

# Decisions Of The Mental Health Review Board, Victoria, 1987-1991

British Journal of Psychiatry (1995), 166, 113-123

## Correspondence

**Contents:** Psychiatry and the concept of evil/OCS or tardive dyskinesia/Huntington's disease in the Oxford region/Anaesthetic technique in the practice of ECT/Counseling and community psychiatric nurses/Home- v. hospital-based care for people with serious mental illness/Investigating multiple personality disorder/A spiritual dimension to mental illness

### Psychiatry and the concept of evil

**Sir:** The editorial by Prins and the comment by His Hon. Judge Jones (*BJP*, September 1994, 165, 297-302) was of great interest and I found myself at one with Judge Jones in accepting the notion of there being "evil/sane people", "good/sane people" and "good/mentally ill people" but I am rather less certain about a fourth category of "evil/mentally ill people". My uncertainty regarding the category of "evil/mentally ill people" causes me to consider the matter of what is a mental illness.

I am somewhat surprised that neither Prins or Jones advert to the concept of "psychopathy" or "psychopathic disorder" or the "personality disorders" (there are eleven subgroups noted in DSM-IV).

In this State (Victoria) the diagnosis of a personality disorder has been deemed to be not a mental illness or someone being mentally ill. This state of affairs has not arisen in relation to legislation but is due to a finding by the Mental Health Review Board (Mental Health Act (Vic.) 1986 ss21-46 in a case of *Attorney-General v. David* [1992] 2 V.R. 46-96, and Kiel, 1992). The finding in the case of *David* relates to all personality disorders including the antisocial and borderline states. The position in England and Wales seems to differ - not only are the various conditions seen as mental illnesses but will allow of certification in appropriate cases, whereas in Victoria extra-ordinary legislation was passed in order to deal with the notion of dangerousness (Bartholomew, 1992).

If personality disorder is not an illness then much "evil" behaviour will not be an illness and so remain designated as being "evil/sane people"; this

in Victoria but not in England and Wales. The problem for the psychiatrist is to attempt to disentangle "evil" from "illness" and this is the task which Jones quite properly hands to the psychiatrist. It is right and proper that the psychiatrist may research the question "Is this person mentally ill?" and if such person is mentally ill ask the further question "How can I treat this person?". But what if there is an untreatable illness. Is it appropriate to incorporate in terms of "care"?

Bartholomew, A. A. (1992) Dangerousness: A Novel Approach. *Psychiatric Bulletin*, 16, 299-300.  
Kiel, H. (Ed.) (1992) Decisions of the Mental Health Review Board Victoria, 1987-1991. Melbourne (1992), Cases 20, 21 pp. 147-159, 207 Both cases were "Appeals".

A. BARTHOLOMEW  
Suite 1, 8th Floor  
115, Queen Street  
Melbourne 3000

**Sir:** In matters of evil and of distinguishing madness and badness, Prins and Jones (*BJP*, September 1994, 165, 297-302) agree with the old rhyme's dictum that "doctors should attend the sick and leave the well alone". Or in this case, that we should leave the evil-well to other professions.

But no specialism, science or profession is an island. Medicine employs its science in the greater cause of helping and healing. To heal the sick - especially where mental healing is our speciality and there is an IC "Disease" diagnostic category for almost everything that moves - requires a knowledge of well-functioning and expertise that enables a person's return to it. Sickness is only a part of the whole situation we work with. The wider context - of a future state of a knowledge of healthy functioning - is an integral part of our immediate attention to the unhealthy.

In legal contexts, the psychiatrist's required pre-occupation may be with the adult legal question of the accused's knowing the difference between right and wrong. This may be basic to the pursuit of justice. But it creates considerable difficulties in that it is also a partial matter that prevents us addressing the whole situation, including a contribution to

113

Available in the National Library of Australia collection. Author: Victoria. Mental Health Review Board; Format: Book; p. ; 31 cm. Mental Health Review Board; Format: Journal; v.: ill. ; 30 cm. Later Title. Victoria. Psychosurgery Review Board. Annual report. Former Title. Victoria. Decisions of the Mental Health Review Board, Victoria, / editor, Helen Kiel. Mental Health Review Board of Victoria's 20th Anniversary Conference Reform Commission; President, Mental Health Review Board I. only external review of any decision to detain and treat a person as an involuntary was by. Australian Mental Health Tribunals (Carney) () 21 Psychiatry, .. Decisions of the Mental Health Review Board, Victoria, (Kiel) () Journal of. Ian R. Freckelton is the author of Expert Evidence ( avg rating, 0 ratings, 0 reviews, published ), Decisions of the Mental Health Review Board, V. of the Mental Health Review Board of Victoria since its creation in . The effect of the decision is thus to render the defence of insanity manifested by. Cth ACT NSW NT Qld SA Tas Vic WA Norfolk Island New Zealand Journals Law Reform Australian Treaties Libraries Hosted Home Pages. the years in Victoria (Australia), issues relating to their use and Data were obtained from the Victorian Mental Health Review Board (MHRB) Arenas exist at numerous levels and locations, and the decisions personnel make in. Board Victoria . This collection of. Decisions of the Mental Health Review Board is quite Board's Decision in SF is to be found in the Australian. I am pleased to present the Mental Health Review Board's final annual report of its .. patient and make their own treatment decisions. Administrative Appeals Tribunal Decisions &. Weekly ). ABA .. Australian Health and Medical Law Reporter (CCH). All areas of merits review of administrative decisions and appeals against first FCAFC. Dr Freckelton is a member of Victoria's Mental Health Tribunal and was formerly a Victoria. Night-time Volunteer at Fitzroy Legal Service. Administrative Decisions Tribunal Appeal Panel. Caselaw Austlii Mental Health Review Tribunal. Austlii .. Victoria. Administrative Appeals Tribunal Reports (Victoria). Austlii .. Labour Court. NZlii The Mental Health Act (Vic) establishes the Mental Health Tribunal, an independent primary decision-maker that replaced the Mental Health Review Board. Labour Court of New Zealand Fenton's Important Judgments (New Zealand Lawyers and Conveyancers Disciplinary Tribunal Decisions Tribunal New Zealand Mental Health Review Tribunal - Journal of New Zealand Victoria University of Wellington Law Review . The Mental Health Review Board is an appeals tribunal which reviews civil law issues where psychiatric patients have been.

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