



Carers Queensland Inc.

**Health and Social Services Committee -
Mental Health Bill 2014**

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CARERS QUEENSLAND INC.

Family carers provide unpaid care and support to family members and friends who have a disability, mental illness, chronic medical condition, terminal illness or are frail aged.

The activity and impact of providing care is best understood in terms of its context; as a relationship between two or more individuals, rooted in family, friendship or community. Caring is a role rarely chosen by most, nor does it discriminate. Children and young people, people of working age and older people, people with a disability, people who identify as culturally and linguistically diverse, indigenous Australians and those living in rural and remote Queensland provide care to a family member or friends on a daily basis. For some caring is a short term commitment whilst for others, it is a role that literally lasts a lifetime.

Carers Queensland Inc. is the peak body representing the diverse concerns, needs and interests of carers in Queensland. Carers Queensland believes that all carers regardless of their age, disability, gender identification, sexuality, religion, socioeconomic status, geographical location or their cultural and linguistic differences should have the same rights, choices and opportunities and be able to enjoy optimum health, social and economic wellbeing and participate in family and community life, employment and education like other citizens of the State. Carers Queensland's mission is to improve the quality of life of all carers throughout Queensland.

We believe we are in a unique position to advocate on behalf of the 484,400¹ carers living in Queensland. We aspire to provide an independent platform from which to advance the issues and concerns of carers and believe our knowledge and expertise in carer issues means that we are able to provide the Government with relevant and trusted information that will ensure that the needs of carers will be recognised, respected and acted upon. Our ambition is to ensure that carers are recognised and included as active partners in the development of government health and social policy, legislation and service delivery practices.

This submission reflects the concerns of Queensland's carers, those citizens who provide unpaid care and support to vulnerable family members and friends. This submission has been informed by consultation with Queensland's carers and Australian and international research.

INTRODUCTION

Carers Queensland commends the Queensland Government for initiating this review of the Mental Health Act 2000, and in particular the extensive consultation process preceding the drafting of the Mental Health Bill 2014. Carers Queensland also commends the government for the inclusion of carers and family as genuine partners in the provision of health and social care support for people living with mental illness.

Carers Queensland welcomes the opportunity to provide the following comments for consideration by the Health and Community Services Committee.

COMMENTS

1. Patient Rights Advisor

Carers Queensland commends the government on establishing this independent position – a vital conduit for the exchange of information with both the patient, their carers, family and support persons. This position will certainly help to redress the existing power imbalance between the paternalistic authority of the medical profession against the weaker voice of carers and family.

Carer Queensland is however concerned that the independence and integrity of this position can be readily compromised at the local level by a variety of organisational and clinical practices, either overt or covert, intended to maintain the status quo of existing power relations. The success of this position will be dependent on a number of departmental policies and organisational practices outside of the legislative framework.

Recommendations:

- a. that a substantial sector-wide training and information program is rolled out to comprehensively educate all practitioners on the value of this independent role, particularly in relation to achieving sustainable and positive outcomes for patients.
- b. the training and information package refers to the *Carers (Recognition) Act 2008 (Qld)* and, in particular, the obligations of public authorities with respect to the Carers Charter.

2. Carers role in the clinical processes

Carers Queensland applauds the Review Team for genuinely acknowledging the role and contribution of carers and family in the everyday aspects of those people they care for and support.

It is noted that throughout the document reference is made to carers with respect to 'treatment decisions, supporting visitation, communication and recovery'. As discussed in previous submissions to this Committee and the Department of Health, Carers Queensland has extensive anecdotal evidence that carers are frequently not involved in treatment and discharge planning processes; of carers 'finding out' that discharge is imminent or various treatment have already occurred.

Recommendations:

- that governance processes specifically monitor the involvement of carers and family in all aspects of the treatment and recovery processes and that this data is made public via the Chief Psychiatrist's annual report.
- that when assessing a patient's support network in relation to a treatment order that carers and family are earnestly consulted with regard to their current and ongoing capacity and willingness to provide care and support and what, if any, additional supports and resources are required for them to maintain their caring role.

3. Electroconvulsive therapy and non-ablative neurosurgery (Clause 228 & 471)

Carers Queensland does not support the use of ECT treatment on minors, nor does it support the use of ECT on adults without the fully informed consent of the patient – in accordance with the recommendations of the World Health Organisation.²

4. Administrator's responsibilities for treatment and care

Carers Queensland applauds the Department of Health's commitment to transparency of decision making and operational practice but believes that the language of the draft Bill and accompanying documentation does not reflect this commitment.

For Example: Clause 207 - to ensure that the systems for recording a patient's treatment and care, both planned and provided, can be audited and take reasonable steps to ensure that the patient's treatment and care is provided in accordance with the requirements of this Bill.

Recommendations:

Carers Queensland supports the introduction of a robust and comprehensive governance regime that:

- establishes realistic but stretching performance targets and outcome measures across the mental health sector including publically funded hospitals and facilities.
- includes routine auditing of patient's files for compliance with policy and procedure (including cross referencing against the complaints register).
- is published annually in the Chief Psychiatrist's report and the whole report is available to the public.

5. Amendment to treatment authority (Clause 213)

Carers Queensland recommends that any variation to treatment orders, particularly community treatment orders, requires the treating practitioner(s) to consult with carers and family with respect to their capacity and preparedness to provide care and support.

6. Statements of rights (Clauses 270 – 272 & 279)

Carers Queensland strongly recommends that:

- the Chief Psychiatrist's 'Statement of Rights' for carers is underpinned by and references the *Carers (Recognition) Act 2008* (Qld) and the accompanying Carers Charter
- that all carers and family are given a copy of the Statement of Rights (in the language of their preference) at every admission of the person they care for and support

REFERENCES

¹ Australian Bureau of Statistics. (2012). *Survey of Disability, Ageing and Carers: Summary of findings. No. 4430.0*. Canberra: Australian Bureau of Statistics.

² WHO Resource Book on Mental Health. Human Rights and Legislation, 2005:64