



CORONER'S COURT

Name of Deceased: Nicholas Waterlow

File Number: 2009/473553

Hearing Dates: 18, 19, 21 & 22 February 2013

Location of Inquest: Coroners Court Glebe, NSW

Date of Finding: 10 January 2014

Coroner: Magistrate P. A. MacMahon
Deputy State Coroner

Representations: Dr P Dwyer - Counsel Assisting.
Mr B Hull – St Vincent's Hospital
Mr J Morris – Dr P McGeorge
Mr R Sergi – Nepean Blue Mountains
Local Health District

**Non-publication order made pursuant to Section 74(1)(b)
Coroners Act 2009:**

Nil.

**Findings made in accordance with Section 81(1) Coroners Act
2009:**

Nicholas Waterlow (born 30 August 1941) died on 9 November 2009 at 87 Clovelly Road Randwick in the State of New South Wales. The cause of his death was multiple stab wounds to the body inflicted on him by a known person.

**Recommendations made in accordance with Section 82 (1)
Coroners Act 2009:**

To the Minister for Health:

That the NSW Government considers amending the Mental Health Act 2007 in order to:

1. Expressly state that in determining whether to schedule a mentally ill patient pursuant to s.14 (1)(a), the term *‘for the person’s own protection from serious harm,* should be understood to include the harm caused by the mental illness itself.

2. Expressly state that in determining to schedule a mentally ill patient pursuant to s. 14(1)(a), the term *for the protection of others from serious harm* should be understood to include *for the protection of others from serious emotional harm*.
3. Delete reference to *physical harm* in s. 15(a) and (b) and to specify that the term *for the persons own protection from serious harm*, should be taken to include the harm caused by the mental illness itself, and the term *for the protection of others form serious harm* should be understood to include *for the protection of others from serious emotional harm*.
4. Ensure that there is no ambiguity in Part 1(1) of Schedule 1 as to the test that must be met before a patient is scheduled in accordance with the Act.

That NSW Health design and distribute an information booklet setting out advice (that includes an emphasis on the availability of community treatment orders) for families, carers and friends seeking to support persons suffering from a mental illness/disorder, who have been threatened by or are fearful of a person who may be suffering a mental illness/disorder.

Magistrate P A MacMahon
Deputy State Coroner
10 January 2014

