

**Submission regarding the
Mental Health Act (MHA) 1996**

This feedback structure has been provided to assist you in your submission to the Review of the MHA. Using this format will assist the Review in the gathering of information.

Your Details

Name of person completing submission: SUE ELLERY, M.L.C.

Name of Service (if applicable): MEMBER OF PARLIAMENT

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Do you wish to be placed on our mailing list to receive any information that the Review may distribute (eg updates, Draft Report, etc.). Yes No

Confidentiality

We are concerned about your confidentiality, so please indicate which of the following applies to this submission:

This submission is to remain strictly confidential and is **not** to be shared/distributed to anyone outside of the Review.

This submission may be shared/distributed to any other party, **if** my personal details are removed and kept confidential.

This submission is public information and **may** be freely shared/distributed to anyone interested.

Other, please specify:

Signature: *Sue Ellery*

Date: 18/10/02

Closing Date

The closing date for submissions is **Friday 29 November 2002**. Please send your submission to:

Ms Sylvia Meier
Executive Officer
Review of the MHA and CLMIDA
11th Floor, Dumas House
2 Havelock St
WEST PERTH 6005
or
Fax: (08) 9222 5450
or
Or to ReviewofMHA@health.wa.gov.au



This Review is about the operations and effectiveness of the existing Act and not about writing a new Act. Therefore you do not need to re-write sections of the Act, this will occur after the Review has been completed and is the responsibility of the Parliamentary Counsel's Office.

Please address those areas that are of concern and how you think the Act may be altered. The following is not a comprehensive list of all aspects of the Act. You do not need to comment on all areas. Please use the space available or add pages to include other areas of importance.

NB. Copies of the Act are available from the State Publisher or at www.mhrbwa.org.au/publications/pdfs/The_Mental_Health_Act1996.pdf.

AREAS OF THE ACT

Definitions (including meaning of mental illness) (s.3)

Objects of the Act (s.5)

Administrative provisions with regard to the Minister for Health (s.7)

Office of the Chief Psychiatrist (ss. 8-16) (eg Responsibilities, Functions, Powers of Inspection, etc.)

Mental Health Practitioners (s.19, 58 & Regulation 10)

Sue Ellery MLC

Member for South Metropolitan Region

Attention :
Ms Sylvia Meier

Professor C Darcy Holman
Chairperson
Review of the Mental Health Act 1996 &
Criminal Law (Mentally Impaired Defendants) Act 1996

Dear Professor Holman

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

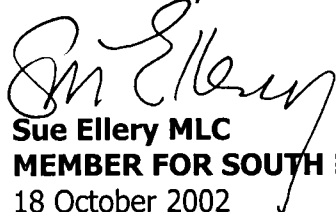
Thank you for the opportunity to put a submission in to the above Review. I make this submission on the basis of views that were put to me quite strongly during the process of community consultation that I participated in my capacity as the Chairperson of the recent Review into the Disability Services Act 1993 ("DSA").

The Review into the DSA was completed and presented to the Minister the Honourable Sheila McHale at the end of July and I understand the Minister is currently considering the recommendations therein, the Report itself has not yet been released. So while it is not yet a public document, the community consultation process we used was an open one and so I feel comfortable passing on the concerns that were raised in those forums.

We asked people to comment in particular on the Definitions of the DSA and the response we got included concern that the definition of Disability did not include groups of people who have specific needs as a result of mental illness. In the course of our deliberations we did not reach the view that this ought change, but it was certainly the case that parents of people with mental illnesses expressed the view that the *effect* of mental illness is as debilitating as any disability as defined by the DSA and that bureaucratic demarcations in service provision confuse the community.

I trust this is useful in your deliberations.

Yours sincerely



Sue Ellery MLC
MEMBER FOR SOUTH METROPOLITAN REGION
18 October 2002