

MENTAL HEALTH COURT

CITATION: *Re Forbes* [2007] QMHC 007

PARTIES: **REFERENCE BY THE DIRECTOR OF MENTAL HEALTH IN RESPECT OF JACQUELINE ELIZABETH FORBES**

PROCEEDING: Proceeding No 0120 of 2006

DELIVERED ON: 22 June 2007

DELIVERED AT: Brisbane

HEARING DATE: 12 June 2007

JUDGE: Philippides J

ASSISTING PSYCHIATRISTS: Dr Wood
Dr Lawrence

FINDINGS AND ORDER: **1. At the time of the alleged offences of contamination of goods with intent to cause public alarm committed on 20 January 2006 and 25 February 2006 the defendant was of unsound mind as described in Schedule 2 of the *Mental Health Act 2000* (Qld)**

2. The defendant be detained as a forensic patient at Princess Alexandra Hospital District and Area Network Authorised Mental Health Service for involuntary treatment or care

3. Limited community treatment be approved in the nature of escorted leave on and off the grounds of the Princess Alexandra Hospital District and Area Network Authorised Mental Health Service at the discretion of the treating psychiatrist on the conditions that:

a. the defendant remain under the escort of a health service staff member/s nominated by the authorised psychiatrist for the duration of the limited community treatment; and

b. for the purposes of the limited community treatment, the defendant complies with the directions of the nominated staff member/s for the duration of the limited community treatment

CATCHWORDS: MENTAL HEALTH – DECLARATION OR FINDING OF MENTAL ILLNESS OR INCAPACITY – where defendant charged with two counts of contamination of goods with intent to cause public alarm – where defendant denied the charges – where defendant has an extended history of schizophrenia – whether the defendant’s denial of the charges

arises from the defendant's mental condition – whether the defendant was deprived of a relevant capacity at the time of the alleged offences – whether forensic order should be made – whether limited community treatment should be approved

Mental Health Act 2000 (Qld), s 268(2), Schedule 2

COUNSEL: Mr J Farmer for the defendant
Mr J Tate for the Director of Mental Health
Ms D Holliday for The Director of Public Prosecutions

SOLICITORS: Legal Aid Queensland for the defendant
Crown Law for the Director of Mental health
The Director of Public Prosecutions (Qld)

- [1] **PHILIPPIDES J:** The defendant, Jacqueline Elizabeth Forbes, a 58 year old woman, is charged with two counts of contamination of goods with intent to cause public alarm on 20 January 2006 and 25 February 2006. The defendant has also been charged with other offences, but the Court has been advised that those additional charges will not be proceeded with and those charges are no longer the subject of the reference before this Court as to the defendant's mental condition.
- [2] The two charges that are the subject of the reference concern one offence alleged to have been committed on 20 January 2006 at the Toowong Sizzler restaurant and another alleged to have been committed on 25 February 2006 at the Myer Centre Sizzler restaurant.
- [3] On the hearing of the reference on 12 June 2007, I made findings and orders that at the relevant times the defendant was of unsound mind and making a forensic order with limited community treatment. I indicated that full reasons would be published subsequently and do so now.

Circumstances of the Offences

- [4] On 25 February 2006, police were called to the Myer Centre Sizzler restaurant in relation to a report of green particles being found in soup and salad dressings. Customers and employees of the restaurant who ate the soup reported a burning feeling in their mouth and throat. The restaurant staff told police that the defendant had been present at the restaurant that day and this was confirmed by witnesses. The restaurant staff knew the defendant as she was a person of interest in relation to a similar incident at the Toowong Sizzler on 20 January 2006.
- [5] The defendant was arrested in relation to the events of 25 February 2006 on 1 March 2006. Police searched the defendant's belongings and found clothing matching that recorded in Myer Centre video footage from 25 February 2006, a plastic bag containing small green particles and receipts for purchases at Sizzler restaurants, including one dated 25 February 2006.
- [6] The defendant denies all the charges, claiming that she was being poisoned by the staff at Sizzler. She admitted being at the Myer restaurant on 25 February, but stated that she had found a "hard green thing" at the side of her plate, about which she complained to the Sizzler's manager. She also admitted that she had recently

frequented the Toowong restaurant and had spoken to the manager about feeling unwell after eating food there. She said someone had put “medication” in the food. The defendant made statements in respect of both incidences prior to a public announcement about food contamination at the restaurants. She considered the charges as further evidence of “police corruption” and a conspiracy by police to have her wrongly convicted, believing that the police may have harboured some resentment towards her because during the police interview she had made some comments about “dirty cops”.

Defendant’s Diagnosis and Psychiatric History

- [7] The defendant first came to the attention of psychiatric services in approximately 2001, when she was admitted to the Gold Coast Hospital for three days with delusional beliefs. She was diagnosed as suffering from a psychotic disorder but was discharged after declining follow up treatment. The defendant was subsequently admitted involuntarily to the Royal Brisbane Women’s Hospital in June 2004 for one month. Professor Catts, who was the defendant’s treating psychiatrist at the Royal Brisbane Women’s Hospital, reported that whilst he was treating the defendant, she was preoccupied with avoiding exposure to contaminating poisons in the ward area and in her personal belongings.
- [8] When the defendant became more settled she was transferred to the Princess Alexandra Hospital. Upon discharge from hospital, the defendant was seen as an out-patient on three occasions and was reported to remain deluded and insightless. Contact was then lost with the defendant as she changed her address, but it seems that she was non-compliant with medication. On 2 March 2006, the defendant was transferred on a Court Examination Order to the Royal Brisbane Hospital as a classified patient following an assessment by the Court Liaison Service. She is currently being treated with risperdal and sodium valproate at the Princess Alexandra Hospital.
- [9] The defendant has an extended history of chronic schizophrenia, characterised by bizarre delusions and olfactory hallucinations relating to people trying to poison her. She has a history of suffering from delusions of persecutory type, delusions of self-reference and probably delusional memories. She has a complex delusional belief system surrounding persecution by the police, which started at the time of the Fitzgerald inquiry (which the defendant believes she was heavily involved in). She is also suspicious of medical staff.
- [10] The forensic evidence from the expert witnesses is all to the effect that at the relevant time the defendant was suffering from a mental disease. Dr Hay, who saw the defendant on 6 April 2006, diagnosed the defendant with schizo-affective disorder and considers her to have been actively psychotic at the time of the alleged offences. Professor Catts opined that the defendant was at the relevant time suffering from chronic schizophrenia. Dr Schramm interviewed the defendant in March 2006 and diagnosed a delusional disorder which has been active for at least seven years. Dr Reddan, who interviewed the defendant on 24 November 2006, considered that at the relevant time the defendant was suffering from schizophrenia of paranoid subtype, with active psychotic symptoms. Dr van de Hoef interviewed the defendant on 22 September 2006 and also opined that at the relevant time the defendant was suffering from chronic paranoid schizophrenia, characterised by multiple persecutory delusions about being poisoned and also about police being

corrupt and conspiring against her. All the doctors consider that the defendant's mental illness deprived her of at least one of the relevant capacities at the time of the alleged offences.

Dispute of Fact

- [11] In her interviews with the reporting psychiatrists the defendant disputed having any involvement in the alleged offences and the central issue for determination concerns whether the dispute arises only as a consequence of the defendant's mental condition, in which case the Court may proceed, by virtue of s 268(2) of the *Mental Health Act 2000* (Qld) to determine whether the defendant was of unsound mind at the relevant times.
- [12] In Professor Catts' oral evidence he indicated that the defendant claimed that the allegations concerning the alleged offences were part of a police conspiracy dating back decades and that he considered that the defendant's denials were directly related to her delusional thinking in relation to the events in question. Dr Schramm's opinion was also that the dispute ultimately arose from the defendant's mental illness. After considering all the available material, Dr van de Hoef also expressed the opinion that the defendant's dispute of fact arose from her mental illness. She emphasised the defendant's long and clear history of delusional beliefs about poisoning and long history of persecutory delusional beliefs, upon which she had acted many times, about the corruption and inaction of police. She considered that it was likely the defendant suffered from worsening psychotic symptoms and poisoned the food, then complained herself "to prove" the shortcomings of the police and to expose drug dealers and thugs she believed to be in the restaurants. In her report of 10 December 2006, Dr Reddan expressed some reservation as to whether the defendant's denial of the alleged offences arose purely from her psychotic thinking. However, in oral evidence she indicated that, on the basis of the additional information that Dr van de Hoef was able to obtain from the defendant, she would also adopt Dr van de Hoef's opinion on the question.
- [13] The consensus in the clinical opinions before the court, with which the advice of the assisting psychiatrists agreed, is that the defendant's denial arises only as a consequence of her mental condition. I am satisfied that that is the case and that the defendant was at the relevant times of unsound mind.
- [14] With regards to the defendant's future management, all the evidence indicates that a forensic order is required, given the seriousness of the alleged offences, the defendant's ongoing treatment needs and the protection of the community. Professor Catts in particular recommended long-term continuation of treatment under a forensic order due to the likelihood of the defendant refusing treatment and the fact that she poses a high risk of harm to others. Dr van de Hoef also referred to the persistent high risk that the defendant continues to pose because of her delusions.
- [15] I order that the defendant be detained as a forensic patient at Princess Alexandra Hospital District and Area Network Authorised Mental Health Service for involuntary treatment or care. I approve limited community treatment in the nature of escorted leave on and off the grounds of the hospital at the discretion of the treating psychiatrist on the conditions that:

- (a) the defendant remain under the escort of a health service staff member/s nominated by the authorised psychiatrist for the duration of the limited community treatment; and
- (b) for the purposes of the limited community treatment, the defendant complies with the directions of the nominated staff member/s for the duration of the limited community treatment.