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Department of Housing and Works
Government of Western Australia

Office of the Director General

Submitter: file

Professor C. D'Arcy J. Holman
Chairperson
Review of the Mental Act 1996 and
Criminal law (Mentally Impaired Defendants) Act 1966
11th Floor, Dumas Street
West Perth WA 6005



Dear Professor Holman

**REVIEW OF THE MENTAL ACT 1996 AND
CRIMINAL LAW (MENTALLY IMPAIRED DEFENDANTS) ACT 1966**

Thank you for the opportunity for the Department of Housing and Works (DHW) to be included in the review process and provide feedback.

Areas of the Act which affect the Department are those when tenants are at risk of losing their tenancy (housing) due to mental health unwellness that hinders their decision making abilities or affects their behaviours resulting in breaches of their tenancy conditions. Unwellness can cause disruption to neighbours, non-payment of rent or anti-social behaviours.

For example under the Act;

Administrative Provisions

Division 1- the Minister

Clause 7 c- to encourage the development within the community of services emphasizing;

- (i) the prevention of mental illness; and
- (ii) the early detection and treatment of mental illness.

Issues for tenancy management;

The ability of mental health services to be responsive in situations as described above. There are occasions when Mental Health Services (MHS) have been unable to assist or engage the tenant because of restrictions in/of the Act.

As a result the tenant was evicted, then came to the attention of the Police and followed with the tenant's admission to Graylands Hospital. The assessment was serious mental illness with release subject to a Community Treatment Order. With this arrangement the tenant was re-housed. Ideally this circle of events could have been avoided.

Possibly, this scenario may not relate specifically to the Act but the interpretation between the various stakeholders of its content. It is these "grey" areas or issues that don't fit comfortably "within" the Act that need answers. This consultation and review process hopefully will work towards finding these.

Inter agency co-operation and approaches such as commitments and protocols agreed under Memorandum of Understandings can also only improve the outcomes for people with mental illness. For the Department of Housing and Works in providing affordable and appropriate housing for Western Australians, including people with mental illness while working collaboratively with other organizations to be responsive in supporting independent living options.

Additionally, the Mental Health Act 1996 is silent in addressing the needs of people with Personality Disorders or Acquired Brain Injury, Substance Abuse and Dual Diagnosis, especially when these disabilities are the primary disability and the mental illness is the secondary diagnosis.

DHW provides accommodation to a diverse range of people with disabilities and requires advice, support and assistance to help many people enter and retain their homes, which some are placing at risk due to behaviours which later are directly attributed to a disability.

Hopefully the review process will identify improvements to the Act in recognizing the rights of people with mental illness and also the family and community members who support them.

I wish you and your committee well with this very important task.

Yours sincerely


Greg Joyce
Director General

21 October 2002