

THE MENTAL HEALTH ACT'S INTENT

THE PRESENTERS

Dr Yega Muthu - Adjunct Fellow, School of Law, Western Sydney University

Yega has been teaching Mental Health Law since 2004 at the University Technology of Sydney and currently from Western Sydney University. He held a judicial appointment as a member of the Mental Health Review Tribunal from 2008-2012 and runs a criminal and mental health law practice, where he views his role in protecting vulnerable people in the community from exploitation.

Dr Leanne Craze, AM - Director, Craze Lateral Solutions

Leanne has over 30 years' experience in a broad range of fields including mental health, health, community services, housing and homelessness, disability and criminal justice. She runs a mental health and social policy consultancy and was part-time member of the NSW Mental Health Review Tribunal for many years. In June 2017, Leanne was honoured as a Member in the General Division of the Order of Australia (AM) for her contribution to mental health service development and reform.

VIDEO TRANSCRIPT

What is the Mental Health Act's intent?

Leanne Craze: The intent of the Act is reflected in both the Objects of the Act and the Principles of the Act. At times, people might ask, "Oh yeah" but that's just the objects, the objectives, the purposes. That's just wishful thinking, isn't it? You know we don't really need to take much heed by that."

Well actually it's what our Parliament intends the Act to achieve and it's more than that.

The Act in practice

Leanne Craze: The Act is not a standalone document. It hasn't got legs. It hasn't got arms. It doesn't walk and talk.

It's people.

It's mental health professionals, it's police, members of the police force, it's paramedics, ambulance officers, GPs, general practitioners, who are the arms and legs and the walking and talking of the Mental Health Act.

So no one else can implement and see the purpose of the Act achieved, than the clinicians and those group of people I have just referred to. It's fundamentally important that we walk around when we work with people under the Act knowing what it is we are to achieve.

Best possible care and treatment, least restrictive environment

Leanne Craze: And so what are we to achieve? We are to by everything we do, the decisions we make, how we practise under the Act, promote a person's recovery.

We are to uphold and protect a person's human and legal rights.

And we are to do all that we can to make sure that people are receiving the best possible care and treatment in the least restrictive environment that's consistent with safe and effective care.

Promote recovery, protect civil rights

Yega Muthu: These clinical interviews, from my experience are taking place in an open area. It's a much more humane way to do it. But there are also some sounds made in the background by another patient which may interrupt the flow of making that assessment and to look at the person who's being interviewed, I think you need to really look at the person as a whole and go, "Hold on I am trying to obtain some clinical information from this person. There's a lot of banging. There's a lot of sound that's interrupting the flow. Maybe we should organise an interview at another time?" But what most often happens is that, in a psychiatric facility because they are all resource-stretched then the interview needs to take place anyway, so you may not get the full picture. It may impede recovery.

I felt from my experience it is important to talk to the person in their own setting. Perhaps, take the person out to a café. Sit down with the person. Get rid of that professional and consumer divide.

Involve people in decision-making / Capacity and consent

Leanne Craze: And then, the further set of objectives is that we involve people in decision-making.

If we go back to what I said initially about promoting recovery, we can't recover for someone. We can't make a person recover. It's people who recover for themselves. They're not going to embrace recovery if decisions are made for them if they're made to do things that they don't want to do.

Hence, the importance of listening to people, finding out their opinions, their views, finding out what it's important to them. Finding out what they will agree to and transparently discussing the differences.

Because the Act wants us to promote their recovery, protect their human rights and also involve them.