



Speech by

Mr TIM MULHERIN

MEMBER FOR MACKAY

Hansard 17 May 2000

MENTAL HEALTH BILL

Mr MULHERIN (Mackay—ALP) (4.10 p.m.): I wish to speak briefly in support of the Mental Health Bill 2000. I particularly want to refer to that part of the Bill which involves the participation of patients in the review process.

This Bill brings the legislation up to date with community expectations about the care and treatment of people with a mental illness, and with current clinical practice. The Mental Health Bill will entirely replace the current Mental Health Act 1974 and provide for the involuntary assessment, treatment and protection of persons, whether adults or minors, who have mental illnesses. At the same time, it will safeguard their rights.

The Bill ensures that Queensland has a legislative framework to support State, national and international reforms in mental health policy, including the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, the national mental health policy and plan, and the Queensland 10-year Mental Health Strategy.

The Queensland Government's 10-year Mental Health Strategy has seen major improvements in services to mental health clients in the Mackay district. Under the 1998-99 Beattie Labor Budget mental health initiative, the Mackay District Health Service received an additional \$152,000 for the employment of two additional child and youth community mental health workers.

The ongoing redevelopment of the Mackay Base Hospital has seen the refurbishment of the mental health unit at a cost of \$607,000. The refurbished unit has gone from a 14-bed acute inpatient unit to an 18-bed acute inpatient unit. Four of the new beds have been specifically set aside for high dependency patients. With the refurbishing of the unit, we saw a massive increase in staff from 10 to 34 members. This increase was well and truly needed. Overall funding for mental health services in the Mackay district has increased by more than 36% since 1997-98 and is now almost \$2m.

I would like to place on record my support for the work performed by people in Queensland Health who provide a service to mental health clients in Mackay. It is not an easy job, but they carry it out with distinction. I also place on record my support for the tremendous work of the Community Advisory Group. This group works with Queensland Health in servicing mental health clients in the Mackay district. It is because of this group's lobbying and highlighting of the various needs that we have seen the improvements I have mentioned. The advisory group works well with other groups involved in providing services to mental health patients.

As I said earlier, I would like to refer to the section of the Bill which relates to the participation of patients in the review process. Presently, the Patient Review Tribunal has responsibility for the review of the involuntary detention of patients under the Mental Health Act. The current Act does not provide sufficient statutory protection of the rights of patients appearing before the Patient Review Tribunal. It is pleasing to see that the Mental Health Bill 2000 will provide sufficient statutory protection of the rights of patients appearing before the Mental Health Review Tribunal.

The Bill provides an absolute right for a patient to be legally represented at a Mental Health Review Tribunal hearing. Further, the presiding member may appoint a legal representative to appear for the patient at no cost to the patient. A patient's allied person has an absolute right to appear at a tribunal hearing to assist a patient to represent the patient's views, wishes and interests. It is important

to note that the allied person does not have a right in such circumstances to represent what that person might believe is in the patient's interests.

As the rules of natural justice apply, patients will now have a right to have access to any documentation being considered by the tribunal and which is going to inform the tribunal's decision. The right to such documentation can be displaced only if the tribunal is satisfied that such disclosure will cause serious harm to the health of the patient or put the safety of someone else at serious risk. If the tribunal makes such an order, the tribunal must disclose the information to the patient's lawyer or agent. If the patient is not represented, the tribunal must appoint a lawyer or agent at no cost to the patient.

A further safeguard is that the tribunal will be able to appoint assistants with appropriate knowledge or experience to assist it in a hearing. This may be, for example, a linguist or a cultural expert. Additionally, the tribunal must, where practicable, have a member on the panel hearing a matter who is culturally appropriate to the patient. These reforms will significantly enhance the ability of patients to effectively participate in the review of their detention and ensure that the hearing is conducted in a manner in which the patient is able to fully express his or her own views.

I would like to place on record my acknowledgment of the tremendous work that the Health Minister, Wendy Edmond, and the staff of Queensland Health have put into this Bill. I also congratulate the community organisations which have been involved for several years in the review of the old Act. Their hard work, effort and dedication is responsible for this Bill being before the House today. The Bill is well overdue and is welcomed by the community. As I said earlier, this Bill will ensure that the State has the legislative framework which will meet community expectations about the care and treatment of people with mental illness.
