

Health and Other Legislation Amendment Bill (No. 2) 2023

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Submitted by: Aged and Disability Advocacy Australia (ADA)
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Committee Secretary
Health and Environment Committee
Parliament House
George Street QLD 4000

By email: hec@parliament.qld.gov.au

Dear Committee

Health and Other Legislation Amendment Bill (No. 2) 2023

Thank you for the opportunity to provide feedback on the Health and Other Legislation Amendment Bill (No. 2) 2023 (the **Bill**). Aged and Disability Advocacy Australia (**ADA**) appreciates being consulted on this important issue.

About ADA Australia

ADA is a not for profit, independent, community-based advocacy and education service with more than 30 years' experience in informing, supporting, representing and advocating in the interests of older people, and persons with disability in Queensland.

ADA also provides legal advocacy through ADA Law, a community legal centre and a division of ADA. ADA Law provides specialized legal advice to older people and people with disability, including those living with cognitive impairments or questioned capacity, on issues associated with human rights, elder abuse, and health and disability legal issues related to decision-making.

ADA advocates and legal practitioners work with identified First Peoples advocates through the Aboriginal and Torres Strait Islander Disability Network Queensland (**ATSIDNQ**), a network established to support mob with disability and provide individual advocacy services for Aboriginal and Torres Strait Islander people with disability.

Mental Health Act 2016

ADA has reviewed the Bill and wishes to provide feedback regarding the proposed amendments to the *Mental Health Act 2016* (the **Mental Health Act**).

ADA supports changes to the Mental Health Act which are intended to improve accessibility and transparency for an adult who is subject to an order made under the act, or a related proceeding.

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Clause 17 of the Bill proposes a replacement of section 160 of the Mental Health Act with respect to the use of an expert's report.

Proposed section 160(4) identifies the services and entities that may receive a copy of an expert's report should an application be made for the same to the Mental Health Court Registry. We note that the reference to '*the tribunal*' under section 164(4)(d) is to mean the Mental Health Review Tribunal.

We suggest that clause 17 of the Bill is amended to include the QCAT Registry as an entity under 164(4) that is recognised by the Mental Health Court Registry for the purpose of being provided a requested expert's report.

Oftentimes a person who is the subject of an order or who is receiving treatment under the Mental Health Act is also exposed to a guardianship and administration application or review before QCAT. Such an application (whether initiated by the individual, or by their mental health treating team) may seek to rely on a report which has been lodged with the Mental Health Court Registry.

Expedient access to these reports as appropriately requested by the QCAT Registry would improve transparency and access to a person's own documents in relation to a guardianship and administration application or review.

Thank you again for the opportunity to comment. ADA would be pleased to further assist the Committee with its inquiry. Should you wish to discuss this submission, please do not hesitate to contact Vanessa Krulin, Solicitor and Senior Policy and Research Officer on [REDACTED] or via [REDACTED].

Yours faithfully

[REDACTED]

Geoff Rowe

Chief Executive Officer