

30 August 2013

## **An Update from the new Mental Health Act Implementation Steering Committee**

As many of you may know, the *Mental Health Act 2013* was passed in Parliament on Tuesday, 9 April 2013.

The new Act will commence on 1 January 2014 and work is proceeding apace to implement the new legislation.

There is no doubt implementation will be a significant undertaking requiring considerable effort by a number of stakeholders, however we are progressing well, and are on track to commence operating under the new Act on 1 January 2014.

The new Act establishes a framework for the care and treatment of persons with serious mental illness that is significantly different to the legislative framework established by the current *Mental Health Act 1996* and relevant components of the *Guardianship and Administration Act 1995*.

A New Mental Health Act Implementation Steering Committee has been formed to oversight and drive implementation of the New Mental Health Act. The Committee is chaired by Nick Goddard, the Acting Director of the Mental Health, Alcohol and Drug Directorate and includes clinical and management representation from each of the Tasmanian Health Organisations, the Departments of Justice and Police, the President of the Mental Health Tribunal, the Chief Executive Officer of the Mental Health Council of Tasmania, Ambulance Tasmania and consumer and carer representatives.

The Mental Health Act Implementation Steering Committee has met on a number of occasions, most recently on 16 August 2013.

The following update provides an overview of the Implementation Steering Committee's work to date, along with information about various implementation activities that are underway and that are planned for the coming weeks.

### ***Who is involved in the new Act's implementation?***

The Steering Committee has overall responsibility for the new Act's timely and effective implementation.

A key function of the Steering Committee is to endorse documentation, processes and other material which is produced as a result of the implementation process, to be used by clinicians and others with responsibility for performing functions under and for the purposes of the legislation.

The Steering Committee also has a role in making recommendations about future resource and financial requirements considered by the Committee to be needed for the new Act's effective ongoing operation.

The Steering Committee is committed to establishing governance arrangements which ensure strong leadership in relation to the new Act's implementation and which facilitate the active involvement of future users of the legislation in the implementation process.

With a view to achieving these outcomes, the Steering Committee has endorsed the formation of a Working Party, a Clinical Reference Group and a Consumer and Carer Reference Group to provide specialist and clinical advice to the Steering Committee and undertake specific tasks relating to implementation of the new Act on request from the Steering Committee. Membership of all groups is provided at Attachment I.

The Working Group's role is to drive and support the new Mental Health Act's implementation at an organisational/regional level, and/or with particular stakeholders and stakeholder groups by having input to the development of material considered by the Steering Committee to be needed for the new Act's effective utilisation and application from 1 January 2014 onwards.

Working Group Terms of Reference have been endorsed and two sub-groups have been established to focus on Education and Training, and Documentation.

The Consumer and Carer Reference Group's role will be to provide consumer and carer perspectives and advice in relation to documentation and other material produced by the Working Group and Project Team as may be required.

The Clinical Reference Group will have a complementary role in the provision of clinical perspectives and advice.

### ***Training and Education Resources***

The Steering Committee is committed to achieving comprehensive stakeholder involvement during the implementation phase, leading to greater understanding of the new Act's requirements and ensuring implementation activities are tailored to meet the unique needs of relevant user groups.

At its most recent meeting the Steering Committee reinforced its commitment to the development of effective linkages and relationships between different stakeholders who will be required to work together under the new Act once it has commenced.

In recognition of the work that is needed to ensure stakeholders have access to the knowledge, training and resources they require to comfortably operate under the new legislative framework outlined in the new Act, the Steering Committee endorsed a Communications Strategy and Training and Education matrix at the most recent meeting.

A priority for the project team, with support from the Working Group and reference groups, will be to finalise education and training materials to be delivered within relevant business units and organisations during October and November.

An explanatory guide for clinicians is currently under development and over the next couple of months work will also occur, in consultation with key stakeholders, to develop a range of fact sheets and information handouts for consumers, carers, community sector organisations, the general public and other stakeholders as identified in the Communications Strategy.

### ***Forms and Associated Documentation***

Work on the development of forms and associated documentation for the new Act has been progressing steadily. Consultation on the draft forms and related documentation will occur with key stakeholders in the coming weeks. The intention is to have documentation at a final stage by September, ready for training sessions in October and November.

### ***New Tribunal***

The Registrar for the new Tribunal has been appointed and recruitment for the new Tribunal members is underway.

**New Act Commencement Date**

The Steering Committee emphasised the unanimous view that implementation activities must progress based on a commencement date of 1 January 2014. All efforts are focussed on ensuring that systems, processes and operating documentation is in place for commencement on this date, while recognising that there will be a range of activities, including communication and training, which will continue beyond 1 January 2014.

**Further Information**

Work is progressing to develop an online presence for information on the new Mental Health Act and the implementation process. In the meantime any queries about the implementation process or the new legislation can be directed to the Project Team via email: [mhact@dhhs.tas.gov.au](mailto:mhact@dhhs.tas.gov.au) or phone 6230 7929.



Signed: Nick Goddard  
Chair, New Mental Health Act Implementation Steering Committee/Acting Director, Mental Health, Alcohol and Drug Directorate

**END.**

## **Appendix One: Group Membership**

### ***New Mental Health Act Implementation Steering Committee***

Chair:	Chair, Mental Health Act Review Drafting Committee/Acting Director, Mental Health, Alcohol and Drug Directorate
Membership:	Chief Psychiatrist Clinical Directors for Mental Health Services in the South, North and North West Area Managers for Mental Health Services in the South, North and North West Manager, Forensic Health Services Chief Executive Officer, Ambulance Tasmania (or nominee) Commissioner, Department of Police and Emergency Management (or nominee) Secretary, Department of Justice (representing Corrections, Supreme and Magistrates Courts, Legal Aid Commission of Tasmania and Official Visitors) (or nominee) President, MHT Chief Executive Officer, Mental Health Council of Tasmania Consumer representative Carer representative

### ***New Mental Health Act Implementation Working Group***

Chair:	Chief Psychiatrist
Membership:	Principal Legislation Officer, Mental Health, Alcohol and Drug Directorate Senior Consumer and Carer Liaison Consultant, Mental Health, Alcohol and Drug Directorate Legal Orders Coordinators for Mental Health Services in the South, North and North West Registrar, Mental Health Tribunal Manager, Mental Health Official Visitors Director of Training for Strategic Control, Workforce and Regulation Clinical Nurse Educators for Mental Health Services, Forensic Health Services and Departments of Emergency Medicine in the South, North and North West Trainers/Educators for Ambulance Tasmania and Tasmania Police Chair, RANZCP Tasmanian Branch A Consultant Psychiatrist working within Mental Health Services in the South, North or North West nominated by the Chief Psychiatrist A Clinical Director from Mental Health Services in the South, North or North West nominated by the Chief Psychiatrist Executive Directors of Medical Services in the South, North and North West (or equivalent) Other stakeholders nominated by members of the Steering Committee

### ***New Mental Health Act Implementation Clinical Reference Group***

Chair:	Chief Psychiatrist
Membership:	Chair, Tasmania Branch, RANZCP Representative/s from the Nursing Board of Tasmania and/or College of Mental Health Nurses Director of Education and Training, Nursing and Midwifery, Department of Health and Human Services

Nurse Unit Managers from Mental Health Services inpatient units  
Persons representing Mental Health Services community teams  
Persons representing allied health workers, ambulance paramedics and police officers  
Representative/s from Medicare Local  
Other stakeholders nominated by members of the Working Group or Steering committee

***New Mental Health Act Implementation Consumer and Carer Reference Group***

Chair: Chief Executive Officer, Mental Health Council of Tasmania

Membership: Representative/s from Flourish and Mental Health Carers Tasmania  
Representative/s from Advocacy Tasmania Inc.  
Representative/s from Carers Tasmania  
Representative/s from the Legal Aid Commission of Tasmania  
Individual consumers and carers  
Other stakeholders nominated by members of the Working Group or Steering Committee