

# Killer hopes for day trips in 3 years

Herald Sun, 31 March 2001, 5

By **PETER  
MICKELBROUGH,**  
**chief police reporter**

**KILLER** Neville Garden will be eligible for day release in less than three years despite his brazen escape this week.

As a prisoner in the mainstream jail system, Garden can seek day release three years before he is due for parole in January 2007.

But a spokesman for Correctional Services Commissioner Penny Armytage said Garden was unlikely to be given early day release.

While he can apply for day leave from January 2004, the spokesman said it was only granted in "exceptional circumstances" before the final year before a prisoner's parole was due.

It must be approved by a ministerial community advisory committee.

Garden, 45, will serve out his time in high-security cells.

He was checked by a psychiatrist at the Melbourne Assessment Prison after his recapture in Mallacoota on Thursday after four days on the run.

"He has been assessed as stable and he has been given appropriate medication to which he has been responding for some time," Ms Armytage said.

Garden is now being kept in the jail's acute assessment unit, a



**Neville Garden**

specialist mental health unit. He will be monitored closely before a permanent home is found for him, either in that unit or at Port Phillip Prison, which can also house mentally ill prisoners.

Garden escaped at Southgate on Sunday while on day leave in the company of two nurses from the Thomas Embling Hospital, which is home to the state's most acute psychiatric cases.

He is serving a sentence of 18 years and nine months with a minimum of 13 years for the murder of Mildura milk bar owner John Voliotis and the attempted murder of his wife, Paula Voliotis, in 1994.

The State Government has announced a complete review of leave arrangements for all secure patients at Forensicare's Thomas Embling Hospital and the neighbouring State Forensic Service.

# Vital lesson

**S**TRANGE as it may seem, the escape of paranoid schizophrenic Neville Garden may be the best thing to happen to our mental health system in years.

In the public and official panic that followed his disappearance at Southbank last Sunday, we learned that the system is routinely failing to do its job.

Not only was Garden able to assemble an escape kit of passport, cash and other official documents, the failure to warn the public effectively gave him a 24-hour headstart.

And it wasn't long before other cases began to emerge, including the horrific claim that a child rapist was able to attack two young girls while housed as a live-in patient at the State Forensic Service.

While the State Government and mental health authorities are rightfully relieved Garden's escape ended without tragedy, they should be aware that they may only have this chance to get it right.

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## When freedom comes too easily

In a statement, Professor Mullen welcomed the review. His response mirrored his reaction to calls for better security after Barron's escape seven years ago.

"There has to be a balance between appropriate treatment, rehabilitation and public safety and the review will help ensure we achieve that," he said.

In 1994, Professor Mullen said: "It's really a matter of balance, of providing proper care and treatment in a humane environment that offers safe containment which address the understandable fears of the public."

Whatever the review's outcome, it will have little effect on Garden.

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He has been reclassified into the mainstream prison system.

Garden is expected to stay in a secure unit in the Melbourne Assessment Prison of Port Phillip Prison — the only other jail that caters for inmates with psychiatric problems — at least until he becomes eligible for parole in 2007.

There will be no more music sessions with "Dazza, Chris and Sean the Leprechaun", who, with Garden, formed the Water on Mars band and cut a CD in October in a music therapy course.

And there will be no day-release trips for at least three years.



**Professor Paul Mullen**



## CASE STUDY 3: EDITORIAL

For some, freedom comes too cheaply, report **PETER MICKELBROUGH, KAMAHL COGDON** and **LEELA de KRETZER**

# Why was this man free?



**W**ITH a new passport, driver's licence and thousands of dollars at his disposal, all that deranged killer Neville Garden needed was freedom.

Garden didn't walk to freedom through the doors of the Thomas Embling Hospital.

Instead, the deranged killer simply waited until last Sunday, when two carers from the psychiatric hospital took him on a day-release outing to Southbank.

Months of planning his flight to freedom were completed with a simple trick that saw Garden give his two female carers the slip.

Feigning an upset stomach after one nurse went to get coffee, the obese paranoid schizophrenic told his second carer he had to use the toilet urgently.

Instead, Garden barged up some stairs, pushing aside stunned shoppers, and disappeared into the crowd.

After a brief search the nurses returned to the Fairfield hospital and finally raised the alarm — 65 minutes after their charge had fled.

With hospital assurances that Garden, 45, posed no danger, a public warning about the escapee was not issued until late Monday, and no up-to-date photograph was available until Tuesday — 48 hours after his escape.

In the meantime, Garden had made his way to Dandenong. Under a cloak of anonymity he was able to buy \$280 worth of camping gear and supplies from the South Gippsland Highway Aussie Disposals shop.

The shop manager sent the strange man with a goatee beard to a nearby supermarket for dehydrated food and watched him leave in a cab.

Garden then went to the Shawlands Caravan Park and asked for an on-site van.

None was available so he

**Review:** the escape by deranged killer Neville Garden last weekend sparked orders for an immediate halt to his hospital's day-leave program.

hired a camping site and returned to the shops and bought a cheap tent and inflatable mattress.

By the time the police alert was made public, frightening details about homicidal capabilities were emerging.

An internal police e-mail, distributed statewide, warned that Garden — who shot dead a Mildura milk bar owner in a random attack in 1994 — had told hospital staff he would use guns again.

It also warned he had a documented hatred for authorities; could become uncontrollably violent if he mixed alcohol with his medication for paranoid schizophrenia and diabetes; and could kill again once his daily medication wore off.

**O**N New Year's Day, 1994, Garden went to the milk bar of John Voliotis, 50, carrying a rifle with a telescopic sight hidden in a guitar case.

He lay down outside the shop and waited.

When Mr Voliotis and his wife, Paula, emerged to lock up, Garden raised his gun, looked at a man he had never

met and shot him in the neck. He then pointed the gun at the man's distraught wife, pulling the trigger twice as she went to her dying husband's side. One of the bullets passed through her hair.

Garden pleaded not guilty to murder and attempted murder by reason of insanity, but was convicted.

puted the police risk assessment. The police memo said Garden's psychologists had indicated he was capable of killing again and they believed the escape had been well planned.

But Professor Mullen said a search of Garden's hospital room had revealed no indication of preparation.

Police in turn were critical

chiatry, when notorious murderer Bobby Barron escaped from its top-security ward.

Barron, who had 20 years earlier been found guilty of shooting dead an elderly Salvation Army couple, spent a week on the run.

After Garden's escape, Professor Mullen attacked the *Herald Sun* for revealing he was on the loose, accusing the paper of a campaign of fear.

But just as Barron's escape highlighted the lack of security at Mont Park, Garden's escape raised serious fears about the use of day leave and security at Thomas Embling.

The hospital had only recently received the findings of an inquiry into its security after the escape of two inmates last December. Since it opened in April last year, three inmates have escaped over the hospital wall — one twice — and three have escaped while on escorted day leave.

**I**N all cases, except Garden's, the absconders have returned to the hospital within 24 hours and none has committed any crimes while on the run.

Professor Mullen refused to explain why Garden was allowed to renew his passport, driver's licence and crane operator's licence on separate supervised outings — or why he had access to large sums of money.

Garden's passport was renewed after he was taken by hospital staff to a post office for an interview, despite his having served just six years of his 18-year, nine-month term.

That the criminal was allowed to leave the Fairfield hospital in the company only of two unarmed female nurses outraged the Crime Victims Support Association and disturbed the State Government.

CVSA president Noel McNamara called for a judicial inquiry, while Health Minister John Thwaites announced a halt to the hospital's day-release program and ordered it be reviewed.

Parole Board head and Supreme Court judge Justice Frank Vincent has been appointed to head a panel to review day leave arrangements at the hospital.

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### Garden's escape raised serious fears about the use of day leave and security at Thomas Embling

He thought Voliotis was a Mafia drug dealer who was stopping him from seeing his children. He also thought the CIA and ASIO had implanted transmitters in his teeth.

Professor Paul Mullen, the clinical head of Forensiccare, which operates the year-old Thomas Embling Hospital, dis-

posed the hospital for underplaying the threat Garden posed to those with whom he might come into contact.

It was not the first time Professor Mullen has had to cope with a schizophrenic killer's escape. In 1994, he was based at Mont Park, as Victorian director of forensic psy-



# Prisoner deemed 'stable' after escape

Mental health activists say Colin Garden's health is now at risk.

By **PADRAIC MURPHY**  
and **DARRIN FARRANT**

The mental condition of runaway killer Colin Neville Garden was reclassified as stable by Victoria's chief psychiatrist on Monday, despite authorities not knowing his whereabouts, according to the Correctional Services Commissioner, Penny Arnytage.

The "stable" assessment meant

Garden was discharged as a psychiatric patient and then placed in the prison system when he was recaptured on Thursday.

Garden was held at Fairfield's Thomas Embling Hospital, which is reserved for the state's most serious psychiatric cases, before his escape from nurses while on day leave last Sunday.

But mental health activists are concerned by Garden's reclassification because it means he is no longer required to take medication to treat his acute schizophrenia.

Under state law, only forensic, non-voluntary psychiatric patients (Garden's previous classification) can be forced to take medication.



**Colin Garden: Now in jail.**

"This action is very specific and I think he's being made an example of," said Paul Morgan, spokesman for schizophrenia activist group SANE Australia. "I guess the govern-

ment has to be seen to be doing something but I'm not sure this is the best thing for him and it sets a precedent for how these things may be handled in the future."

Facilities exist at the Melbourne Assessment Prison, where Garden is being held, and Port Phillip Prison to house psychiatrically ill prisoners.

"Because he's in a stable mental state he's been put into the corrections system and is being kept in the acute assessment unit at MAP," Ms Arnytage said.

The Mental Health Legal Centre has accused the State Government of unfairly cancelling almost all leave of psychiatric patients at Thomas Embling Hospital in the wake of

Garden's escape. About 40 patients at the hospital have been restricted to leave only for court attendance or urgent medical reasons.

Shauna Hearity, a solicitor at the centre, said the decision was unfair and jeopardised rehabilitation prospects of patients.

"They are not prisoners — they are patients," she said. "This will really affect their therapeutic environment for rehabilitation. It's like saying that someone didn't come back from lunch so all of you have to stay back in the office."

Ms Hearity said the centre was examining the possibility of legal action.

But a spokeswoman for Health

Minister John Thwaites said the Office of the Chief Psychiatrist had cancelled the leave. The chief psychiatrist can revoke leave if convinced that the safety of the patient or the public may be endangered.

Yesterday, the Law Institute of Victoria joined Liberty Victoria in condemning the police's re-enactment of Garden's arrival at Essendon Airport for the media following his recapture.

Institute spokesman David Grace, QC, said the incident was "entirely inappropriate".

A decision about Garden's long-term correctional placement will be made in the next few weeks.

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## **Cancelling hospital leave unlawful**

The Age, 31 March 2001, News Extra Section, page 6

Since Neville Garden absconded while on day leave at Southgate, the day leave of all fellow patients at Thomas Embling Hospital, a secure hospital, has been cancelled. The cancellation of leave is unlawful.

The government does not have the legal right to revoke the leave of patients at Thomas Embling Hospital. Leave can be revoked only in very serious circumstances by the chief psychiatrist and the secretary of the Department of Human Services.

The leave of a person can be suspended if they are satisfied that the safety of the person on leave or members of the public will be seriously endangered. We fail to see how the escape of a fellow patient is a relevant consideration. To punish a patient and deny leave because of the actions of another patient is unlawful. The fact is, in Victoria no person has been convicted of committing a serious violent offence after being released from a security hospital.

The Thomas Embling Hospital is a hospital, not a jail. Many patients whose leave has been cancelled have been found not guilty of a criminal offence by reason of mental impairment. Further, revoking leave hardly helps rehabilitation.

**SHAUNA HEARITY,**  
solicitor, Mental Health Legal Centre



# A fine balance; risk and rehabilitation

Sunday Age, 1 April 2001,  
page 11

By **CHLOE SALTAU**  
SOCIAL POLICY REPORTER

Thomas Embling Hospital, the forensic mental health institution that was home to convicted killer Neville Garden before he absconded from a supervised outing to Southbank a week ago, is not a prison. And apart from the high metal fence that encircles it, and the thumbprints you have to register with security before you enter, it does not feel like one.

It is ensconced in bright, leafy Fairfield, abutted by Yarra Bend Park, and is a far cry from the old, defunct homes for the criminally insane, variously described as nightmarish, decrepit and plain frightening. By contrast, Thomas Embling Hospital, planned with bipartisan support during the Kennett years to replace facilities at Ararat and Mont Park and opened by Labor Health Minister John Thwaites last year, is "state of the art".

Garden — a paranoid schizophrenic — has now been discharged into the corrections system.

The assistant clinical director of inpatient operations at Thomas Embling, Justin Barry-Walsh, conceded that in a forensic hospital such as this, problems were inevitable. He would not comment on whether Garden's escape from Southbank into a taxi, and eventually to Mallacoota where he was recaptured on Thursday, was one of those inevitabilities or whether it was the failure of a flawed forensic health system. That is now the subject of an investigation headed by a Supreme Court judge, Justice Frank Vincent.

But Dr Barry-Walsh, the State Government, Opposition Leader Denis Naphthine, the Yarra Bend Park Trust and the Health and Community Services Union, which represents psychiatric nursing staff, all believe it is a system in need of review, and one that is trying desperately to balance the treatment and rehabilitation needs of its mentally ill patients with the safety of an anxious community.

"The system does need to be reviewed because there is a lack of clarity about when in someone's sentence they should be given leave, for what purpose, and what's the goal of that leave," Dr Barry-Walsh

said. "That will probably result in a more conservative process than it has been and I can't say whether that's good or bad ... But if you remove the risk completely you turn this place from a hospital into a prison."

He explained that patients had a right to be granted leave, for therapeutic and rehabilitative reasons.

"Even in a facility as advanced as this, people become institutionalised and when they walk out the door they are simply not prepared for community living, and that places the community at risk."

There are 80 patients at Thomas Embling, some of them forensic patients who have been found not guilty of serious crimes by reason of mental impairment, and others, like Garden, who have been convicted but have been sent to the secure hospital instead of prison, based on psychiatric advice.

Dr Naphthine believes procedures should have been updated earlier, when forensic mental health facilities were amalgamated at Fairfield. But the Victorian secretary of the Health and Community Services Union, Lloyd Williams, traces the problem back to a decision in 1994 by the Kennett government to abolish direct university entry for specialist psychiatric nursing education.

According to Mr Williams, mental health has since constituted between zero and 10 per cent of nursing training.

The situation is compounded by a desperately inadequate number of male psychiatric nurses, which manifested itself last Sunday when there was no male staff member to accompany Garden to the toilet.

"Can you imagine two women nurses trying to handle a six-foot male with serious psychosis?" Mr Williams said. "The number of men coming through this comprehensive nurse education system is almost nil."

Robyn Williams, a Yarra Bend Park trustee, said local residents and businesses wanted an emergency response plan for incidents like the one involving Garden. She felt sure his absconding would result in greater transparency of procedures involving day leave for patients.

**SUNDAY FORUM 20: Editorial**



■ **Last Sunday, Neville Garden escaped on a city day trip.**  
■ **Garden — a paranoid schizophrenic — was serving a 13-year minimum sentence at the Thomas Embling Hospital in Fairfield, for murder.**  
■ **He was captured at Mallacoota on Thursday.**

■ **Thomas Embling Hospital was planned to replace facilities at Ararat and Mont Park. It is the only forensic mental health facility in Victoria.**  
■ **When it opened on April 14, 2000, it was lauded for its high level of security. It can house up to 120 people, and currently houses 80.**  
■ **It treats two kinds of patients — those found not guilty due to mental illness, and those who have been convicted but sent to the hospital on psychiatric advice.**