



## Standing Committee on Health and Community Wellbeing

**Inquiry into Annual and Financial Reports 2020-2021**  
**ANSWER TO QUESTION TAKEN ON NOTICE**  
**21 February 2022**

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Asked by MR PETERSSON on 21 FEBRUARY 2022: MINISTER DAVIDSON took on notice the following question(s):

Ref: Hansard Proof Transcript 21 FEBRUARY 2022 PAGE 31 and 33

In relation to:

Has anyone ever escaped from the Adult Mental Health Unit?  
When the most recent escape?  
Outline the details of any escapes, the circumstances, in the past two years

MINISTER DAVIDSON: The answer to the Member's question is as follows:

A person subject to a section 309 (s309) under the *Crimes Act 1900* is not permitted to leave Canberra Hospital, including Adult Mental Health Unit (AMHU) unless in the custody of Australian Federal Police (AFP). For any person detained and in the custody of Canberra Health Services (CHS) under the provisions of the *Mental Health Act 2015*, leaving the facility is classified as an escape and is a criminal offence (s160, *Crimes Act 1900*).

People subject to a s309 under the *Crimes Act 1900* are considered to have escaped if they leave against medical advice and not in the custody of the AFP. All other patients that leave the unit are absent without leave or absconded.

CHS can confirm that we are working with ACT Policing in relation to a person that allegedly escaped lawful custody from AMHU in February 2022. This is the only incident that has occurred in the last two years. As this matter is an active police investigation and before the courts, it would not be appropriate to provide further details.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature: *Emma Davidson*

Date: 8 March 2022

By the Minister for Mental Health, Minister Davidson