

Reviewer: Ian Freckelton
Barrister, Melbourne, Australia; Past-President, ANZAPPL;
President-Elect, ANZAPPL (Victoria)

Inside Madness

M. Sweet

Macmillan, Sydney, 2006, pb, 334pp, \$35

On 14 October 2002 a tragic event that was to send shockwaves through Australia's mental health community occurred. Dr Tobin, the Director of Mental Health Services of South Australia, was shot four times as she was leaving a lift at the eighth floor of the building where she was employed. A deregistered psychiatrist, Eric Gassy, was charged with her murder. The prosecution case was that he had travelled up in the lift with her and shot her as she was exiting. The Crown alleged that the motive for the shooting arose from Dr Tobin's involvement in the removal of Gassy's name from the Register of Medical Practitioners by the Medical Tribunal of New South Wales in 1997.

The case against Gassy was based substantially on circumstantial evidence. He was a resident in Sydney at the time of the murder. The prosecution case was that he had hired a car in Sydney and had driven to Adelaide in order to kill Dr Tobin. Gassy denied that he was in Adelaide when Dr Tobin was killed. There was evidence that he owned pistols that were of the same brand and manufacture as the pistol used to shoot Dr Tobin. It was also alleged that he possessed ammunition of the same kind as that with which Dr Tobin was shot. The prosecution alleged that Gassy had a strong motive to kill Dr Tobin. The prosecution case in relation to motive was strong. For a time during the 1990s, Dr Tobin had been his superior officer at a hospital in Sydney. She became concerned about his mental condition and expressed her concern to the Medical Board of New South

Wales in July 1993. This was the first in a series of events that led to his name being removed from the Register of Medical Practitioners.

There was evidence that Gassy kept records relating to other persons who had been involved in the process of his removal from the register. It was alleged that he bore a grudge against all of them. There was evidence from various witnesses to the effect that Gassy blamed Dr Tobin for the role she had played in his deregistration. It was also alleged that some 6 months before Dr Tobin was killed, Gassy had hired a car and had driven to Brisbane at a time when the annual conference of the Royal Australian and New Zealand College of Psychiatrists was in progress at the Brisbane Convention Centre. Dr Tobin was attending that conference. The prosecution alleged that Gassy was seen behaving in a suspicious manner in the vicinity of the conference and that there was evidence to suggest that he was carrying a firearm. Gassy denied being in Brisbane at the time of the conference. There was evidence from a number of witnesses who purported to identify him in Brisbane and in Adelaide. Gassy gave evidence at the trial. He denied any involvement in the killing of Dr Tobin. He denied being in Brisbane at the time of the conference. He said that the firearms in his possession at the time of the police search were registered and that he was licensed to use them. He used them, he said, for target shooting.

Melissa Sweet tells the tragic story of the converging careers of the two psychiatrists, Drs Tobin and Gassy, leading up to the unsuccessful

appeal against his murder conviction by Gassy: *R v Gassy (No 2)* [2005] SASC 491. She does so in the context of the mental illness progressively suffered by Gassy and against the political backdrop of reforms to the public mental health system in South Australia, Victoria and New South Wales in which Dr Tobin played an integral part in the 1990s and until her death.

The author is a health journalist who has worked for the *Sydney Morning Herald*, the *Bulletin* and Australian Associated Press. She is an Adjunct Senior Lecturer in the School of Public Health at the University of Sydney. *Inside Madness* is her second book. She reveals a mixture of motives for writing the book. She had met Dr Tobin shortly before her death and been struck by 'how upfront she had been'. Sweet's own brother also died in the context of mental illness and, as she puts it, 'the questions I asked about her work were also helping with the questions I wanted answered for myself' (p. 308).

Sweet's book is essentially two biographies of doctors whose careers problematically and then tragically intersect. She relates her story entertainingly and engagingly. Although it is readily apparent that she is an admirer of Dr Tobin, she portrays her warts and all. The reader can readily enough discern that Dr Tobin would not have been an easy person in most contexts to interact with. She was driven, obsessed, extremely ambitious and did not suffer many around her readily.

By 1993, as a recently appointed Fellow of the College, she moved with her husband to Sydney as Director for Mental Health for St George Hospital and the Southern Sydney Area Health Service. Sweet describes the anticipation and apprehensions of staff. She was responsible for a substantial shake-up of the service and was effective in garnering extra funding for it, albeit at the expense of other services. Already she was more inclined to call a spade 'a bloody shovel' than either a horticultural implement or a spade. Sweet describes Dr Tobin's major mechanism for stress relief as retail therapy.

By July 1994 Dr Tobin had encountered Dr Gassy, a young psychiatrist of Mauritian descent, who had been on prolonged stress leave at St George Hospital. She moved quickly to notify the Medical Board of New South Wales of her concerns for his welfare. By April 1995 a hearing was convened by the Board about Dr Gassy. Around the same time the Southern and Eastern Sydney Area Health Services were merged and Dr

Tobin was asked to be Director of Mental Health for the new combined entity. Dr Tobin's tense and competitive relationship with Beverley Raphael, the Director of the Centre for Mental Health, a policy unit in the New South Wales Health Department, is chronicled by Sweet. The author describes Dr Tobin's reduction of a colleague to tears and her complete lack of repentance or empathy — you have to be tough to do a tough job, Sweet reports as Tobin's view.

By 1994 Dr Gassy was becoming more and more concerned that Dr Tobin was monitoring him improperly. He arranged for his room to be checked for bugs. Shortly afterwards he was assessed by an independent psychiatrist as having a psychotic delusional disorder and requiring medication. His delusions were persecutory and the assessment was unable to assess whether he would ever be able to return to practice. However, by October 1994 another psychiatrist wrote a report for the Medical Board urging it to reconsider Gassy's case. He maintained that Dr Gassy was a relatively junior psychiatrist placed in 'a situation of intolerable emotional stress when he was expected to take high level clinical and administrative responsibility at St George Hospital' (p. 105). However, the Board maintained its position.

Dr Gassy resigned from St George's, blaming Dr Tobin for his situation. However, his troubles intensified. A Professional Standards Committee was called upon to investigate Dr Gassy's contravention of conditions on his registration by reason of his refusal to attend a medical review. It determined that he had been transiently psychotic after a period of intense work-related stress but found no evidence of paranoid thinking or psychotic thought processes. It found him guilty of unsatisfactory professional conduct but considered him fit to practise medicine provided he complied with various conditions, including seeing a Board-appointed psychiatrist and working in a position with supervision. He was dissatisfied with the conditions and declined to practise in New South Wales. In 1996 he started to self-prescribe AIDS medication and reported for a training course for security guards. He bought a pistol shortly before his case came before the Medical Tribunal early in 1997. Some weeks before the hearing he flew to New York to buy HIV medication. This was in spite of the fact that repeated testing showed that he did not have HIV, still less AIDS.

Before the Medical Tribunal Dr Gassy was emphatic that he would not submit to assessment by the Board's nominated psychiatrist. A previous psychiatrist expressed the view that Dr Gassy was at risk of becoming violent. On 1 August 1997 the Tribunal deregistered Dr Gassy but permitted him to apply for reinstatement within 6 months if he provided appropriate evidence of his condition. Judge Bell wrote: 'notwithstanding our disapproval of his attempt to exercise a right of veto over the Board's choice of psychiatrist, we would hope that the Board will give consideration to his wishes; the fact that he has been somewhat high handed would not justify a retaliatory response' (p. 117).

Gassy never made any attempt to comply, instead obtaining work in the security industry. However, by 1999 he resigned from work amidst financial problems about affording HIV medication. As the years passed and his HIV tests continued to be negative Gassy was not reassured. In July 2002 he joined a gun club in south-west Sydney.

Meanwhile in mid-2000 Dr Tobin was appointed Director of Mental Health Services in South Australia. This was in the aftermath of a well-known female psychiatrist being stabbed to death by a patient at Hillcrest Hospital (see PPL 5(2): 167) and a series of strikes at Glenside Hospital. Again Dr Tobin's stewardship prompted a measure of antagonism and angst. She was politically active and overtly reformist. Her efforts bore a significant measure of success. In her own right she was feted, being given the title of Professorial Fellow at Flinders University.

On 12 October 2002 evidence from the trial has made it clear enough that Gassy made his way to Adelaide as bombs destroyed nightclubs in Bali. A person then unknown made his way to Dr Tobin's building and fired four shots into her. It took some time for suspicion to make its way to Gassy but by November he was arrested and extradited to Adelaide. Gassy tried to oppose the extradition on medical grounds related to his determination that he suffered from HIV. He was not successful.

Sweet tells the story of the trial absorbingly. It was evidently an unedifying spectacle. Gassy represented himself and struggled with the technical requirements of acting as his own lawyer, as well as when under cross-examination. In many ways the spectacle of the unrepresented accused in

a murder trial appears to have been pathetic. Gassy's obsessions, paranoias and bitteresses in respect of his deregistration were on full show. The trial was punctuated by repeated (and vain) attempts by Gassy to have the trial judge, Vanstone J, recuse herself for bias.

On day 44 of the trial, after lengthy deliberations, the jury found Gassy guilty of murder. Justice Vanstone imposed a life sentence upon Gassy and stated 'I think as long as you live, you will be profoundly dangerous'. She set a non-parole period of 34 years.

Sweet comments that Dr Tobin's career 'tells the story of the huge changes which have occurred in mental health in recent decades. There have been so many good intentions, so much rhetoric. But there still is so much suffering, so much loss ... But with the knowledge that already exists, it should be possible to a much better job than currently occurs' (p. 308). She concludes by referring to the 2003 report of the Mental Health Council of Australia, *Out of Hospital, Out of Mind* and in particular its assertion that Australia continues to lack a system of effective and accessible mental health care. She closes by observing: 'Margaret Tobin's death was a tragedy at so very many levels'.

Sweet's *Inside Madness* is an absorbing, distressing narrative. Her characterisation of Dr Tobin is intriguing. At times it lapses into the hagiographical but it retains an integrity by reason of Sweet's preparedness to portray Dr Tobin from a range of different perspectives. It is more than apparent that Sweet is fascinated by a strong professional woman who was passionate to reform mental health systems but whose actions were generated by a range of motives and nuances. Likewise, she is desperately troubled at how Dr Gassy could have received so little attention for his deteriorating paranoid psychosis. Here, unequivocally, is a person who should have been the recipient of mandatory mental health services. Yet he completely slipped through the cracks in spite of his bizarre behaviours and ideation, which manifestly always had a dangerous edge to them and an ominous potential. Frequently we do not deal well with prominent or well-heeled and querulous persons with psychiatric disorders. With Gassy's obsessions and ruminations focusing more and more upon a high profile individual he believed had wronged him, the consequences

of his untreated mental illness generated an absolutely tragic and avoidable outcome.

Inside Madness contains much that is worthy of reflection. The New South Wales Medical Board, the New South Wales mental health system and the South Australian Supreme Court in their different ways all struggled when confronted with a highly intelligent man with no insight into his mental illness and who was prepared obsessively and determinedly to assert

his rights and to deny his illness and the commission of any wrongdoing on his part. The consequence is that a leading mental health system reformer is dead and her killer, a deeply unwell man, is locked up for at least 34 years. Sweet's *Inside Madness* is well written, and easily read. It leaves much food for thought. It should be purchased by all with an interest in how Australia's mental health, court and regulatory systems function in the contemporary environment.

