

*The Honourable Mark McArdle  
Member for Caloundra*



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Dear Ms Linard,

The LNP is committed to achieving better results for people living with mental illness. We have a well-earned reputation for progressive mental health policy and quality services, and the Mental Health (Recovery Model) Bill aims to build on those foundations. The establishment of Queensland's first independent Mental Health Commission by the previous LNP Government was primarily designed to drive on-going reforms in Queensland's mental health system. The Mental Health (Recovery Model) Bill is an integral part of such a system.

Recovery-oriented practice lies at the heart of contemporary mental health service delivery. The aim of this approach is to support people living with mental illness to build and maintain a meaningful and satisfying life while reducing stigma attached to mental illness. The Mental Health (Recovery Model) Bill would achieve this. The Mental Health (Recovery Model) Bill places people with a mental illness at the centre of decision making about their treatment and care. This Bill encourages psychiatrists and other mental health practitioners to develop strong relationships with people using mental health services, and to provide them with information and support to make informed choices about their care.

The Bill promotes voluntary treatment in preference to compulsory treatment, and establishes robust safeguards and oversight mechanisms to protect the rights, dignity and autonomy of people living with a mental illness. We are pleased the Government has taken the Mental Health (Recovery Model) Bill and used it as the basis of developing improved mental health legislation in Queensland. Many of the amendments made by the Government to the Mental Health (Recovery Model) Bill relate to minor drafting errors. The Main objects of the Mental Health Bill 2015 are identical to the Recovery Model Bill in that it also seeks to;

- (a) improve and maintain the health and wellbeing of persons who have a mental illness who do not have the capacity to consent to be treated; and

(b) to enable persons to be diverted from the criminal justice system if found to have been of unsound mind at the time of committing an unlawful act or to be unfit for trial; and

(c) to protect the community if persons diverted from the criminal justice system may be at risk of harming others.

In this I am pleased the Government has maintained the integrity of our Bill.

The key differences however in the Mental Health (Recovery Model) Bill and the Mental Health Bill are;

- 1) The ability for the Chief Psychiatrist to order a patient to wear a tracking device has been removed in the Mental Health Bill.
- 2) The authority to order a patient wear a device has been transferred to the Mental Health Court, and the Tribunal.
- 3) The Mental Health Bill also removes the role of the Mental Health Tribunal from reviewing the use of tracking and monitoring devices on patients.

I believe that in circumstance where the Chief Psychiatrist deems it appropriate, and necessary to institute such a measure then it should stand. The process of obtaining a court order in emergent circumstance might be onerous. The Mental Health (Recovery Model) Bill contains enough safeguards in that the MHRT reviews the use of such monitoring devices.

The Mental Health Bill also contains provision allowing victims of crime committed by mentally disordered offenders to receive certain information and to make representations about the release of the offender. Improving the provision of information, including case specific information, for victims has long been a policy objective of the LNP. I am pleased the government has retained these in the Mental Health Bill.

Regards  
Mark McArdle

Yours sincerely,



MARK McARDLE MP  
Member for Caloundra