

Review of the Mental Health Act 1986



Chief Psychiatrist's Forum

26 August 2009

Emma Montgomery

Manager, Mental Health Act Review Team

Mental Health and Drugs Division

Overview of Presentation

1. Update
2. Government's Reform Objectives
3. Next steps

Progress to date

- Discussion paper released Dec 2008
 - 4000 consultation papers distributed
- Community consultations Dec 08 – Mar 09:
 - 14 public forums led by Panel
 - 742 attendees at the public forums
 - 219 submissions received
 - over 20,000 people have viewed the website in recent months

Recent Publications

Community Consultation Report

- Reflects on consultations and written submissions
- Outlines Panel's commentary

Government Response to the Community Consultation Report

- Outlines Government policy direction

Government's Reform Objectives

Modernising the law

Minimise use of orders and restrictive interventions

Supported decision making

Monitoring and promoting care, wellbeing and rights

Improve responsiveness to specific needs

Example 1: Modernising the law

Challenge:

- Need for **practical guidance** on the Act

Proposed reform:

- introduction of a **Code of Practice**

Example 2: Minimising use of orders

Challenges:

- **duration** of orders and timeliness of MHRB review

Proposed reforms:

- **staged orders** of limited duration with fixed expiry dates and more **frequent review**

Example 3: Supported decision making

Challenge:

- need for **supported decision making**

Proposed reform:

- obligation on clinicians to have regard to **advance statements**

Example 4: Monitoring and Specific Needs

Challenge:

- Improve **safeguard** on ECT use

Proposed reform:

- **mandatory safeguards** for people on involuntary orders and children and young people

3. Where to from here?

- *Government Response* - number of areas of reform which require further development
- DHS will seek advice from:
 - Expert Advisory Group
 - Stakeholders with specialist expertise
- Bill to be introduced in 2010