07 PM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** Fwd: Request for comment re psychiatric care arrangement review

Hi team,

Could I grab a draft response for this from [REDACTED] at the ABC please.

He's not expecting groundbreaking news, just an update and response to the police association.

Thanks,  
Mat

---

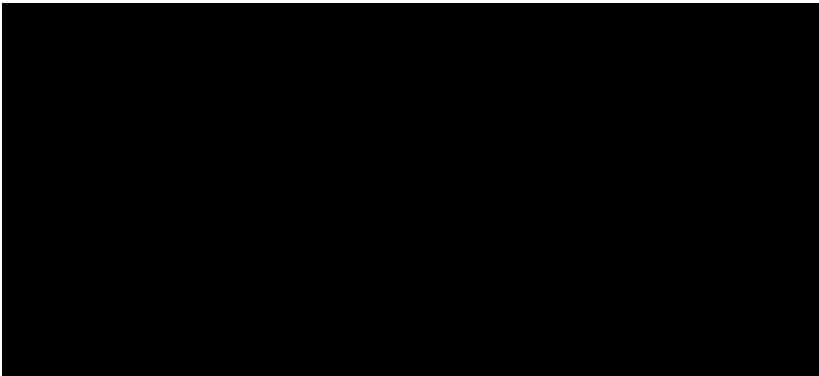
[REDACTED]  
**Sent:** Wednesday, October 4, 2023 1:51:18 PM  
**To:** Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>  
**Subject:** Request for comment re psychiatric care arrangement review

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Mat,

As discussed, can we get a response to this statement from the AFPA, and an indication of where things are up to with the review of Psychiatric care arrangements?

- The AFPA echoes and supports the comments made by the Chief Police Officer regarding the recent ANU incident.
- There needs to be transparency and accountability in the ACT Government review, and the community deserves to know why Mr Ophel was allowed to go bushwalking unaccompanied and how the ACAT and Canberra Health Services were monitoring him, given the serious and violent nature of his previous offending and mental health condition.
- The Minister for Justice Health, who has been almost silent on the issue, and the ACT Attorney-General need to reassure the ACT community that the programs and treatment options are in place and working and that public safety is maintained for people found 'not guilty' by mental impairment when they have committed serious violent offences. They also need to reassure patients' families that their loved ones are safe and being looked after while in the care of Canberra Health Services.
- Many serious questions still need answering, and the ACT Government needs to be transparent. Public safety must be paramount. One person's privacy should not override or jeopardise public safety, especially when that person has a recorded history of violent interactions.
- Given the seriousness of the incident, maybe a more formal independent process, similar to a coronial process, is more applicable than a Government-led review that the public may never see.



We acknowledge Aboriginal and Torres Strait Islander peoples as the First Australians and Traditional Custodians of the lands where we live, learn and work.

---

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---

**From:** Health Media  
**Sent:** Wednesday, 18 October 2023 4:18 PM  
**To:** Health Ministerial Liaison Officer; Health Media  
**Subject:** RE: For urgent clearance - MIN2023/00790 - Initiated brief - Update on review into ANU incident - October 2023 - Minister for Mental Health  
**Attachments:** Attachment A - ANU Incident Update Talking Points Oct 23 - For DG Clearance - media feedback.docx

OFFICIAL: Sensitive

Hi Aleks,

Feedback from media in the attached, also worth noting that we've previously addressed a similar question in the media on how we intend to release the review's findings and have said:

It is the ACT Government's intention to release as much of the report as possible considering both patient privacy and any relevant restrictions due to legal proceedings.

The attached TPs may want to reflect similar wording as the above for consistency.

Kind regards,

Samara

**Samara McCann | Assistant Director, Media**

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

---

**From:** Pond, Aleks (Health) <Aleks.Pond@act.gov.au> **On Behalf Of** Health Ministerial Liaison Officer  
**Sent:** Wednesday, October 18, 2023 4:06 PM  
**To:** Health Media <HealthMedia@act.gov.au>  
**Cc:** Health Ministerial Liaison Officer <HealthMinisterialLiaisonOfficer@act.gov.au>  
**Subject:** For urgent clearance - MIN2023/00790 - Initiated brief - Update on review into ANU incident - October 2023 - Minister for Mental Health  
**Importance:** High

OFFICIAL: Sensitive

Hi Team

Grateful for your urgent review of the attached TPs in relation to the above matter. The package has been cleared by Dinesh and the covering brief is available here for your reference: [FINAL Documents - MIN2023/00790 \(fA14193268\)](#)

Your urgent attention would be greatly appreciated in order to progress this to the DDG and DG asap.

Thank you in advance

Aleks

**Aleksandra Pond | A/g Assistant Director, Ministerial and Coordination**

Ph: 02 5124 6291 | Email: [aleks.pond@act.gov.au](mailto:aleks.pond@act.gov.au)

**Ministerial and Government Services | Office of Director-General | ACT Health Directorate**

Level 5, 2-6 Bowes Street Phillip ACT 2606

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## TALKING POINTS

ACT  
Government

ACT Health

Attachment A

**Review into events at ANU 18 September 2023****Minister for Mental Health****Talking Points**

- I acknowledge the distress that the events at ANU on 18 September have caused to the people involved in the incident and to the wider community.
- I would like to assure the ACT community that a comprehensive review is underway and will include:
  - A clinical review
  - An expanded review by the Chief Psychiatrist to consider best practice for mental health services (including leave approval) to manage individuals found not guilty due to a mental impairment (NGMI) by the courts and transferred from custody into the care of mental health services.

**Notable key achievements to date:**

- Formation of the Special Purpose Quality Assurance Committee (QAC) Clinical Review Panel Membership which includes experts from outside the ACT in the following fields:
  - A Forensic Psychiatrist from Victoria
  - A Forensic Mental Health Nurse from Queensland
  - A consumer advocate from Victoria
- Appropriate experts with expertise in forensic practice and mental health law are currently being sought to inform the Chief Psychiatrist's expanded review.

**Methodology used for the Clinical Review:**

- The Root Cause Analysis (RCA) process is an independent, internationally recognised and validated process that will be used to identify any possible systems issues that can be improved.

**Methodology used for the Chief Psychiatrist's Expanded Review:**

- The Chief Psychiatrist and experts engaged for this part of the review will meet with relevant stakeholders to understand their perspectives. The external experts will also provide best practice advice to the Chief Psychiatrist from a review of processes in other jurisdictions and research. This will enable the Chief Psychiatrist to formulate recommendations for the ACT.
- **Clinical Review Report**

The Special Purpose Quality Assurance Committee report will be provided to the responsible Director General before the end of 2023. The Health Act 1993 allows a QAC to give protected

**Commented [CR(1):** Completed and providing a report to the DG are not necessarily the same. Can we indicated please when the report will be provided



## TALKING POINTS

ACT  
Government

ACT Health

information to me as the responsible Minister if the committee is satisfied that giving the information would be likely to facilitate the improvement of health services provided in the ACT.

**Chief Psychiatrist's report**

The Chief Psychiatrist has indicated that his report to me should be completed by January 2024.

**Commented [CR(2)]:** We need to indicate in earlier section when the QAC report will be provided to the DG - and explain reporting requirements under the Act - eg report to DG and others if in best interest of improving mental health etc

**Possible Questions:**

**Q: Will the Police, Ambulance and other stakeholders have an opportunity to provide their input?**

A: The Police and Ambulance services have indicated they would like to support the review process. The QAC Clinical Review Panel may invite them to provide information under the confidentiality and privacy provisions of a QAC. There will also be an opportunity for stakeholders to provide their perspectives directly to the Chief Psychiatrist as part of his expanded review.

**Q: Will the people injured by the alleged assailant, or their families be included in the review process?**

A: The QAC Clinical Review Panel will determine who they will need to meet with to complete the clinical review.

**Q: Will the outcome of the review be released publicly?**

A: The Clinical Review will be undertaken by a special purpose Quality Assurance Committee and its report will not be released publicly due to the strict privacy of protected information provisions under the Health Act 1993 privacy of the health care consumer and sensitivity of the details of the review.

**Commented [CR(3)]:** I think we should be clear that this is the requirement set out in the Act

Once the review has been completed, I will get advice from the Chief Psychiatrist and consider what information can be released without compromising the privacy and confidentiality of people involved.

Attachment A

## Review into events at ANU 18 September 2023

### Minister for Mental Health

#### Talking Points

- I acknowledge the distress that the events at ANU on 18 September have caused to the people involved in the incident and to the wider community.
- I would like to assure the ACT ~~the~~ community that a comprehensive review is underway and will include:
  - A clinical review
  - An expanded review by the Chief Psychiatrist to consider best practice for mental health services (including leave approval) -to manage ~~(including leave approval)~~ individuals found not guilty due to a mental impairment (NGMI) by the courts and transferred from custody into the care of mental health services.

#### Notable key achievements to date:

- Formation of the Special Purpose Quality Assurance Committee (QAC) Clinical Review Panel Membership which includes experts from outside the ACT in the following fields:
  - A Forensic Psychiatrist from Victoria
  - A Forensic Mental Health Nurse from Queensland
  - A consumer advocate from Victoria
- Appropriate experts with expertise in forensic practice and mental health law are currently being sought to inform the Chief Psychiatrist's expanded review.

#### Methodology used for the Clinical Review:

- The Root Cause Analysis (RCA) process is an independent, internationally recognised and validated process that will be used to identify any possible systems issues that can be improved.

#### Methodology used for the Chief Psychiatrist's Expanded Review:

- The Chief Psychiatrist and Experts engaged for this part of the review ~~and the Chief Psychiatrist~~ will meet with relevant stakeholders to understand their perspectives. The external experts will also provide best practice advice to the Chief Psychiatrist from a review of processes in other jurisdictions and research. This will enable the Chief Psychiatrist to formulate recommendations for the ACT.

#### Chief Psychiatrist's report

The Chief Psychiatrist has indicated that his report to me should be completed by January 2024.

## Possible Questions:

**Q: Will the Police, Ambulance and other stakeholders have an opportunity to provide their input?**

A: The Police and Ambulance services have indicated they would like to support the review process. The QAC Clinical Review Panel may invite them to provide information under the confidentiality and privacy provisions of a QAC. There will also be an opportunity for stakeholders to provide their perspective directly to the Chief Psychiatrist as part of his expanded review.

**Q: Will the people injured by the alleged assailant, or their families be included in the review process?**

A: The QAC Clinical Review Panel will determine who they will need to meet with to complete the clinical review.

**Q: Will the outcome of the review be released publicly?**

A: The Clinical review will be undertaken by a special purpose Quality Assurance Committee and its report will not be released publicly due to the privacy of the health care consumer and sensitivity of the details of the review.

Once the review has been completed, I will get advice from the Chief Psychiatrist and ~~also~~ consider what information can be released without compromising the privacy and confidentiality of people involved.

---

**From:** [REDACTED]  
**Sent:** Tuesday, 7 November 2023 1:18 PM  
**To:** Chief Psychiatrist  
**Cc:** Health Media; Morgan, Mat  
**Subject:** FW: Davidson Media Release: Chief Psychiatrist Review into events at ANU 18 September 2023

Some people who received this message don't often get email from [REDACTED] [learn why this is important](#)

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Hi there! Hope you're all well. ABC Canberra Drive is keen to lock in a radio interview today about the Review into events at ANU 18 September 2023. Here are the details:

**Interviewee:** Chief Psychiatrist

**Station:** ABC Canberra, local radio, Drive show

**Location:** over the phone OR in person at the Northbourne studios

**Presenter:** [REDACTED]

**Producers:** [REDACTED]

**What is the best number to call?**

**Studio Number:** [REDACTED]

**Time of requested interview:** 4.05PM today

**Pre record or live:** Live

Thank you so much, please don't hesitate to give me a call if you need any more details, my mobile on [REDACTED]

[REDACTED]

We acknowledge Aboriginal and Torres Strait Islander peoples as the First Australians and Traditional Custodians of the lands where we live, learn and work.

---

**From:** ACT Government Executive Media <ACTGovernment@media.act.gov.au>

**Sent:** Tuesday, November 7, 2023 12:00 PM

**To:** [REDACTED]

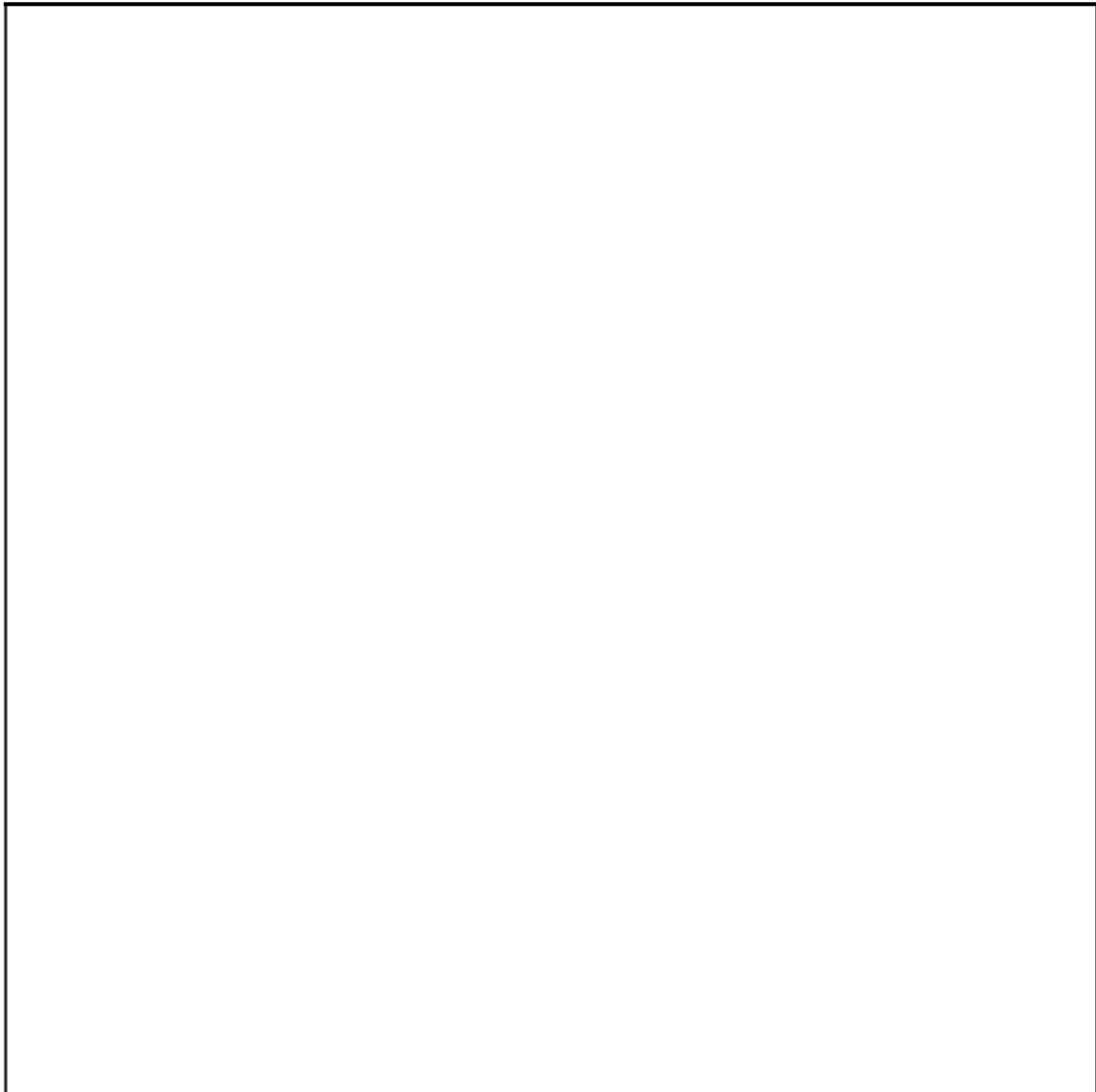
**Subject:** Davidson Media Release: Chief Psychiatrist Review into events at ANU 18 September 2023

**Emma Davidson** MLA

Minister for Disability  
Minister for Justice Health  
Minister for Mental Health

Minister for Veterans and Seniors  
Assistant Minister for Families and Community Services

Member for Murrumbidgee



7 November 2023

## **Chief Psychiatrist Review into events at ANU 18 September 2023**

A review into the distressing events which occurred at ANU on 18 September, which will be led by the ACT's Chief Psychiatrist, has now commenced. This comprehensive review includes two key components:

- A clinical review, with a focus on the incident on 18 September.
- An expanded review, with a focus on best practice for mental health services to manage individuals found not guilty due to a mental impairment by the courts and transferred from custody into the care of mental health services.

The clinical review will be undertaken by a Special Purpose Quality Assurance Committee (QAC). Membership of the Clinical Review Panel includes experts from outside the ACT, including:

- A Forensic Psychiatrist from Victoria
- A Forensic Mental Health Nurse from Queensland
- A consumer advocate from Victoria

The Chief Psychiatrist's expanded review will similarly include experts in forensic practice and mental health law, and its membership will be finalised shortly. The Chief Psychiatrist will seek input from a variety of relevant stakeholders to understand their perspectives, which may include police, ambulance and carers.

Emma Davidson, Minister for Mental Health welcomed the establishment of the Chief Psychiatrist's review:

*"The Chief Psychiatrist and experts engaged for this part of the review will meet with relevant stakeholders to understand their perspectives.*

*"The external experts will also provide best practice advice to the Chief Psychiatrist from a review of processes in other jurisdictions and research. This will enable the Chief Psychiatrist to formulate recommendations for the ACT."*

The QAC report will be provided to the responsible Director General before the end of 2023. However, it will not be released publicly due to the strict privacy of protected information provisions under the Health Act 1993. Advice will be sought from the Chief Psychiatrist to consider what information can be released publicly without compromising the privacy and confidentiality of people involved.

The Chief Psychiatrist has indicated that his report following the expanded review should be completed by January 2024.

**Statement ends.**

**Media contact:**

**Mat Morgan M** [REDACTED] **E** [mat.morgan@act.gov.au](mailto:mat.morgan@act.gov.au)



**ACT Legislative Assembly**  
**Phone** [\(02\) 6205 1941](tel:(02)62051941)  
**Email** [davidson@act.gov.au](mailto:davidson@act.gov.au)

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---

**From:** Falkiner, Camille (Health)  
**Sent:** Tuesday, 7 November 2023 1:52 PM  
**To:** Health Media  
**Subject:** FW: Endorsed ToR  
**Attachments:** Terms of Reference- Expanded Review - Endorsed.pdf

FYI

Kind regards,

Camille

**Camille Falkiner**  
A/ Director- Special Project, Psychologist  
Office of the Chief Psychiatrist  
Ph: 02 5124 6137 | Email: [Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)  
Office of the Chief Psychiatrist | ACT Health Directorate  
Level 3, 2 Bowes Street Phillip ACT 2606



---

**From:** Falkiner, Camille (Health) **On Behalf Of** ACT Health, Chief Psychiatrist Review  
**Sent:** Tuesday, November 7, 2023 1:51 PM  
**To:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>; <mailto:healthmedia@act.gov.au>  
**Cc:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>; Trevorrow, Catherine (Health) <[Catherine.Trevorrow@act.gov.au](mailto:Catherine.Trevorrow@act.gov.au)>  
**Subject:** FW: Endorsed ToR

Hi Andrew,

As discussed on the phone, we have only finalised our ToR for the expanded review today and we had only informally provided it to the Ministers office (see below).

We also discussed that our ToR includes persons names, roles and responsibilities. For Dinesh's awareness- I agreed to provide this to Andrew as the media team may rewrite this information so as to write a ToR which doesn't name panel members and is mindful of any other sensitivities. Andrew will then seek further clearance from Dinesh and Minister for Mental Health prior to releasing.

Kind regards,

Camille

---

**From:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 11:10 AM  
**To:** Falkiner, Camille (Health) <[Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)>  
**Cc:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>; ACT Health, Chief Psychiatrist Review <[ChiefPsychiatristReview@act.gov.au](mailto:ChiefPsychiatristReview@act.gov.au)>; ACT Health DLO <[ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)>  
**Subject:** RE: Endorsed ToR

Hello – thank you.

Could these please come up for formal noting by Minister, with a min brief?

Thank you.

Jon

---

**From:** Falkiner, Camille (Health) <[Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 9:42 AM  
**To:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Cc:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>; ACT Health, Chief Psychiatrist Review <[ChiefPsychiatristReview@act.gov.au](mailto:ChiefPsychiatristReview@act.gov.au)>  
**Subject:** Endorsed ToR

Good morning,

Please find endorsed Terms of Reference for the Expanded Chief Psychiatrist Review. Ms Kelly (Carers ACT) has joined the panel.

Kind regards,

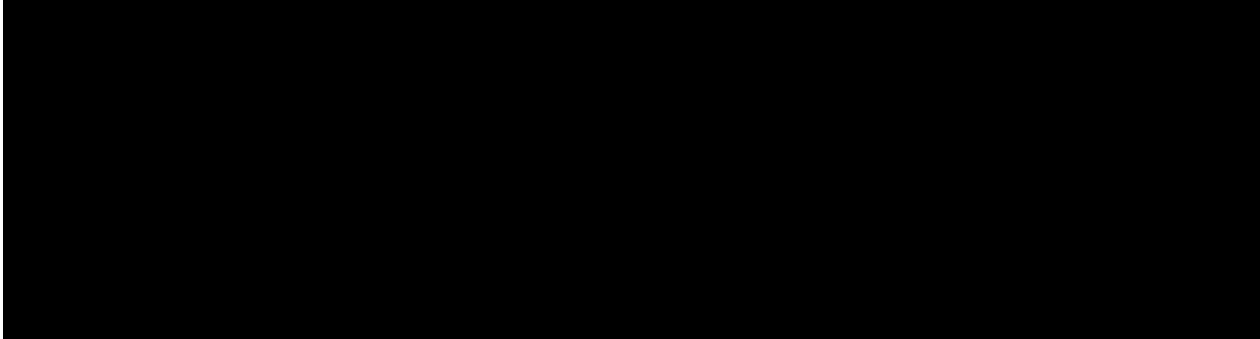
Camille

**Camille Falkiner**  
A/ Director- Special Project, Psychologist  
Office of the Chief Psychiatrist  
Ph: 02 5124 6137 | Email: [Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)  
Office of the Chief Psychiatrist | ACT Health Directorate  
Level 3, 2 Bowes Street Phillip ACT 2606



## Terms of Reference

### Context/background



### Reason

Due to the seriousness of this incident, the ACT Government announced that the Chief Psychiatrist will undertake a review into this incident and the care and treatment provided to this person.

- A Special Purpose Quality Assurance Committee was authorised by the Minister for Health on 30 September 2023, to complete a clinical review of the care and treatment of this person.
- The Chief Psychiatrist is also undertaking an expanded review.

These terms of reference relate to the expanded review.

### Purpose of the Chief Psychiatrist's expanded review

To consider best practice in relation to the ongoing mental health treatment, care and management of persons found NGMI released from custody into the care of mental health services, the expanded review will:

- a) Consider relevant and comparative policies, legislation and guidelines relating the best practice in decision making about mental health care (including leave approval).
- b) Best practice protocols for information sharing with relevant decision makers and/or stakeholders to enable effective and safe mental health care.

### Scope

Consider relevant evidence, expert opinions, research and views and perspectives of relevant stakeholders involved in provision of mental health care and support to people referred to in point above in the ACT. The information from stakeholders around the events of 18 September 2023 may be relevant to consider. Invited stakeholders will include ACT Policing, ACT Ambulance Service, ACT Civil and Administrative Tribunal (ACAT), Public Advocate, Director of Public Prosecutions, Justice and Community Services, ACT Public Advocate and other identified persons to ensure consumer and carer perspective (such as Carers ACT, Healthcare Consumers Association and Mental Health Consumers Network).

Any information provided will be managed in accordance with the requirements of –

- *Information Privacy Act 2014*
- *Health Act 1993*
- *Health Records (Privacy and Access) Act 1997*

### Review panel

The following experts with expertise in forensic mental health and mental health law will comprise the review panel.

- Dr Dinesh Arya, ACT Chief Psychiatrist
- Distinguished Professor James Ogloff, AM, Clinical and Forensic Psychologist
- Dr John Crawshaw, New Zealand’s Director of Mental Health and Forensic Psychiatrist
- Dr Juliet Lucy, Barrister and Senior NSW Civil and Administrative Tribunal Member
- Ms Lisa Kelly, CEO, Carers ACT

### Methodology of Review

- 1) Inter-jurisdictional analysis (may include similar overseas jurisdictions) of conditional release orders (or equivalent) following NGMI verdict. This may include examination of associated mental health orders, frequency of review, decision-making about ongoing care, provision of required information to facilitate decision making and treatment, as well as leave from the treatment facility.
- 2) Review of any available data in relation to outcomes for persons subject to a CRO within the ACT for comparative analysis
- 3) Review of legislation, any available case law, policies and procedures related to the mental health care of a person found NGMI in the ACT, including those related to leave, risk assessment, decision-making, public safety, and information sharing.
- 4) Best practice protocols for information sharing between health services and government agencies, including Police, Ambulance Service and other care providers.
- 5) Collecting relevant information from stakeholders to examine current processes in the ACT and making associated recommendations (if any) for improvement.

### Roles and responsibilities

#### Chief Psychiatrist will

- Lead the expanded review and support the panel to consider matters identified in the Purpose (above)

#### Review panel will

- Provide comment on matters before the panel related to their area of expertise, specifically mental health assessment, forensic risk management, decision making processes (including leave from the treatment facility) and information sharing protocols between agencies for persons found NGMI and released into the custody of mental health services.

#### Acting Director, Special Project, Office of Chief Psychiatrist will

- To the extent to that it is applicable, ensure information will be managed in accordance with the *Health Act 1993* and the *Health Records (Privacy and Access) Act 1997*.
- Oversee internal staff and external consultants engaged in the review access and management and ensure privacy obligations are understood and met.

- Coordinate commissioning of review reports, participation of external experts and manage secretarial support.
- Assist with review of legislation, evidence, research, stakeholder opinions, analysis and preparation of deliverables.

### **Timeline**

#### **Last week of October 2023**

- Review timeline finalised
- External reviewers confirmed
- First review meeting date set
- Meetings scheduled with stakeholders

#### **1st week of November 2023**

- Preparatory meeting with the Review panel
- Confirm TOR

#### **2nd week of November 2023**

- Reviewing, analysing information and finalising comparative analysis

#### **3rd and 4th week of November 2023**

- Clinician/Stakeholder meetings
- Panel Members provide input in identified subject matter expert areas.

#### **1st week December 2023**

- Draft report prepared

### **Deliverable**

Chief Psychiatrist's report to the Minister for Mental Health on matters that would likely lead to an improvement in the outcomes of people found Not Guilty due to A Mental Impairment (NGMI) released into the care of mental health services while balancing community safety. This may include (but is not limited to) recommendations in relation to mental health assessment, care and treatment (including risk assessment), leave management, need for legislative amendments (if any) and information sharing for appropriate and safe care.

**From:** Benson, Andrew (Health)  
**Sent:** Tuesday, 7 November 2023 2:54 PM  
**To:** Health Media  
**Subject:** RE:

OFFICIAL

Yep all good. One minor edit.

**Andrew Benson | Senior Director, Media**


*Pronouns: He/him*

Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**  
Level 2, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

 *Please consider the environment before printing this email.*

---

**From:** Health Media <HealthMedia@act.gov.au>  
**Sent:** Tuesday, November 7, 2023 2:37 PM  
**To:** Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Cc:** Health Media <HealthMedia@act.gov.au>  
**Subject:** FW:

OFFICIAL

Hi Benno,

How does the below sound?

#### START

The ACT Government is undertaking a comprehensive evaluation into the incident which occurred at ANU on 18 September 2023. It consists of two reviews:

- A clinical review, with a focus on the incident on 18 September.
- An expanded review, with a focus on best practice for mental health services to manage individuals found not guilty due to a mental impairment by the courts and transferred from custody into the care of mental health services.

The clinical review will be undertaken by a Special Purpose Quality Assurance Committee, with its details protected under the *Health Act 1993*.

The expanded review has recently finalised their terms of reference and is undergoing review. **Information from** the terms of reference for the expanded review has been included as an attachment.

END

Samara McCann | Assistant Director, Media

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

From: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Sent: Tuesday, November 7, 2023 12:22 PM

To: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

Subject: FW:

Hi team, I'm expecting a few media queries coming through this arvo and tomorrow. Could I grab a draft on this one please?

---

[REDACTED]  
Sent: Tuesday, November 7, 2023 12:19 PM

To: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Subject:

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Mat,

Are there terms of reference for this review, specifically about the 18 September incident.

I am seeking more information about what exactly will be investigated.

Best regards,

[REDACTED]

---

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.



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---

**From:** Health Media  
**Sent:** Tuesday, 7 November 2023 2:59 PM  
**To:** Health Media; Chief Psychiatrist; ACT Health, Clinical Leadership  
**Subject:** RE: Media enquiry: Terms of reference for review

OFFICIAL

Apologies, one minor change highlighted below.

**Samara McCann | Assistant Director, Media**  
(Pronouns she/they)  
Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

**From:** Health Media <HealthMedia@act.gov.au>  
**Sent:** Tuesday, November 7, 2023 2:58 PM  
**To:** Health Media <HealthMedia@act.gov.au>; Chief Psychiatrist <ChiefPsychiatrist@act.gov.au>; ACT Health, Clinical Leadership <Clinical.Leadership@act.gov.au>  
**Subject:** RE: Media enquiry: Terms of reference for review

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Thank you for your time on Teams, as discussed please find a proposed response for RiotACT's media enquiry for fact checking and clearance:

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The expanded review has recently finalised their terms of reference and is undergoing review. **Information from** the expanded review has been included as an attachment.

#### END

I will be sending through the proposed Canberra Times response shortly.

Kind regards,  
Samara

**Samara McCann | Assistant Director, Media**  
(Pronouns she/they)  
Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)



---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 12:53 PM  
**To:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>; ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>  
**Cc:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Subject:** Media enquiry: Terms of reference for review

OFFICIAL

Hi all,

The Minister's Office is anticipating receiving a number of enquiries about the Chief Psychiatrist Review following the media release going out today – they have sent through one they've already received from RiotACT, can you please give me some points on the below? Do we have a terms of reference for the review?

The MO would like this back later today, so if I could have a response by 3pm that would be great.

Kind regards,  
Samara

Samara McCann | Assistant Director, Media  
(Pronouns she/they)  
Phone: [REDACTED] Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
Infrastructure, Communication and Engagement Division | ACT Health Directorate

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[REDACTED]  
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**Subject:**

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---



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---

**From:** Benson, Andrew (Health)  
**Sent:** Tuesday, 7 November 2023 3:01 PM  
**To:** Health Media  
**Subject:** RE: Emma Davidson release today

OFFICIAL

Looking good. Slight edit.

I think we can leave this line out but need it as a TP.

Benno

**Andrew Benson | Senior Director, Media**

Pronouns: He/him


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 2, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

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**From:** Health Media <HealthMedia@act.gov.au>  
**Sent:** Tuesday, November 7, 2023 2:54 PM  
**To:** Benson, Andrew (Health) <Andrew.Benson@act.gov.au>  
**Cc:** Health Media <HealthMedia@act.gov.au>  
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**START**

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- Dr Juliet Lucy, Barrister and Senior NSW Civil and Administrative Tribunal Member
- Ms Lisa Kelly, CEO, Carers ACT

Information from the terms of reference for the expanded review is available as an attachment.

Both reviews are willing to take submissions from the community and may approach key stakeholders for input. It is the ACT Government's intention to release as much of the findings from both reviews as possible considering both patient privacy and any relevant restrictions due to legal proceedings.

END

Samara McCann | Assistant Director, Media

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

From: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Sent: Tuesday, November 7, 2023 1:35 PM

To: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

Subject: Fwd: Emma Davidson release today

Another one from [REDACTED] at the Canberra Times, if we could grab another draft, thanks.

---

Sent: Tuesday, November 7, 2023 1:31:46 PM

To: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Subject: Emma Davidson release today

You don't often get email from [REDACTED] [learn why this is important](#)


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Hi Mat: Can I ask the following please about this release:

As much detail as you can give would be great.

- (1) Who are the three on the Clinical Review Panel?
- (2) Is the "consumer advocate" just a patient or is he or she a member of an advocacy group? If so, which group?
- (3) Will any of the report be published?
- (4) Will victims of the attack have any input?

regards



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---

**From:** Health Media  
**Sent:** Tuesday, 7 November 2023 3:04 PM  
**To:** Chief Psychiatrist  
**Cc:** Health Media; Falkiner, Camille (Health)  
**Subject:** FW: Emma Davidson release today  
**Attachments:** Terms of Reference - Expanded Review.docx

**OFFICIAL**

Hi all,

Please find below the proposed response for Canberra Times for fact checking and approval.

**START**

The ACT Government is undertaking a comprehensive evaluation into the incident which occurred at ANU on 18 September 2023. It consists of two separate reviews:

- A clinical review, with a focus on the incident on 18 September.
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- Ms Lisa Kelly, CEO, Carers ACT

Information from the terms of reference for the expanded review is available as an attachment.

Both reviews are willing to take submissions from the community and may approach key stakeholders for input. It is the ACT Government's intention to release as much of the findings from both reviews as possible considering both patient privacy and any relevant restrictions due to legal proceedings.

**END**

Kind regards,  
Samara

**Samara McCann | Assistant Director, Media**

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

**From:** [REDACTED]  
**Sent:** Tuesday, November 7, 2023 1:31:46 PM

To: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Subject: Emma Davidson release today

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- (4) Will victims of the attack have any input?

[REDACTED]

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## Terms of Reference – Chief Psychiatrist’s Expanded Review

### Context/background



### Reason

Due to the seriousness of this incident, the ACT Government announced that the Chief Psychiatrist will undertake a review into this incident and the care and treatment provided to this person.

- A Special Purpose Quality Assurance Committee was authorised by the Minister for Health on 30 September 2023, to complete a clinical review of the care and treatment of this person.
- The Chief Psychiatrist is also undertaking an expanded review.

These terms of reference relate to the expanded review.

### Purpose of the Chief Psychiatrist’s expanded review

To consider best practice in relation to the ongoing mental health treatment, care and management of persons found NGMI released from custody into the care of mental health services, the expanded review will:

1. Consider relevant and comparative policies, legislation and guidelines relating the best practice in decision making about mental health care (including leave approval).
2. Best practice protocols for information sharing with relevant decision makers and/or stakeholders to enable effective and safe mental health care.

### Scope

Consider relevant evidence, expert opinions, research and views and perspectives of relevant stakeholders involved in provision of mental health care and support to people referred to in point above in the ACT.

The information from stakeholders around the events of 18 September 2023 may be relevant to consider.

Invited stakeholders will include ACT Policing, ACT Ambulance Service, ACT Civil and Administrative Tribunal (ACAT), Public Advocate, Director of Public Prosecutions, Justice and Community Services, ACT Public Advocate and other identified persons to ensure consumer and carer perspective (such as Carers ACT, Healthcare Consumers Association and Mental Health Consumers Network).



Any information provided will be managed in accordance with the requirements of –

- Information Privacy Act 2014
- Health Act 1993
- Health Records (Privacy and Access) Act 1997

#### **Review panel**

The following experts with expertise in forensic mental health and mental health law will comprise the review panel.

- Dr Dinesh Arya, ACT Chief Psychiatrist
- Distinguished Professor James Ogloff, AM, Clinical and Forensic Psychologist
- Dr John Crawshaw, New Zealand’s Director of Mental Health and Forensic Psychiatrist
- Dr Juliet Lucy, Barrister and Senior NSW Civil and Administrative Tribunal Member
- Ms Lisa Kelly, CEO, Carers ACT

#### **Methodology of Review**

- 1) Inter-jurisdictional analysis (may include similar overseas jurisdictions) of conditional release orders (or equivalent) following NGMI verdict. This may include examination of associated mental health orders, frequency of review, decision-making about ongoing care, provision of required information to facilitate decision making and treatment, as well as leave from the treatment facility.
- 2) Review of any available data in relation to outcomes for persons subject to a CRO within the ACT for comparative analysis.
- 3) Review of legislation, any available case law, policies and procedures related to the mental health care of a person found NGMI in the ACT, including those related to leave, risk assessment, decision-making, public safety, and information sharing.
- 4) Best practice protocols for information sharing between health services and government agencies, including Police, Ambulance Service and other care providers.
- 5) Collecting relevant information from stakeholders to examine current processes in the ACT and making associated recommendations (if any) for improvement.

---

**From:** Health Media  
**Sent:** Tuesday, 7 November 2023 3:34 PM  
**To:** ACT Health, Chief Psychiatrist Review; Health Media; Chief Psychiatrist; ACT Health, Clinical Leadership; Arya, Dinesh (Health)  
**Cc:** Chand, Avinesh  
**Subject:** RE: Media enquiry: Terms of reference for review

**OFFICIAL**

Hi Camille,

Thanks for the call, just confirming that the line:

It is the ACT Government's intention to release as much of the report as possible considering both patient privacy and any relevant restrictions due to legal proceedings.

Was in a previously cleared response that went to ABC via the MO on 5/10/23.

In regards to naming the panel members on the expanded review, if we can get the consent of the other members we think it would be appropriate to release their names with a note that there's another panel member (Juliet Lucy) to be announced at a later date.

[@Arya, Dinesh \(Health\)](#) would you be happy with this approach?

Kind regards,  
Samara

**Samara McCann | Assistant Director, Media**  
(Pronouns she/they)  
Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

---

**From:** Falkiner, Camille (Health) <Camille.Falkiner@act.gov.au> **On Behalf Of** ACT Health, Chief Psychiatrist Review  
**Sent:** Tuesday, November 7, 2023 3:19 PM  
**To:** Health Media <HealthMedia@act.gov.au>; Chief Psychiatrist <ChiefPsychiatrist@act.gov.au>; ACT Health, Clinical Leadership <Clinical.Leadership@act.gov.au>  
**Cc:** Chand, Avinesh <Avinesh.Chand@act.gov.au>; Arya, Dinesh (Health) <Dinesh.Arya@act.gov.au>  
**Subject:** RE: Media enquiry: Terms of reference for review

Hi Samara,

Could you please abstain from releasing this until we have ensured a member of the GSO team has seen it (they should be able to shortly). We also have not heard from all panellists on the expanded review with their consent.

I will be in touch shortly.

Kind regards,

Camille

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 2:59 PM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>; ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>  
**Subject:** RE: Media enquiry: Terms of reference for review

OFFICIAL

Apologies, one minor change highlighted below.

**Samara McCann | Assistant Director, Media**  
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Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
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I will be sending through the proposed Canberra Times response shortly.

Kind regards,  
Samara

**Samara McCann | Assistant Director, Media**  
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Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)  
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Sent: Tuesday, November 7, 2023 12:53 PM  
To: Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>; ACT Health, Clinical Leadership <[Clinical.Leadership@act.gov.au](mailto:Clinical.Leadership@act.gov.au)>  
Cc: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
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The MO would like this back later today, so if I could have a response by 3pm that would be great.

Kind regards,  
Samara

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Infrastructure, Communication and Engagement Division | ACT Health Directorate

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---

**From:** Falkiner, Camille (Health)  
**Sent:** Tuesday, 7 November 2023 3:44 PM  
**To:** Health Media  
**Cc:** Benson, Andrew (Health); McCann, Samara (Health); Arya, Dinesh (Health); Trevorrow, Catherine (Health)  
**Subject:** FW: Emma Davidson release today

Good afternoon,

Dinesh has cleared the below response, including the provision of the names of the panellists on the expanded review.

Kind regards,

Camille

## **START**

The ACT Government is undertaking a comprehensive evaluation into the incident which occurred at ANU on 18 September 2023. It consists of two separate reviews:

- A clinical review, with a focus on the incident on 18 September.
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The clinical review will be undertaken by a Special Purpose Quality Assurance Committee. Release of the subsequent report will be subject to the privacy provisions in the *Health Act 1993*.

The expanded review consists of a panel of highly qualified members, including:

- Dr Dinesh Arya, ACT Chief Psychiatrist
- Distinguished Professor James Ogloff, AM, Clinical and Forensic Psychologist
- Dr John Crawshaw, New Zealand's Director of Mental Health and Forensic Psychiatrist
- Dr Juliet Lucy, Barrister and Senior NSW Civil and Administrative Tribunal Member
- Ms Lisa Kelly, CEO, Carers ACT

Information from the terms of reference for the expanded review is available as an attachment.

Both reviews may approach key stakeholders for input. After the Chief Psychiatrist has submitted his report, the ACT Government's intention is to release as much of the findings contained in the Chief Psychiatrist's report having considered patient privacy and any relevant legal restrictions.

**END**

Camille Falkiner  
A/ Director- Special Project, Psychologist  
Office of the Chief Psychiatrist



---

**From:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 3:41 PM  
**To:** Falkiner, Camille (Health) <[Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)>  
**Cc:** Chand, Avinesh <[Avinesh.Chand@act.gov.au](mailto:Avinesh.Chand@act.gov.au)>  
**Subject:** RE: Emma Davidson release today

OFFICIAL

Thanks Camille. Looks good. Please send.

Kind regards

Dinesh

---

Dr. D. Arya  
Chief Medical Officer & Chief Psychiatrist

---

**From:** Falkiner, Camille (Health) <[Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 3:39 PM  
**To:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Cc:** Chand, Avinesh <[Avinesh.Chand@act.gov.au](mailto:Avinesh.Chand@act.gov.au)>  
**Subject:** FW: Emma Davidson release today

Hi Dinesh,

I have spoken to Avinesh and he requested a few further small changes in the content below. Could you please clear before I send them back to Media?

Also Media have contacted me about whether we agree to release the names of the panellists if atleast a few agree. I told her that this decision sits with you. As it stands- Lisa and Jim have consented. I do not believe we will get a response from Juliet in the next day as I think she is on a plane starting her holiday.

Kind regards,

Camille

---

**From:** Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 3:24 PM  
**To:** Falkiner, Camille (Health) <[Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)>; Trevorrow, Catherine (Health)

<[Catherine.Trevorrow@act.gov.au](mailto:Catherine.Trevorrow@act.gov.au)>

**Cc:** Chand, Avinesh <[Avinesh.Chand@act.gov.au](mailto:Avinesh.Chand@act.gov.au)>

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“Both reviews are willing to take submissions from the community and may approach key stakeholders for input. It is the ACT Government’s intention to release as much of the findings from both reviews as possible considering both patient privacy and any relevant restrictions due to legal proceedings.”

Perhaps we could suggest:

“Both reviews are willing to take submissions from the community and may approach key stakeholders or persons for input. It is the ACT Government’s intention to release as much of the findings as possible considering both patient privacy and any other relevant restrictions”

I will let samara know we have not go ahead on the names as of yet.

Avinesh I have cc’d you for awareness.

Kind regards,

Camille

---

**From:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>

**Sent:** Tuesday, November 7, 2023 3:04 PM

**To:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

**Cc:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>; Falkiner, Camille (Health) <[Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)>

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OFFICIAL



Hi all,

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Information from the terms of reference for the expanded review is available as an attachment.

Both reviews ~~are willing to take submissions from the community and~~ may approach key stakeholders for input. **After the Chief Psychiatrist has submitted his report, the ACT Government's intention is to release as much of the findings contained in the Chief Psychiatrist's report findings from both reviews as possible having considered patient privacy and any relevant legal restrictions.**

END

Kind regards,  
Samara

Samara McCann | Assistant Director, Media

(Pronouns she/they)

Phone: [REDACTED] Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

Sent: Tuesday, November 7, 2023 1:31:46 PM

To: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Subject: Emma Davidson release today

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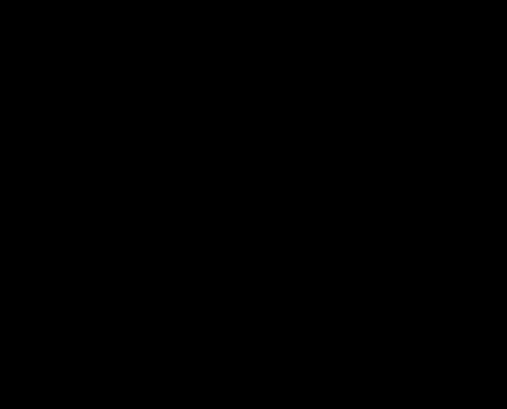
**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Mat: Can I ask the following please about this release:

As much detail as you can give would be great.

- (1) Who are the three on the Clinical Review Panel?
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- (3) Will any of the report be published?
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regards



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---

**From:** Hudson, Robyn (Health)  
**Sent:** Tuesday, 7 November 2023 5:08 PM  
**To:** Health Media  
**Cc:** ACTHD, DDG - Policy and Transformation  
**Subject:** RE: FOR APPROVAL: Chief Psychiatrist review

OFFICIAL

Thank you for this.

Happy to approve.

R

**Robyn Hudson**

Deputy Director General | ACT Health Directorate

Email | [robyn.hudson@act.gov.au](mailto:robyn.hudson@act.gov.au) | Mobile: [REDACTED]

6 Bowes Street, Philip, ACT 2606

[health.act.gov.au](http://health.act.gov.au)

---

**From:** Health Media <HealthMedia@act.gov.au>  
**Sent:** Tuesday, November 7, 2023 3:59 PM  
**To:** Hudson, Robyn (Health) <Robyn.Hudson@act.gov.au>  
**Cc:** Health Media <HealthMedia@act.gov.au>; ACTHD, DDG - Policy and Transformation <DDGHealth-PT@act.gov.au>  
**Subject:** FOR APPROVAL: Chief Psychiatrist review

OFFICIAL

Hi Robyn,

For your approval please – Dinesh has cleared the below highlighted response and attachment to go back to the Minister’s Office to assist with a number of media enquiries they have received regarding the Chief Psychiatrist review in the ANU incident from 18 September.

This has also undergone checking by the GSO.

Kind regards,  
Samara

**Samara McCann | Assistant Director, Media**

(Pronouns she/they)

Phone: [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

---

**From:** Falkiner, Camille (Health) <[Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)>  
**Sent:** Tuesday, November 7, 2023 3:44 PM  
**To:** Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
**Cc:** Benson, Andrew (Health) <[Andrew.Benson@act.gov.au](mailto:Andrew.Benson@act.gov.au)>; McCann, Samara (Health) <[Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)>; Arya, Dinesh (Health) <[Dinesh.Arya@act.gov.au](mailto:Dinesh.Arya@act.gov.au)>; Trevorrow, Catherine (Health) <[Catherine.Trevorrow@act.gov.au](mailto:Catherine.Trevorrow@act.gov.au)>  
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**END**

**Camille Falkiner**

A/ Director- Special Project, Psychologist  
Office of the Chief Psychiatrist

Ph: 02 5124 6137 | Email: [Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)

Office of the Chief Psychiatrist | ACT Health Directorate

Level 3, 2 Bowes Street Phillip ACT 2606




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Camille

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**To:** Chief Psychiatrist <[ChiefPsychiatrist@act.gov.au](mailto:ChiefPsychiatrist@act.gov.au)>

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**Subject:** FW: Emma Davidson release today

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END

Kind regards,  
Samara

Samara McCann | Assistant Director, Media

(Pronouns she/they)

Phone [REDACTED] | Email: [Samara.McCann@act.gov.au](mailto:Samara.McCann@act.gov.au)

Infrastructure, Communication and Engagement Division | ACT Health Directorate

[REDACTED]  
Sent: Tuesday, November 7, 2023 1:31:46 PM

To: Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>

Subject: Emma Davidson release today

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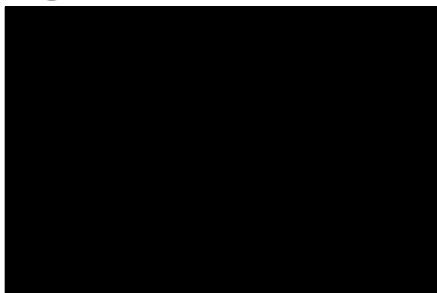
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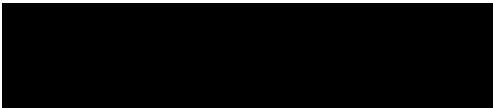
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---

**From:** Health Media  
**Sent:** Tuesday, 7 November 2023 5:19 PM  
**To:** Morgan, Mat; Health Media  
**Subject:** RE: Emma Davidson release today  
**Attachments:** Terms of Reference - Expanded Review.docx

Hi Mat,

Please see approved response (including attachment). This can be used for the [REDACTED] RiotACT enquiry too.

Approved by the DDG.

Cheers

Benno

### **START**

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**Andrew Benson | Senior Director, Media**

Pronouns: He/him


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

Level 2, 6 Bowes Street Phillip ACT 2606 [health.act.gov.au](http://health.act.gov.au)



*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

 Please consider the environment before printing this email.

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**Sent:** Tuesday, November 7, 2023 1:35 PM  
**To:** Health Media <HealthMedia@act.gov.au>  
**Subject:** Fwd: Emma Davidson release today

Another one from [REDACTED] at the Canberra Times, if we could grab another draft, thanks.

---

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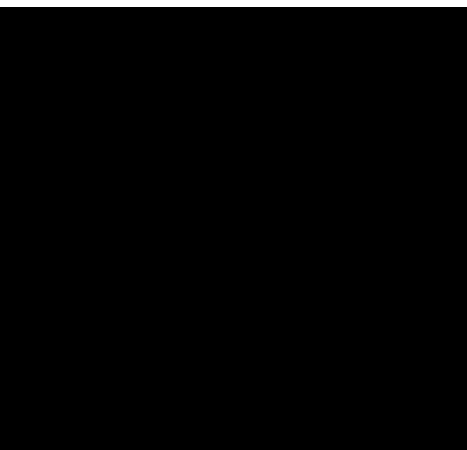
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---

**From:** Health Media  
**Sent:** Wednesday, 8 November 2023 9:08 AM  
**To:** Clark, Sally-Anne (Health)  
**Cc:** Health Media  
**Subject:** FW: Emma Davidson release today  
**Attachments:** Terms of Reference - Expanded Review.docx

Hi Sal,

Here's the [REDACTED] enquiry and response cleared by the Chief Psychiatrist and Robyn Hudson.

There was a similar enquiry also from [REDACTED] as well as an ABC radio interview by the Chief Psychiatrist at 4.05pm.

These requests all came via the MO.

The MO ended up editing the response before sending to remove some of the detail as the Minister hadn't signed off on the final terms of reference yet.

Benno

**Andrew Benson | Senior Director, Media**

*Pronouns: He/him*


Phone: [REDACTED] | Email: [andrew.benson@act.gov.au](mailto:andrew.benson@act.gov.au)

**Infrastructure, Communication and Engagement Division | ACT Health Directorate**

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*I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.*

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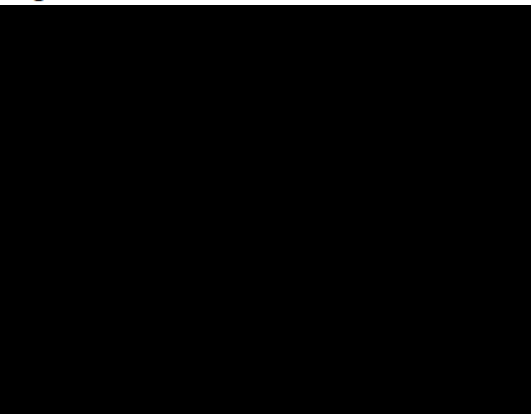
**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Mat: Can I ask the following please about this release:

As much detail as you can give would be great.

- (1) Who are the three on the Clinical Review Panel?
- (2) Is the "consumer advocate" just a patient or is he or she a member of an advocacy group? If so, which group?
- (3) Will any of the report be published?
- (4) Will victims of the attack have any input?

regards



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**Issues**

2. The expanded review has commenced and is due to be completed by January 2024. The review timeline is outlined in the Terms of Reference (ToR).

**Financial Implications**

3. Arrangements have been made to cover payments to external reviewers (including travel and accommodation) from resources within the Office of the Chief Medical Officer and Chief Psychiatrist.

**Consultation**Internal

4. ACT Health Directorate Legal Policy was consulted during the development of the ToR.

Cross Directorate

5. Canberra Health Service, Justice and Community Safety Directorate, The ACT Civil and Administrative Tribunal, the Director of Public Prosecutions, the ACT Government Solicitor and ACT Policing have been consulted during the development of the ToR.

External

6. Not applicable

**Work Health and Safety**

7. The Chief Psychiatrist will offer to facilitate support for any external stakeholder who appears before the panel.

**Benefits/Sensitivities**

8. The Expanded Review will examine and review current and best practice for all persons found not guilty due to a mental impairment and transferred into the care of mental health services in the ACT. This format will also enable you to release a greater amount of information from the resulting report as the information will not generally be identifiable to a specific person.

**Communications, media and engagement implications**

9. Dr Arya has responded to the media about the Chief Psychiatrist's review on 7 and 8 November 2023.

Signatory Name: Dr Dinesh Arya, ACT Chief  
Psychiatrist

Phone: (02) 5124 9637



## OFFICIAL

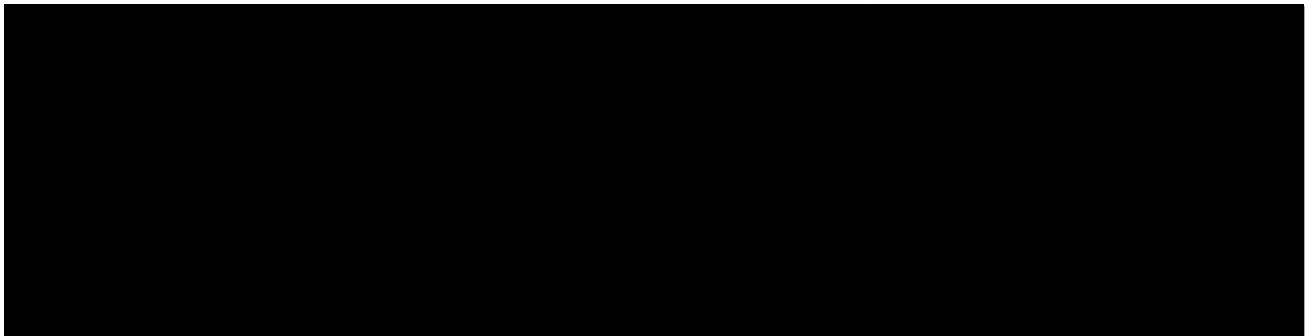
Action Officer: Camille Falkiner, A/Director, Office of the Chief Psychiatrist Phone: (02) 5124 9637

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Endorsed Terms of Reference- Chief Psychiatrist Expanded Review

## Terms of Reference

### Context/background



### Reason

Due to the seriousness of this incident, the ACT Government announced that the Chief Psychiatrist will undertake a review into this incident and the care and treatment provided to this person.

- A Special Purpose Quality Assurance Committee was authorised by the Minister for Health on 30 September 2023, to complete a clinical review of the care and treatment of this person.
- The Chief Psychiatrist is also undertaking an expanded review.

These terms of reference relate to the expanded review.

### Purpose of the Chief Psychiatrist's expanded review

To consider best practice in relation to the ongoing mental health treatment, care and management of persons found NGMI released from custody into the care of mental health services, the expanded review will:

- a) Consider relevant and comparative policies, legislation and guidelines relating the best practice in decision making about mental health care (including leave approval).
- b) Best practice protocols for information sharing with relevant decision makers and/or stakeholders to enable effective and safe mental health care.

### Scope

Consider relevant evidence, expert opinions, research and views and perspectives of relevant stakeholders involved in provision of mental health care and support to people referred to in point above in the ACT. The information from stakeholders around the events of 18 September 2023 may be relevant to consider. Invited stakeholders will include ACT Policing, ACT Ambulance Service, ACT Civil and Administrative Tribunal (ACAT), Public Advocate, Director of Public Prosecutions, Justice and Community Services, ACT Public Advocate and other identified persons to ensure consumer and carer perspective (such as Carers ACT, Healthcare Consumers Association and Mental Health Consumers Network).

Any information provided will be managed in accordance with the requirements of –

- *Information Privacy Act 2014*
- *Health Act 1993*
- *Health Records (Privacy and Access) Act 1997*

### **Review panel**

The following experts with expertise in forensic mental health and mental health law will comprise the review panel.

- Dr Dinesh Arya, ACT Chief Psychiatrist
- Distinguished Professor James Ogloff, AM, Clinical and Forensic Psychologist
- Dr John Crawshaw, New Zealand’s Director of Mental Health and Forensic Psychiatrist
- Dr Juliet Lucy, Barrister and Senior NSW Civil and Administrative Tribunal Member
- Ms Lisa Kelly, CEO, Carers ACT

### **Methodology of Review**

- 1) Inter-jurisdictional analysis (may include similar overseas jurisdictions) of conditional release orders (or equivalent) following NGMI verdict. This may include examination of associated mental health orders, frequency of review, decision-making about ongoing care, provision of required information to facilitate decision making and treatment, as well as leave from the treatment facility.
- 2) Review of any available data in relation to outcomes for persons subject to a CRO within the ACT for comparative analysis
- 3) Review of legislation, any available case law, policies and procedures related to the mental health care of a person found NGMI in the ACT, including those related to leave, risk assessment, decision-making, public safety, and information sharing.
- 4) Best practice protocols for information sharing between health services and government agencies, including Police, Ambulance Service and other care providers.
- 5) Collecting relevant information from stakeholders to examine current processes in the ACT and making associated recommendations (if any) for improvement.

### **Roles and responsibilities**

Chief Psychiatrist will

- Lead the expanded review and support the panel to consider matters identified in the Purpose (above)

Review panel will

- Provide comment on matters before the panel related to their area of expertise, specifically mental health assessment, forensic risk management, decision making processes (including leave from the treatment facility) and information sharing protocols between agencies for persons found NGMI and released into the custody of mental health services.

Acting Director, Special Project, Office of Chief Psychiatrist will

- To the extent to that it is applicable, ensure information will be managed in accordance with the *Health Act 1993* and the *Health Records (Privacy and Access) Act 1997*.
- Oversee internal staff and external consultants engaged in the review access and management and ensure privacy obligations are understood and met.

- Coordinate commissioning of review reports, participation of external experts and manage secretarial support.
- Assist with review of legislation, evidence, research, stakeholder opinions, analysis and preparation of deliverables.

### **Timeline**

#### Last week of October 2023

- Review timeline finalised
- External reviewers confirmed
- First review meeting date set
- Meetings scheduled with stakeholders

#### 1st week of November 2023

- Preparatory meeting with the Review panel
- Confirm TOR

#### 2nd week of November 2023

- Reviewing, analysing information and finalising comparative analysis

#### 3rd and 4th week of November 2023

- Clinician/Stakeholder meetings
- Panel Members provide input in identified subject matter expert areas.

#### 1st week December 2023

- Draft report prepared

### **Deliverable**

Chief Psychiatrist's report to the Minister for Mental Health on matters that would likely lead to an improvement in the outcomes of people found Not Guilty due to A Mental Impairment (NGMI) released into the care of mental health services while balancing community safety. This may include (but is not limited to) recommendations in relation to mental health assessment, care and treatment (including risk assessment), leave management, need for legislative amendments (if any) and information sharing for appropriate and safe care.





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2. Stakeholder meetings have now been completed by both the clinical review panel and the expanded review panel with the exception of the Victims of Crimes Commissioner (VOCC). Members of the expanded review panel will meet with the VOCC on 14 December 2023.
3. Following organisations/entities met with the panel:
  - a. ACT Civil and Administrative Tribunal (ACAT)
  - b. ACT Consumers Network
  - c. Carers ACT
  - d. Justice and Community Services Directorate (JACS)
  - e. Canberra Health Services (CHS)
  - f. Director of Public Prosecutions (DPP)
  - g. ACT Policing
  - h. ACT Emergency Services
  - i. Public Advocate
4. The review has progressed in a timely manner.
5. As planned, it is anticipated that the Chief Psychiatrist will be able to submit his report to you in January 2023. An opportunity will be taken to make relevant government departments aware of significant findings and recommendations before the Chief Psychiatrist submits his report to you.
6. The Quality Assurance Committee report will be submitted to the Chief Executive Officer of Canberra Health Service (CHS) in December 2023

**Issues**

7. On 20 September 2023, the ACT Government announced that it would convene a dedicated working group to action any issues identified as a result of the review. The ACT Government also advised that it would seek direction from the Chief Psychiatrist in relation to what information can be released publicly without compromising the privacy and confidentiality of the patient, with an intention to release as many of the findings as possible.
8. The report will contain advice about how best to progress recommendations. Before providing advice to you about public release of the report advice will be sought from the Government Solicitors Office (GSO).

**Financial Implications**

9. The costs associated with both the clinical review and expanded review will be covered by resources from within the Office of the Chief Medical Officer and Chief Psychiatrist.

## OFFICIAL

10. Consideration will need to be given to implementing recommendations (if any) contained in the Chief's Psychiatrists' report.

**Consultation**Internal

11. ACT Health Directorate legal policy

Cross Directorate

12. CHS, JACS, ACT Civil and Administrative Tribunal, ACT Policing, ACT Emergency Services and DPP met with the review panel.
13. Ongoing advice has been received from the GSO.
14. The VOCC will be consulted in the coming week.

External

15. Carers ACT and the ACT Mental Health Consumers Network participated as stakeholders in the expanded review.

**Work Health and Safety**

16. The Chief Psychiatrist has offered to facilitate support for all stakeholders who appeared before the panels.

**Benefits/Sensitivities**

17. The Chief Psychiatrist's Report will include recommendations and findings to improve mental health care and treatment in the ACT, and may contain recommendations relating to legislation change to enable information sharing and balancing community safety with individual human rights.

**Communications, media and engagement implications**

18. Given the commitment to release as much of the resulting report as is appropriate, there is likely to be subsequent media releases or engagements.

Signatory Name: Dr Dinesh Arya, ACT Chief Psychiatrist Phone: (02) 5124 9637

Action Officer: Camille Falkiner, A/Director, Office of the Chief Psychiatrist Phone: (02) 5124 9637

**Cramond, Sarah (Health)**

---

**From:** Falkiner, Camille (Health)  
**Sent:** Monday, 18 December 2023 11:43 AM  
**To:** Cramond, Sarah (Health)  
**Subject:** this min brief didn't progress because the second update was received by the minister prior to the first  
**Attachments:** Min Brief- Chief Psychiatrist Review Update.docx

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**From:** Falkiner, Camille (Health)  
**Sent:** Thursday, November 23, 2023 10:53 AM  
**To:** Arya, Dinesh (Health) <Dinesh.Arya@act.gov.au>; Trevorrow, Catherine (Health) <Catherine.Trevorrow@act.gov.au>  
**Subject:** Min Brief- Chief Psychiatrist Review Update

Hi Dinesh and Cath,

Please find attached update briefing as requested for your consideration.

Dinesh I want to draw your attention to the final due date of 15 January and ask whether you are envisioning your final report to have DG clearance prior to providing to the Minister. If it goes to DG for approval, the procedures state that it must also be cleared first by DDG, meaning that two people will need time to read it sequentially and for our team to action two rounds of feedback. Let me know what your thoughts are re; clearance process.

Kind regards,

Camille





## OFFICIAL

**Issues**

2. The expanded review and clinical review have commenced, with the final report due to be completed on or by 15 January 2015.

**Financial Implications**

3. Arrangements have been made to cover payments to external reviewers (including travel and accommodation) from resources within the Office of the Chief Medical Officer and Chief Psychiatrist.

**Consultation**Internal

4. Not applicable.

Cross Directorate

5. The expanded review panel has scheduled meetings with representatives from Canberra Health Service, Justice and Community Safety Directorate, The ACT Civil and Administrative Tribunal, the Director of Public Prosecutions, the ACT Government Solicitor, ACT Emergency Services and ACT Policing on the 27 and 28 November 2023.
6. The clinical review has sent invitations to identified clinicians to meet with the Quality Assurance Review Committee beginning week starting 27 November 2023.

External

7. Ms Lisa Kelly, CEO Carers ACT has joined the expanded panel. ACT Consumers network and carer representatives have accepted meetings with the expanded panel.

**Work Health and Safety**

8. The Chief Psychiatrist will offer to facilitate support for any external stakeholder who appears before the panel.

**Benefits/Sensitivities**

9. The Chief Psychiatrist is currently running to schedule with the final report planned to be provided to you on 15 January 2024.
10. The Quality Assurance Committee is due to provide its report to Mr Dave Pepper as the responsible Director General on 31 December 2023.

**Communications, media and engagement implications**

11. Dr Arya has made several media announcements about the expanded review on 7 and 8 November 2023.

## OFFICIAL

Signatory Name: Dr Dinesh Arya, ACT Chief Psychiatrist      Phone: (02) 5124 9637

Action Officer: Camille Falkiner, A/Director, Office of the Chief Psychiatrist      Phone: (02) 5124 9637

**Cramond, Sarah (Health)**

---

**From:** Falkiner, Camille (Health)  
**Sent:** Monday, 18 December 2023 11:45 AM  
**To:** Cramond, Sarah (Health)  
**Subject:** FW: response to minister's feedback  
**Attachments:** Draft Terms of Reference- Expanded Review - 24.10.23.docx

---

**From:** Falkiner, Camille (Health)  
**Sent:** Tuesday, October 24, 2023 12:45 PM  
**To:** ACT Health DLO <ACTHealthDLO@act.gov.au>  
**Cc:** Gower, Tara (Health) <Tara.Gower@act.gov.au>; ACT Health, Clinical Leadership <Clinical.Leadership@act.gov.au>; Trevorrow, Catherine (Health) <Catherine.Trevorrow@act.gov.au>  
**Subject:** FW: response to minister's feedback

Good afternoon,

Thank you for your feedback in relation to MIN2023\_00790.

[REDACTED] and [REDACTED] were approached to facilitate carers representative on the Special Purpose Quality Assurance Committee. In verbal feedback, [REDACTED] advised that they had concerns about the nature of the information that the carer representative may be exposed to as part of their participation on the committee. However, they advised that they would consider the request. The Office of the Chief Psychiatrist followed up with the associations but as of yet we have not received a response. Due to the short time frame, and success in identifying a suitable external consumer representative it was determined that the Committee would progress without a carers representative at this time.

In order to ensure that the carers perspective would be taken into account in the Chief Psychiatrist Review, it was determined that Mr Ophel's parents (and carers) would receive an invitation to provide a carers perspective to the Chief Psychiatrist Expanded Review Panel.

We have attached the current draft of the Terms of Reference to the Chief Psychiatrist Expanded Review for your thoughts. Our intention is to discuss these ToR with the Expanded Review Panel, which is expected to occur this week/next week.

Sincerely,

Camille Falkiner

**Camille Falkiner**  
 A/ Director- Special Project, Psychologist  
 Office of the Chief Psychiatrist  
 Ph: 02 5124 6137 | Email: [Camille.Falkiner@act.gov.au](mailto:Camille.Falkiner@act.gov.au)  
 Office of the Chief Psychiatrist | ACT Health Directorate  
 Level 3, 2 Bowes Street Phillip ACT 2606



**From:** Gower, Tara (Health) <Tara.Gower@act.gov.au> on behalf of ACT Health DLO <ACTHealthDLO@act.gov.au>  
**Sent:** Tuesday, October 24, 2023 10:05:40 AM  
**To:** Cross, Rebecca (Health) <Rebecca.Cross@act.gov.au>; Arya, Dinesh (Health) <Dinesh.Arya@act.gov.au>  
**Cc:** DGACTHealth <DGACTHealth@act.gov.au>; Chief Psychiatrist <ChiefPsychiatrist@act.gov.au>; ACT Health, Clinical Leadership <Clinical.Leadership@act.gov.au>; Health Ministerial Liaison Officer <HealthMinisterialLiaisonOfficer@act.gov.au>; ACT Health DLO <ACTHealthDLO@act.gov.au>  
**Subject:** SIGNED WITH COMMENT : MIN2023/00790 - Initiated brief - Update on review into ANU incident - October 2023 - Minister for Mental Health

OFFICIAL

Good morning Rebecca and Dinesh

This brief has been signed by the Minister with the following comment:

**Minister's Office Feedback**

From verbal discussions, I understand that there were some difficulties in finding a representative for carers for the QAC. Could I please have some further information on what efforts were made to find a representative, and what the barriers were to achieving this?

I would like to see the terms of reference for the expanded report before they are finalised.

As the key themes in the clinical review will inform the work to be done in the expanded review, there will need to be something that I can say publicly about at least this much from the QAC report, while we await the findings of the expanded review.

Grateful for advice via email addressing the comment on a carer representative. Please let me know if you prefer to discuss this verbally at the next briefing.

Grateful if the TOR can be provided to MO prior to it being finalised, as requested by the Minister.

Thank you  
Tara

**Tara Gower | Directorate Liaison Officer | ACT Health Directorate**

Mob [REDACTED] | Email: [ACTHealthDLO@act.gov.au](mailto:ACTHealthDLO@act.gov.au)

**Office of Rachel Stephen-Smith | Minister for Health**

**Office of Emma Davidson | Minister for Mental Health**

Level 2, Legislative Assembly Building, Civic Square



Open in Objective ECM Navigator  
Double click on the attachment

Open in ECM for Browser

<https://objective.act.gov.au/#/documents/fA14192993/details>

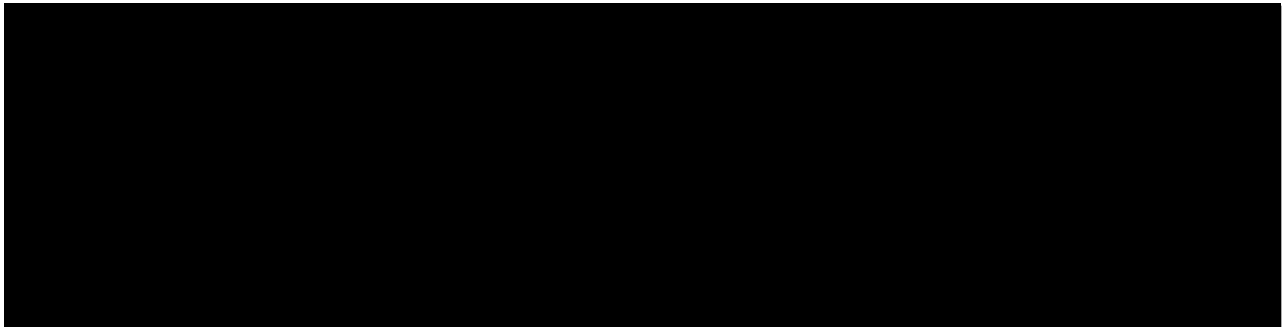


## Chief Psychiatrist's Expanded review

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### Draft Terms of Reference

#### Context/background



#### Reason

Due to the seriousness of this incident, the ACT Government announced that the Chief Psychiatrist will undertake a review into this incident and the care and treatment provided to this person.

- A Special Purpose Quality Assurance Committee was authorised by the Minister for Health on 30 September 2023, to complete a clinical review of the care and treatment of this person.
- The Chief Psychiatrist is also undertaking an expanded review.

These terms of reference relate to the expanded review.

#### Purpose of the Chief Psychiatrist's expanded review

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- a) Consider relevant and comparative policies, legislation and guidelines relating the best practice in decision making about mental health care (including leave approval).
- b) Best practice protocols for information sharing with relevant decision makers and/or stakeholders to enable effective and safe mental health care.

#### Scope

Consider relevant evidence, expert opinions, research and views and perspectives of relevant stakeholders involved in provision of mental health care and support to people referred to in point above in the ACT. The information from stakeholders around the events of 18 September 2023 may be relevant to consider. Invited stakeholders will include ACT Policing, ACT Ambulance Service, ACT Civil and Administrative Tribunal (ACAT), Public Advocate, Director of Public Prosecutions, Justice and Community Services, ACT Public Advocate and other identified persons to ensure consumer and carer perspective.

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- *Health Records (Privacy and Access) Act 1997*

### Review panel

The following experts with expertise in forensic mental health and mental health law will comprise the review panel.

- Dr Dinesh Arya, ACT Chief Psychiatrist
- Distinguished Professor James Ogloff, Clinical and Forensic Psychologist
- Dr John Crawshaw, New Zealand’s Director of Mental Health and Forensic Psychiatrist

### Methodology of Review

- 1) Inter-jurisdictional analysis (may include similar overseas jurisdictions) of conditional release orders (or equivalent) following NGMI verdict. This may include examination of associated mental health orders, frequency of review, decision-making about ongoing care, provision of required information to facilitate decision making and treatment, as well as leave from the treatment facility.
- 2) Review of legislation, policies and procedures related to the mental health care of a person found NGMI in the ACT, including those related to leave, risk assessment, decision-making, public safety, and information sharing.
- 3) Best practice protocols for information sharing between health services and government agencies, including Police, Ambulance Service and other care providers.
- 4) Collecting relevant information from stakeholders to examine current processes in the ACT and making associated recommendations (if any) for improvement.

### Roles and responsibilities

#### Chief Psychiatrist will

- Lead the expanded review and support the panel to consider matters identified in the Purpose (above)

#### Review panel will

- Provide comment on matters before the panel related to their area of expertise, specifically mental health assessment, forensic risk management, decision making processes (including leave from the treatment facility) and information sharing protocols between agencies for persons found NGMI and released into the custody of mental health services.

#### Acting Director, Special Project, Office of Chief Psychiatrist will

- To the extent to that it is applicable, ensure information will be managed in accordance with the *Health Act 1993* and the *Health Records (Privacy and Access) Act 1997*.
- Oversee internal staff and external consultants engaged in the review access and management and ensure privacy obligations are understood and met.
- Coordinate commissioning of review reports, participation of external experts and manage secretarial support.
- Assist with review of legislation, evidence, research, stakeholder opinions, analysis and preparation of deliverables.

**Timeline**

## Last week of October 2023

- Review timeline finalised
- External reviewers confirmed
- First review meeting date set
- Meetings scheduled with stakeholders

## 1st week of November 2023

- Preparatory meeting with the Review panel
- Confirm TOR

## 2nd week of November 2023

- Clinician/stakeholder meetings
- Reviewing, analysing information and finalising comparative analysis

## 3rd and 4th week of November 2023

- Panel Members provide input in identified subject matter expert areas.

## 1st week December 2023

- Draft report prepared

**Deliverable**

Chief Psychiatrist's report to the Minister for Mental Health on matters that would likely lead to an improvement in the outcomes of people found Not Guilty due to A Mental Impairment (NGMI) released into the care of mental health services while balancing community safety. This may include (but is not limited to) recommendations in relation to mental health assessment, care and treatment (including risk assessment), leave management, need for legislative amendments (if any) and information sharing for appropriate and safe care.