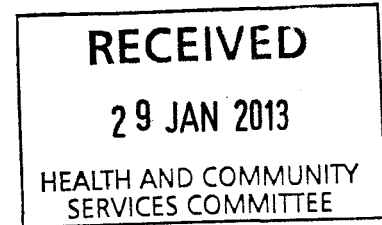


Sub # 6



11-1-1

Personal Submission:

Amendments to Mental Health Act and Establishment of Mental Health Commission

Anthony Ernest Martin.

My wife and I have been carers for a son diagnosed with Schizophrenia in 2001, and who was the subject of a Mental Health Court Forensic order from 2003 to 2011. That experience, and considerable contact with the Queensland Mental Health System, informs this submission.

Amendments to the Act.

The suggested amendments to the Mental Health Act would appear to be a knee jerk re-action to some recent incidents where forensic or classified patients have breached Community Treatment order conditions. When analysed, the risk to the public in those incidents was minimal and the draconian legislative response can only be described as unwarranted. The conditions that may apply under the new legislation at present only apply to convicted, repeat, serious sexual offenders. This legislation applies those conditions to persons who may have not been convicted of any offence. The draft legislation would appear to infringe on the human rights of persons with a disability and would in all probability be found to do so in the Australian Legal system. While it is understandable that the Government would want to appear to be taking measures to protect the public, these amendments do not achieve that result and if used would probably be the subject of protest, and an expensive High Court challenge.

It would seem appropriate to drop these amendments in their present form and to task the proposed Mental Health Commission with examining the conditions related to Community Treatment Orders taking advice from the Queensland Health Forensic Mental Health service.

Mental Health Commission.

The formation of an ***Independent and Representative*** Mental Health Commission operating outside the present Departmental structure is much needed. The operative need is to ensure the Commission is independent and represents the input of all stakeholders, in particular consumers and carers. The legislation forms the Commission within the Health Department and may therefore struggle to convince many within the sector that it is truly independent. Carers in particular are at present judging the proposal as "more of the same". The proposed Statutory Authority does have the potential to achieve the stated aims, but to do so will need a convincing level of "lived experience" in the management and staff of the commission. A level of transparency also needs to be established by ensuring the reports of the Commission are public documents.

The proposed legislation needs to be amended to legislate for ***lived experience*** at executive level in the Commission as applies in the equivalent NSW legislation. The amendments should also extend to ensuring the ability of the Commission to report publicly independent of the Health Department.

Advisory Council.

The legislation forms an Advisory Council to examine and recommend reform. To be effective this body needs to be representative of Consumers and Carers, Non-Government Service providers, the private health sector and a broad range of community and government stakeholders. A Council which does not have wide and appropriate representation will not be acceptable to those in the community living with mental health or drug and alcohol issues, or caring for them. To be effective the representatives on the Council will need to demonstrate and maintain connection with the groups that they represent, and they will need to be provided with the ability to keep this going. The Council will also need to be able to influence public debate and decision making by being able to report publicly where and when it sees the need to do so. A major problem for Mental Health governance at present is that it is seen as being dominated by the medical model, and being ***“provider centric”***.

The proposed legislation forming the Advisory Council should be amended to specifically include representation of Consumers, Carers, NGOs, and community groups, and to endorse the need for councillors to be able to maintain connection with those they are representing. The legislation should be amended to enable the Council to publish reports where it sees that as being in the public interest.

Anthony E Martin

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