

Inquiry into the Decriminalisation of Certain Public Offences, and Health and Welfare Responses

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22 August 2022

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane QLD 4000

Via email: cssc@parliament.qld.gov.au

Dear Committee Secretary

Thank you for the opportunity to provide input into the Committee's Inquiry into the Decriminalisation of Certain Public Offences, and Health and Welfare Responses.

As members of the Committee may be aware, as the Public Advocate for Queensland, I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making ability.¹ People with impaired decision-making ability encompass a broad and diverse group, including people from all age groups, cultures, and demographics.

There are several conditions that may affect a person's decision-making ability. These include intellectual disability, acquired brain injury, mental illness, neurological disorders (such as dementia) or alcohol and drug misuse.

People with impaired decision-making ability, including some people with a psychosocial disability, may find themselves in a cycle that can typically involve; a withdrawal of informal supports and networks, unstable accommodation or homelessness, a lack of health and social welfare-based supports, and then contact with the criminal justice system for offences similar to those being looked at by this inquiry and potentially others of a more serious nature.

With this in mind, while supporting the concept of decriminalisation for the offences included in this inquiry, this submission focusses on terms of reference (f), specifically 'the design of health and social welfare-based responses that are culturally safe and appropriate and informed by First Nations people, including Aboriginal and Torres Strait Islander health and legal services and also representative bodies for seniors and people with disability'.

To address this term of reference, I wish to draw the Committee's attention to a review my office has recently published – *Better Pathways: Improving Queensland's delivery of acute mental health services*.

This review involved consultation with a broad range of stakeholders to trace the journey of a person with a mental illness through the acute mental health care system in Queensland.

It included consideration of the diversionary options that are currently available in the community when someone is experiencing a mental health crisis so that they are provided with alternatives to emergency department presentations.

In this area, the review recommended that:

- Queensland Health should extend Acute Care Teams to deliver 24-hour outreach services in the community, providing short-term clinical crisis interventions and onward referral to people experiencing a mental health crisis.

¹ *Guardianship and Administration Act 2000* (Qld) s209.

- The Queensland Government should extend the co-responder program, in a format that is appropriate to each particular region, so that it is available to all Queenslanders.
- The Queensland Government should extend Queensland Health's Crisis Support Spaces program to provide:
 - a 7 day a week service, with opening hours consistent with peak periods for mental health presentations at hospital emergency departments;
 - referral via General Practitioners, the Queensland Ambulance Service or patient self-presentation;
 - home-like, safe, and calming environments to enhance the patient care experience; and
 - best practice crisis and stabilisation services, delivered by a combined peer lived experience and clinical workforce.
- The Queensland Ambulance and Police Services should extend mental health crisis training for first responders to include training on responses for people presenting with a dual disability such as a mental illness and an intellectual disability or cognitive impairment.²

The review also recommended improvements to the discharge planning process associated with patients leaving Authorised Mental Health Services, which include;

- Hospital and Health Services should improve the discharge planning process for mental health patients by:
 - engaging with patients, their caregivers, support persons and relevant substitute decision-makers in all decisions regarding the patient's ongoing treatment and care; and,
 - improving the accessibility and relevance of information provided to General Practitioners when a patient is discharged from an Authorised Mental Health Service.³

Most of the recommendations noted above are consistent with the recommendations of the Queensland Parliament Mental Health Select Committee's report on its 'Inquiry into the opportunities to improve mental health outcomes for Queenslanders' (June 2022).⁴

If implemented, my report's recommendations will assist in providing diversionary options to assist people with psychosocial disability to seek treatment for mental illness prior to it reaching a crisis point when entry into inpatient facilities and involuntary treatment may be required. Receiving care in a community setting may also assist people to maintain their community and social networks, as well as their accommodation, meaning that they may be less likely to be in situations where they are at risk of homelessness.

I have attached a copy of *Better Pathways: Improving Queensland's delivery of acute mental health services* to this submission for further information.

Thank you for the opportunity to contribute to this inquiry. Should you require any clarification on the issues raised in this submission, or would like to discuss any of them further, please do not hesitate to contact my office on Ph: 3738 9513.

Yours sincerely



John Chesterman (Dr)
Public Advocate

² The Public Advocate (Qld), *Better Pathways: Improving Queensland's delivery of acute mental health services* p 2 – report will be available on website (<https://www.justice.qld.gov.au/public-advocate>) from 23 August 2022.

³ The Public Advocate (Qld), *Better Pathways: Improving Queensland's delivery of acute mental health services* p 5 – report will be available on website (<https://www.justice.qld.gov.au/public-advocate>) from 23 August 2022

⁴ Mental Health Select Committee (Qld), *Inquiry into the opportunities to improve mental health outcomes for Queenslanders*, Parliamentary Committees, Report No.1, 57th Parliament, June 2022.