

Review of the *Mental Health Act 1996*
and *Criminal Law (Mentally Impaired Defendants) Act 1996*

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Newsflash

***Closing date for public submissions has been extended to....
Friday 28th February 2003.***

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The Minister for Health and the Attorney General have appointed Professor C. D'Arcy J. Holman to undertake an independent review of the *Mental Health Act (1996)* and the *Criminal Law (Mentally Impaired Defendants) Act (1996)*.

The Terms of Reference are:

1. To review the operation and effectiveness of the Mental Health Act (MHA) 1996 and in the course of that review consider and have regard to:
 - (a) the effectiveness of the operations of the Mental Health Review Board and the Council of Official Visitors;
 - (b) the need for the continuation of the functions of the Mental Health Review Board and the Council of Official Visitors; and
 - (c) such other matters as appear to be relevant to the operation and effectiveness of the Mental Health Review Act 1996.
2. To review the operation and effectiveness of the Criminal Law (Mentally Impaired Defendants) Act 1996 and in the course of that review consider and have regard to:
 - (a) the effectiveness of the operations of the Mentally Impaired Defendants Review Board;

- (b) the need for the continuation of the functions of the Mentally Impaired Defendants Review Board; and
- (c) such other matters as appear to be relevant to the operations and the effectiveness of the *Criminal Law (Mentally Impaired Defendants) Act 1996* including its relationship with the *Mental Health Act 1996*.

This is a substantial and important task and therefore the Review will be conducted over a 15-month period to include a number of stages.

These stages will include:

1. A call for public submissions, which occurred in September, with the closing date being **28th February 2003** (extended from 29th November 2002).
2. The development of Working Parties to examine specific issues relating to:
 1. Mental Health Review Board
 2. Council of Official Visitors
 3. Mentally Impaired Defendants Act and Review Board
 4. Treatment of Patients (Part 5 of the MHA)
 5. Protection of Patients Rights (Part 7 of the MHA), complaints processes and Carers Rights
 6. Involuntary Status and CTOs (Part 3 of the MHA)
3. Development and circulation of a Draft Report.

4. Feedback from the public about the Draft Report.
5. A series of regional consultations in rural areas of WA.
6. Presentation of Final Report to the Minister and Attorney General in October 2003.

Public Submissions

At this stage of the Review we are seeking your opinion as to which sections of the Act(s) you think could be improved and how.

You are welcome to forward submissions in any format. However, the Review has prepared an outline, which may assist you. Copies can be obtained by contacting our office or online at www.health.wa.gov.au/publications. Click on More Reviews and you will find:

1. A general introduction by Professor D'Arcy Holman.
2. Submission structure for the *Mental Health Act 1996*; and
3. Submission structure for the *Criminal Law (Mentally Impaired Defendants) Acts 1996*.

Closing date is Friday 28th February 2003.

Stakeholder Committee

Professor Holman is chairing a Stakeholder Committee that has a number of representatives from a wide range of stakeholder groups. This group is responsible for enabling discussions, collating information and identifying issues for Professor Holman, thereby guiding the development of the recommendations that will be made to the Minister and Attorney General.

People involved in this Committee include:

- Prof D'Arcy Holman, Chairperson
- Ms Sylvia Meier, Executive Officer
- Mr Christopher Mulhall, Consumer Representative
- Ms Anne McFayden, Consumer Representative
- Dr Ralph Chapman, GP Division of WA Representative
- Mr Kevin Hogg, Council of Official Visitors Representative
- Ms Michelle Scott, Office of the Public Advocate Representative

- Ms Elaine Smith, Carer Representative
- Ms Cushla Leech, Carer Representative
- Mr Neville Barber, Mental Health Review Board Representative
- Mr David Bruce, Authorised Mental Health Practitioner – Metro Representative
- Ms Angela Woodacre, Authorised Mental Health Practitioner - Rural Representative
- Mr Lloyd Marsh, Health Consumers' Council Representative
- Ms Ann White, WA Association of Mental Health Representative
- Dr Steve Patchett, Royal Australian & New Zealand College of Psychiatrist Representative
- Dr Elizabeth Moore, Royal Australian & New Zealand College of Psychiatrist Representative
- Mr Alan Philp, Commonwealth Department of Health Representative
- Dr Neil Morgan, Mentally Impaired Defendants Review Board Representative
- Ms Irene Morgan, Mentally Impaired Defendants Review Board Representative
- Superintendent Ross Tomasini, Police Service Representative
- Dr Rowan Davidson, Office of the Chief Psychiatrist
- Dr Aaron Groves, Director General of the Department of Health Representative
- Ms Jenny Au Yeong, Culturally & Linguistically Diverse Representative
- Ms Paula Parentich, Mental Health Law Centre Representative
- Dr Deborah Wilmoth, Clinical Psychologists Association Representative
- Ms Francine Holder, Disability Services Commission Representative
- Mr Geoff Williams, Australian Association of Social Workers
- Mr Brett Mansell, Community Forensic Mental Health Nurse

Indigenous people representation is still being sought.

Next Newsletter

The next newsletter will provide feedback regarding the progress of the Stakeholder Committee and the Working Parties.

If you do not wish to be kept informed of the progress of the Review and/or receive any documents the Review may distribute, please contact us and we will update our database.

Thank you.