

9 December 2013

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

The Steering Committee continues to meet monthly to oversight implementation of the Act. A wide-range of implementation initiatives are progressing thanks to the concerted effort of many stakeholders. The following update provides an overview of the Steering Committee's work to date, along with information about various implementation activities that are underway and that are planned for the coming weeks.

### ***Change to the Commencement Date of the New Act***

The new *Mental Health Act 2013* represents a significant reform in the legal framework for the care and treatment of people with serious mental illness in Tasmania. It is rights focussed and consumer centred. The Act recognises and respects the right of individuals to make their own decisions about their treatment and care and does not allow a person with decision making capacity to be treated against their will.

Since the *Mental Health Act 2013* was passed by Parliament, there has been significant work occurring to prepare for commencement of the new Act, and while many areas are well advanced, introducing a new legislative framework always presents some challenges, particularly during the Christmas holiday period. So the new Act can be implemented as smoothly as possible the Minister for Health has agreed to extend the commencement date of the new *Mental Health Act 2013* to Monday, 17 February 2014. This change to the commencement date was effected through the *Mental Health (Transition and Consequential Provisions) Bill 2013* which passed through Tasmanian Parliament on 21 November 2013.

An extra six weeks will allow us to consolidate the work that has been occurring and will ensure we are prepared for the commencement of the new Act.

Although the *Mental Health Act 2013* will now commence on 17 February 2014, the Steering Committee would like to reinforce the need to continue to prioritise implementation activities so all stakeholders are well prepared for the new Act to commence.

Until the new Act commences the current *Mental Health Act 1996* and supporting legislative frameworks will continue for the treatment and care of people with serious mental illness.

### ***Patient Statement of Rights***

Work on the Patient Statement of Rights, as provided for under the new Act, is well underway. The Project Team is working with representatives from the Consumer and Carer Reference Group and consulting more broadly with consumers in the development of this document. Consultation will also occur with the Mental Health Tribunal to ensure consistent messaging in relation to rights documentation.

### ***Information and Education Resources***

Work is continuing to finalise fact sheets and other information specifically for consumers, carers and community sector organisations with a view to making this available online during December 2013.

Opportunities for providing further information to consumers, carers and community sector organisations are also currently being explored and information to these stakeholder groups will be a key focus for the project team early in the New Year.

As information and education resources are finalised they will be added to the public website. [www.dhhs.tas.gov.au/mentalhealth/mental\\_health\\_act](http://www.dhhs.tas.gov.au/mentalhealth/mental_health_act) Click on Education and Training Resources on the New Mental Health Act page.

### **Training**

A comprehensive training program for staff that will be applying the provisions of the new Act and for organisations representing consumers who receive treatment under the new Act is in full swing.

A one day training session focussing on 'capacity' and capacity assessment was held on Monday, 18 November. Approximately 100 attendees from across the state came to the session, which was run by Dr Chris Ryan and Sascha Callaghan from Capacity Australia. Feedback received from attendees has been positive, particularly regarding the afternoon session where a range of scenarios were workshopped. A copy of the presentation from the day will be available online at the Education and Training Resources page shortly.

Project team members also continue to deliver training sessions to various groups across Mental Health Services, Forensic Mental Health Services, THO's, Tasmania Police, Ambulance Tasmania and to other key organisations representing consumers and playing an oversight role under the new Act.

Project team members are also supporting educators and trainers within clinical services and presentations continue to be available for trainers and educators and members of the general public online at [www.dhhs.tas.gov.au/mentalhealth/mental\\_health\\_act](http://www.dhhs.tas.gov.au/mentalhealth/mental_health_act) Click on Education and Training Resources on the New Mental Health Act page.

### **Forms and Associated Documentation**

Forms required under the new Act will be finalised by 20 December 2013. Once approved by the Chief Psychiatrist the forms will be uploaded to the New Mental Health Act page at [www.dhhs.tas.gov.au/mentalhealth/mental\\_health\\_act](http://www.dhhs.tas.gov.au/mentalhealth/mental_health_act)

The project team has undertaken a significant consultation process to inform the development of these forms. This has included consultation with the Working Group, Consumer and Carer and Clinical Reference Groups, dedicated sessions with groups of clinicians to trial forms and feedback from a range of individual clinicians. The forms have also been considered by the Steering Committee.

We are now at a stage where the forms need to be finalised so that we can continue to progress with the range of tasks needed to be completed in preparation for the commencement of the new Act. There will however be opportunity for further refine the forms, once the new Act has commenced, if this is needed.

Clinical guidelines and standing orders are now also in the process of being finalised. Mental Health Act Working groups have also identified the need for several new guidelines which are now being developed by the Chief Psychiatrist.

### **Transitional Clinical Arrangements**

The *Mental Health Act 1996* will continue to operate until the 17 February 2014 and we need to continue to meet the requirements of the current Act during this time.

The Steering Committee reinforced its commitment to ensuring transitional arrangements and actions are considered and planned for in advance to ensure a smooth transition for stakeholders including consumers, carers, staff and the Mental Health Tribunal.

The Mental Health Tribunal and the Project Team continue to work together to consider the transfer of current orders to the new legislative framework.

### **Upcoming Events Bulletin:**

#### **Consumer Information Session: The New Mental Health Act, What's Changing for You**

All consumers of Mental Health Services are invited to attend this important discussion. Speakers from a range of services will be providing information on the new Act and answering your questions.

When: Friday, 7 February 2014

Where: Peacock Centre Meeting Room, 10 Elphinstone Road, North Hobart

Time: 12:00pm – 2:00pm

*Light lunch provided*

RSVP: Rosie Walker phone 6230 7819 or [mhs.executiveassistant@dhhs.tas.gov.au](mailto:mhs.executiveassistant@dhhs.tas.gov.au)

Questions? Call Miranda Ashby, Flourish on 6223 1952 or email [admin@flourishtas.org.au](mailto:admin@flourishtas.org.au)

#### **Further Information**

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.**