

Health and Community Services Committee
Departmental Briefing on the Mental Health Bill 2014
Thursday 11 December 2014
Question on Notice
No. 1

QUESTION:

Were the views of the patients, parents and families of the Barrett Adolescent Centre considered during the review of the *Mental Health Act 2000*?

ANSWER:

The Review of the *Mental Health Act 2000* included two public rounds of consultation – the first round occurred from July to August 2013; and the second occurred following the release of the Discussion Paper in May 2014. Two consultation meetings were held at The Park Centre for Mental Health during the review. Recommendation 18 of the Discussion Paper specifically sought the views of the stakeholders on a number of matters relating to children and adolescents.

A revision of the submissions made during the Review, identified only two submissions where the Barrett Adolescent Centre were raised. These submissions are confidential.

The first submission was made by an advocacy group and recommended that,
“involuntary admission be used as a last resort for young people, and that all steps should be taken to ensure that a young person is able to receive treatment for their mental illness at the same time as living with their families”.

The use of involuntary treatment as a last resort is strongly promoted by the Mental Health Bill 2014 (the Bill), with a requirement that doctors must consider alternatives before an involuntary treatment order is made, for example parental consent. Additionally, the Bill promotes treatment in the community by allowing treatment to be provided in any setting that is clinically appropriate and by removing existing barriers, such as restrictions on audio-visual technologies.

The second submission to raise the Barrett Adolescent Centre was made by a government entity who advised that,

“Section 288 of the Act notes that young people made subject to forensic orders and who, prior to the making of an order, may have been held in a youth detention centre, are to be transitioned to an authorised mental health facility. It is important to note that youth detention centres are not suitable long-term facilities for young persons’ made subject to forensic orders”.

The Bill continues existing provisions that enable the transfer of persons from custody to an authorised mental health service. In respect of placement of minors, the Bill also includes the principle that as far as practicable, minors receive treatment and care separately from adults.

A number of additional safeguards are also included for minors in the Bill, including no-cost legal representation at Mental Health Review Tribunal hearings, Chief Psychiatrist approval for admission to the High Security unit, and a mandatory review by the Tribunal if an admission to the High Security Unit is approved by the Chief Psychiatrist.