

Council of Official Visitors

Professor C. D'Arcy Holman
Chairperson
Review of the *Mental Health Act 1996* &
Criminal Law (Mentally Impaired Defendants) Act 1996
11th Floor Dumas House
2 Havelock Street
WEST PERTH WA 6005

Dear Professor Holman

**Re: Point of Clarification – Recommendation 14
Council of Official Visitors Submission to the Review of the Council**

Further to my previous letter to you which enclosed a copy of the Council of Official Visitors' submission to the Review of the Council as part of the review of the *Mental Health Act 1996* the Council provides the following point of clarification.

Recommendation 14 of the Council's submission states:

It is recommended that the provisions of the Mental Health Act 1996 relating to the Mental Health Review Board be amended to provide for automatic referral of involuntary patients to the Council of Official Visitors when a Mental Health Review Board hearing is scheduled for them.

It is the Council's position that as a matter of principle consumers must be entitled to legal representation at Mental Health Review Board hearings. The purpose of the above recommendation is not to remove or dilute this principle. The purpose of this recommendation is to provide an additional mechanism for ensuring that consumers can be contacted and advised, in a meaningful way, of their options in relation to Mental Health Review Board hearings. This should include assistance from the Mental Health Law Centre or other legal practitioners or access to the Council or other support/advocacy services.

It is requested that a copy of this correspondence be attached to the Council's submission, to be read in conjunction with Recommendation 14.

Thank you for your assistance in this matter.

Yours sincerely



Stuart Flynn
HEAD
COUNCIL OF OFFICIAL VISITORS
17 March 2003

