

28 March 2003

John Titmus  
Executive Officer  
Review of MHA and CLMIDA  
11<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Mr Titmus,

The United Nations Association of Australia (WA Division) is pleased to have the opportunity to make a submission to the review of the Mental Health Act 1996 and the Criminal Law Mentally Impaired Defendants Act 1996.

The Association has, for some years, taken an active interest in the Review Process. We have attended regular meetings of the Mental Health Act Action group (which has an affiliation with the Western Australian Association for Mental Health) in order to keep human rights and the various United Nations Conventions on human rights which Australia has signed on the agenda.

We hope, even anticipate, that the Review will be translated into affirmative action on the part of the Government in producing a just and equitable outcome for all persons with a mental illness.

Yours sincerely,

Curtis Clark, National Vice-President  
United Nations Association of Australia (WA Division)

## **Review of the Mental Health Act (MHA) 1996**

### **Introduction**

The United Nations Association of Australia (WA Division) is a non-government organization that is made up of 137 individual members and 27 organization members. The main purpose of the Association is to promote the aims and objectives of the United Nations and educate the public in Western Australia about the United Nations.

The Executive of the Association consists of a President, Two Vice-Presidents, a Treasurer, a Secretary, six individual members and six member representing organizations. The Association has no paid employees and does not receive any funding from the United Nations or Government.

For some years the Association has been represented on the Mental Health Act Action group which is affiliated with the Western Australian Association for Mental Health. The Mental Health Act Action group has been chaired in the past by one of our members and from time to time up to four members of the Association have attended regular meetings of the Action group.

The Executive of the Association receives reports from member representatives on the Mental Health Act Action group and has endorsed the work of the Action group. The work of the Action group has also been discussed regularly at the Human Rights Committee of the WA Division of the United Nations Association.

### **The Effectiveness of the Mental Health Act 1996**

The United Nations Association of Australia (WA Division) believes that it is imperative for United Nations Conventions and Principles be incorporated into the wording of the Mental Health Act. Prior to the proclamation of the Act, the Association had been informed that every effort was being made to comply with the United Nations *Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care*. It was disappointing to see that nowhere in the Act were the Principles specifically mentioned. We believe the Review of the Act should ensure that a greatly expanded set of Objects of Act (Sec 5) are included with specific mention of the above named Principles as well the National Standards on Mental Health.

We also believe that the Review should be aware of Australia's human rights obligations as set out in the six main United Nations Conventions on human rights that have been signed and ratified by Australia. These are:

- The UN International Covenant on Economic, Social and Cultural Rights,

- The UN International Covenant on Civil and Political Rights,
- The UN International Convention on the Elimination of all Forms of Racial Discrimination,
- The UN Convention on the Elimination of all Forms of Discrimination against Women,
- The UN Convention on the Rights of the Child, and
- The UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

We would urge the Review to take note of World Health Organization report, *The World Health Report 2001*, that, "...provides a new understanding of mental disorders that offers a new hope to the mentally ill and their families in all countries and all societies". The report lists 10 recommendations but we believe the Review should particularly take note of:

- Recommendation 3, "Give Care in the Community",
- Recommendation 4, "Educate the Public",
- Recommendation 5, "Involve Communities , Families and Consumers", and
- Recommendation 9, "Monitor Community Mental Health"

We hope the Review will examine the role of the Mental Health Review Board and the Council of Official Visitors with a consideration on how both bodies can, and perhaps should, give greater recognition to the human rights of the person with mental illness. All persons on these (or any newly created body overseeing mental health) should be made aware of, at the very least, the United Nations *Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care* and be conversant with the WHO report, *The World Health Report 2001*.