




Speech By
Joseph Kelly

MEMBER FOR GREENSLOPES

Record of Proceedings, 28 February 2017

MENTAL HEALTH AMENDMENT BILL

 **Mr KELLY** (Greenslopes—ALP) (3.52 pm): I rise to speak in support of the Mental Health Amendment Bill 2016. With the indulgence of the House, I join with the member for Caloundra and note my thanks to the various members of the House who participated in the committees that considered the two bills related to abortion. It was a long and difficult process. Even though people had significantly different views in relation to that matter, the committee process was conducted in a manner which speaks well of this institution of parliament. I also note his thanks to research director Sue Cawcutt.

I thank the current health committee and the submitters for their work on this bill. The Mental Health Bill, passed just over a year ago, was a significant body of work. It set a framework for the least restrictive way. This is an objective which allows us to deliver mental health services in a way that maximises empowerment for people who are affected by mental health issues. At times there is a need to, for sound clinical reasons, restrict individuals' freedoms. That piece of legislation dealt with regulating some of those challenging areas of health care where we have to act in that way.

I am pleased to note that significant work has been done since the Mental Health Bill was passed. To me, the bill we are considering here today—the Mental Health Amendment Bill 2016—represents the Palaszczuk government's willingness to listen and to work with key stakeholders. The Court Liaison Service Steering Committee has been consulted widely in relation to this and in fact raised its concerns, which the minister rightly responded to. The steering committee includes the Queensland Magistrates Court, Queensland Mental Health Commission, Office of the Director of Public Prosecutions, Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Service, Queensland Law Society, Queensland Bar Association, Police Prosecutions and the Public Guardian.

The minister has listened to the concerns raised by this group in relation to the admissibility of statements made during mental health assessments and examinations. That is what we in the Palaszczuk Labor government do: we listen and we act with stakeholders. This bill ensures that the court processes which facilitate proper assessment of people who may have a mental illness occur. The amendments make it clear that oral or written statements made by a person during an examination conducted pursuant to a court's examination order are not admissible in evidence against a person's interests in relation to findings of guilt. What that means in practice is that we ensure that those people who have a mental health issue who come before a court receive proper and appropriate care and treatment and are not inappropriately handled in the criminal justice system.

There has been much discussion here today about the minister's and the parliament's need to act in relation to the Mental Health Review Tribunal. I think it is extremely commendable that swift and sensible action has been taken. We need to give legal certainty to the patients at the centre of this. We should never forget the patients at the centre of this. It is important that we give them legal certainty.

From the comments of the member for Everton during question time today and some of the other speakers here this afternoon, the opposition seems determined to try to transform a straightforward debate into ongoing hysteria about mental illness. We need to get some facts and balance established. The overwhelming majority of people with mental illness are not dangerous and pose no harm to people.

I doubt there would be any members of this House who do not have a relative or a friend affected by mental illness. We know that people who are mentally ill are much more likely to be a victim of a crime than a perpetrator. On some very rare occasions there are very bad outcomes involving people with a mental illness, just as on occasions there are very bad outcomes involving people without a mental illness. We should be careful not to tar others with that brush. If we want to have care that is safe for the community, it needs to be funded properly. We know that the Queensland mental health system is still recovering from the damage done by the now opposition leader when he was treasurer. This bill demonstrates that the Palaszczuk government will listen to the community, take action and work with stakeholders. I commend this bill to the House.