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Submission:

Canberra Health Services Procedure: ACT Civil and Administrative Tribunal (ACAT) Ordered Mental Health Assessments Submission.

Submitted by email to:

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Submission: Canberra Health Services Procedure: ACT Civil and Administrative Tribunal (ACAT) Ordered Mental Health Assessments Submission.

This submission has been prepared by the ACT Mental Health Consumer Network (the Network) in response to the invitation from Canberra Health Services (CHS).

The Network is a consumer-led peak organisation representing the interests of mental health consumers in the ACT in policy and decision-making forums. The Network is committed to social justice and the inclusion of people with experience of mental illness. Run by consumers for consumers, our aim is to advocate for services and supports for mental health consumers which better enable them to live fuller, healthier, and more valued lives in the community.

A consumer e-Forum was held, and additional feedback was sought via email in relation to the Canberra Health Services – Procedure: ACT Civil and Administrative Tribunal (ACAT) Ordered Mental Health Assessments Submission (the ACAT procedure). Written and verbal feedback was received from several consumers. This submission incorporates both the written feedback and verbal feedback received.

Acknowledgement of Country

We wish to acknowledge the traditional owners and custodians of the land upon which we sit. We pay our respects to their Elders past, present and emerging, and extend this respect to other Indigenous Australians who may be reading this submission. We recognise the ongoing contributions of all Indigenous peoples to ACT society and Australia more broadly.

Acknowledgement of people with lived experience

We also acknowledge people with lived and living experience of mental illness as consumers and their important lived experience expertise and ongoing contributions to the mental health sector.

General comments

The Network welcomes this opportunity to contribute to the ACAT procedure. The ACAT procedure should ideally be written in plain language and should include illustrations such as flow-charts etc.

With the ACAT procedure representing one part of a set of procedures that operate across and between CHS and ACAT, consumer feedback focused primarily on concerns regarding the rights and support of persons subject to an Assessment Order (AO). Throughout discussions, consumers stressed that wherever a situation involving a person with a mental health condition can be de-escalated and addressed by other means, all reasonable steps should be taken to achieve this outcome before an application for an AO is made.

Consumers observed that an application for an AO represents a serious escalation in the management of a person's mental health situation by public authorities. Even in ideal circumstances where a person who is subject to an AO accepts the need for the order and understands the process that it entails, the potential ramifications of an AO would still be intimidating and stressful. Given this, consumers stressed that persons for whom an AO application are made should be given as much time and social support as possible so that they can comply with the AO procedure and avoid any consequences that can arise from non-compliance.

Consumers proposed that the ACAT procedure would benefit from specifying that, when a person is first informed that an application concerning them has been made or approved, CHS will take all reasonable steps to refer them to free and publicly available support services. Consumers used Legal Aid ACT as an example, but noted also that there may be a range of community organisations that could provide support depending on a person's circumstances.

Consumers would like to know more about the function and composition of the Multi Disciplinary Team (MDT). In the absence of further information, consumers stated that when evaluating an AO application, the MDT should undertake a documented discussion of appropriate alternate interventions and services that may be able to address the situation at hand. Because an AO bears the potential to result in the physical restraint and admission of a person to an inpatient facility (via a subsequent application for a Psychiatric Treatment Order), consumers expressed the opinion that the MDT should consider AO as exceptional measures of last resort that are initiated only when other reasonable measures are unsuccessful.

Recommendations: CHS – Procedure: ACT Civil and Administrative Tribunal (ACAT) Ordered Mental Health Assessments.

Recommendation 1: Once CHS receives an application for an AO, they should take all reasonable steps to inform the person who is subject to it that an application has been received. This should include information about where and how they can access appropriate legal advice, social supports and counselling services.

Recommendation 2: Upon receiving an application for an AO the MDT should undertake and document a discussion of relevant alternate interventions and services that may be engaged to address and de-escalate a situation. Where an Assessment Order is recommended, the MDT should document both the reasons why/how alternate measures were unsuitable/unsuccessful and why an AO is the most appropriate measure in the circumstances as part of the application process.