



Queensland Branch

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Research Director
Health and Ambulance Services Committee
Parliament House
George Street
Brisbane QLD 4000

To whom it may concern

Re: Submission Mental Health Bill 2015

On behalf of the Queensland Branch of the Australian Association of Social Workers (AASW), I am pleased to be submitting for your consideration, commentary on the *Mental Health Bill 2015*. The AASW is the professional association for Social Work, representing many members who contribute to the State's health systems. Social Workers across Queensland work alongside of those with mental health illnesses every day. The opportunity to respond to important legislative changes such as this is of particular importance to social work given that the AASW has specifically developed professional development and accreditation standards for Mental Health Social Workers.

We commend the government on the significant and generally positive nature of the *Mental Health Bill 2015* ('the Bill'). In addition to our overall support for the Bill we resubmit the following considerations and recommendations.

Monitoring Conditions: Chapter 5, Part 4 - Court may impose conditions and make recommendations (1) (a) '...a condition requiring the person to wear a tracking device...'

We acknowledge and support the changes within the Bill allocating the Mental Health Court or Mental Health Review Tribunal the delegation for decision making regarding the requirement for and use of electronic (GPS) tracking devices; a delegation previously held by the Chief Psychiatrist.

We also support changes removing this provision from the treatment of classified patients and court ordered patients. Despite these considerations we remain overwhelmingly opposed to the inclusion of conditions stipulating that any person experiencing mental illness could be ordered to wear an electronic tracking device as a monitoring condition. Further strengthening this position we highlight that there are viable and available alternatives better aligned with recovery-oriented practice including:

- regular telephone contact with a treating team;
- providing available and contactable details; and
- strong transition-to-community processes co-facilitated in collaboration with community organisations and other support networks including families, other carers, general practitioners.

Ensuring appropriate resourcing of the transition to community and community mental health sector is essential to this.

Furthermore, the AASW is concerned that:

- a) The provision of the wearing of electronic tracking devices as a monitoring condition presents as being inconsistent with the principle of 'least restrictive way' in caring for and providing treatment to a person living with a mental illness, especially when alternative monitoring conditions are available.
- b) There is little/no evidence to support the claim that for people living with a mental illness the wearing of an electronic monitoring device reduces risk to community or reduces a flight risk.
- c) The original directive stipulating that mental health services adopt the use of wearing electronic monitoring devices was introduced in March 2013 - a directive issued without consultation with mental health services or the wider community.
- d) The matter of criminalising and further stigmatising people living with a mental illness who are already subject to mental illness stigma and discrimination is significant. The condition requiring a person living with a mental illness to wear an electronic monitoring device negates the principles of stigma reduction.
- e) Families and other carers who care for a person experiencing a mental illness in the family home and community are negatively affected by the use of electronic monitoring devices that are easily visible unless covered up (and this may not be comfortable for people living in tropical climates). Family members experience stigma and discrimination (Bland & Foster, 2012; Bland & Darlington, 2002) and the use of electronic monitoring devices further stigmatises and discriminates against them.

Although whole-of-sector consultation about electronic monitoring devices for people living with a mental illness is now occurring through the Bill, the lack of congruence between this section of the Bill and the broader principles of recovery and stigma reduction is clearly apparent. It is concerning that this inconsistency seems to reinforce the failure to align the Bill with the principles of recovery-oriented practice.

The AASW recommends that

- the removal of all references to the use and wearing of electronic monitoring devices that are counter to recovery oriented practice, stigma reduction and least restrictive approach to care and treatment.
- prior to its inclusion in the Bill, research is conducted into the relevance, use and effectiveness of the use of electronic monitoring devices as a method of monitoring people diagnosed with a mental illness.

The AASW remains committed to working with the Queensland Government to ensure just and equitable legislation and service delivery, particularly for the most vulnerable members of our society, and welcomes further opportunities to engage in processes of reform with the government in this crucial area.

I would like to thank the Department of Health for the opportunity to contribute to this important Legislative change.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fotina Hardy', written in a cursive style.

Dr Fotina Hardy

AASW Queensland President, on behalf of the contributing working party