

January 2009

The Honourable Lisa Neville MP  
Minister for Mental Health (and agents)

Dear Minister Neville,

## **REVIEW OF MENTAL HEALTH ACT 1986 – SUBMISSION**

Thank you for accepting this, my brief submission to the review of the Mental Health Act 1986 (MHA).

### **INITIAL REVIEW OF INVOLUNTARY STATUS - RECOMMENDATION**

I think most people will agree that a person being deemed "involuntary" by "the authorities" should be subject to external scrutiny. Currently this initial review (by the Mental Health Review Board) occurs at 8 weeks and in my opinion this is too late. I would like to recommend that the initial review should occur ideally at 4 weeks, with 6 weeks at the outside.

A review at 4 weeks will give the treating team enough time to be able to formulate their aims and objectives and the consumer (who is appearing before the Mental Health Review Board) should be as clear-headed as s/he's ever likely to be while medicated.

You will be presented with the argument that consumers have appeal rights during the [current] 8-week period and that is enough of a safeguard. But I don't think so, for 3 reasons.

1. Relying on a consumer's appeal rights assumes that consumers will have the wherewithal to organise and follow through with an appeal. But sometimes consumers' thinking is clouded by their illness, they are dazed and confused with medication and consequently cannot avail themselves of their rights.
2. Unfortunately, in practice, Mental Health Services do not always inform patients of their rights or give them access to the MHA, the very piece of legislation they are being detained under (in the case of inpatients). An automatic 4-week initial review will, to some extent, negate the effects of this oversight.
3. A consumer who appeals, by definition, is opposing the treating team. If we have an automatic review (at 4 weeks) the consumer's situation will be reviewed automatically without the consumer experiencing any discomfort by having to openly opposing their treatment and those who prescribe it.

Thank you for your consideration.

**DUNCAN CAMERON**

