



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

Protection of Patients' Rights Working Party

TERMS OF REFERENCE

Purpose

The purpose of this Working Party is to consider the operations and effectiveness of Part 7 – Protection of Patients' Rights and make recommendations as to possible alterations to the *Mental Health Act (1996)*. Furthermore, consideration should also be given to Carer Rights and the right of patients and carers to make complaints.

Objectives of the Working Party

In regards to the operation and effectiveness of the *Mental Health Act 1996*, consider and have regard of the:

1. Effectiveness and need of Part 7, Divisions 1 and 2;
2. Carer Rights; and
3. The inclusion of a complaint process for patients and carers.
4. Give consideration to alterations and possible additions to Part 7.

If the Working Party identifies issues regarding policy and implementation that are of considerable concern, then these must be clearly identified as policy and/or implementation issues and not matters that can be dealt with by legislation. The Chair will then decide how to best bring these issues to the attention of the relevant authorities.

Membership

The Stakeholder Committee has identified a range of individuals to be members of the Working Party. The Working Party can co-opt other individuals, as it considers necessary.

All members must be aware of and abide by the Review's *Conflict of Interest Policy*.

Timeline

Given the specific nature of the task, the Working Party should finalise their deliberations and prepare a report by no later than Friday 28th February 2003.

The Working Party is expected to provide the Stakeholder Committee with a presentation outlining their deliberations and recommendations regarding the relevant part of the Act at the Stakeholder Committee meeting in March 2003.

Professor C. D'Arcy J. Holman
Chairperson

September 2002